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### Off

#### The war power authority of the president is activated by Congressional authorization- that’s key to set a limit on what the term means

Bejesky 2013 [Robert Bejesky M.A. Political Science (Michigan), M.A. Applied Economics (Michigan), LL.M. International Law ¶ (Georgetown). The author has taught international law courses for Cooley Law School and the ¶ Department of Political Science at the University of Michigan, American government and ¶ constitutional law courses for Alma College, and business law courses at Central Michigan University ¶ and the University of Miami. 1/23/2013 “WAR POWERS PURSUANT TO FALSE PERCEPTIONS AND ASYMMETRIC INFORMATION IN THE “ZONE OF TWILIGHT”” St Mary’s Law Journal http://www.stmaryslawjournal.org/pdfs/Bejesky\_Step12.pdf]

Congressional war powers include the prerogatives to “declare War;” ¶ “grant Letters of Marque and Reprisal,” which were operations that fell ¶ short of “war”; “make Rules for the Government and Regulation of the ¶ land and naval Forces;” “to provide for organizing, arming, and ¶ disciplining, the Militia;” “make Rules concerning Captures on Land and ¶ Water;” “raise and support Armies;” and “provide and maintain a ¶ Navy.”¶ 46¶ Alternatively, the President is endowed with one war power, ¶ that of “Commander in Chief of the Army and Navy.”¶ 47¶ Numerical ¶ comparison indicates that the intended dominant branch in war powers ¶ decisions is Congress. The Commander in Chief authority is a core preclusive power that ¶ designates the President as the head of the military command chain once ¶ Congress activates the power.¶ 48¶ Moreover, peripheral Commander in ¶ Chief powers are bridled by both statutory and treaty restrictions.¶ 49¶ The ¶ media lore of using “Commander in Chief” coterminous with “President” ¶ might occasionally be a misnomer outside of war, perhaps abetting ¶ presidential expansionism when combined with commentators employing ¶ terms such as “inherent authority.” Clearly, if Congress has not activated ¶ war powers, the President still possesses inherent authority to react ¶ expeditiously and unilaterally to defend the nation when confronted with ¶ imminent peril.¶ 50¶ However, the Framers drew a precise distinction when ¶ they specifically empowered the President “to repel and not to commence ¶ war.”¶ 51¶ Alexander Hamilton explained that latitude was required “because ¶ it is impossible to foresee or to define the extent and variety of national ¶ exigencies, and the correspondent extent and variety of the means which ¶ may be necessary to satisfy them.”¶ 52

#### Prefer this interp based on limits- presidents assert they have the authority to do almost anything- they have huge institutional incentives to continue that trend- the negative cannot be expected to have a case neg to every assertion the OLC has ever made about what authority the president has

#### Our interpretation is also the best historically- prefer the legal grounding of our interpretation

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The Framers selected a unitary executive model in as much as the term ¶ denotes situating executive power within the dominion of one individual, ¶ rather than a plurality of executive officials.¶ 122¶ Accordingly, the President ¶ is elected “by the people or by an electoral college,”¶ 123¶ as differentiated ¶ from parliamentary systems in which members select executive officials to ¶ administer bureaucracies on behalf of the lawmakers.¶ 124¶ The Founders’ ¶ use of “unitary” did not appertain to initiating hostilities or to expanding ¶ executive authority relative to the legislature.¶ 125¶ Unfortunately, the term ¶ “unitary” has recently been appropriated to maintain that the Framers ¶ intended to grant the Executive expansive war power authority to the ¶ point that legislative encroachment was impermissible. ¶ Professor Robert Spitzer remarked, “The phrase ‘unitary executive’ was ¶ derived from references in the Federalist Papers to ‘unity’ in the ¶ executive.”¶ 126¶ Spitzer further explicated that the contorted, contemporary ¶ unitary executive theory aspires to expand executive power, “cherry-picks ¶ its evidence, often misrepresents the historical record, . . . ignores ¶ pertinent literature,” and “is an honest reading of the Constitution only if ¶ the reader is standing on his or her head at the time.”¶ 127¶ Inverted ¶ advocates would be accurate in contending the Framers strove to guard ¶ against legislative encroachments of presidential power,¶ 128¶ but the ¶ Framers also reasoned that unity in the Executive would auspiciously ¶ constrict presidential power because anything other than a single President ¶ might lead to responsibility shirking. Alexander Hamilton wrote that “one ¶ of the weightiest objections to a plurality in the Executive . . . is that it ¶ tends to conceal faults and destroy responsibility . . . . [T]he multiplication ¶ of the Executive adds to the difficulty of detection in either case.”¶ 129¶ The Framers did address a unitary executive within the lexicon of war ¶ powers, but did so to accentuate that a single leader would foster efficient ¶ military action during a congressionally authorized war and that he or she ¶ could swiftly defend the nation in the event of an attack.¶ 130¶ The preexisting system governed by the Articles of Confederation did not ¶ establish any executive authority,¶ 131¶ which made conducting war ¶ unwieldy.¶ 132¶ The Continental Congress appointed a military command, ¶ removed dissatisfactory commanders in chief, and directed military ¶ activities.¶ 133¶ Congress was not an efficient decision-maker for ¶ prosecuting war;¶ 134¶ therefore, the Framers discerned that one authority ¶ should conceive military strategy and issue directives.¶ 135¶ At the North ¶ Carolina debates, James Iredell explained, “[T]he command of armies ¶ ought to be delegated to one person only. The secrecy, [dispatch], and ¶ decision, which are necessary in military operations, can only be expected ¶ from one person.”¶ 136¶ Hamilton further expressed: ¶ Of all the cares or concerns of government, the direction of war most ¶ peculiarly demands those qualities which distinguish the exercise of power ¶ by a single hand. The direction of war implies the direction of the common ¶ strength; and the power of directing and employing the common strength ¶ forms a usual and essential part in the definition of the executive ¶ authority.¶ 137

### Off

**By executive order, the President of the United States should commit the Solicitor General & White House Counsel’s Office to advance consultation with the Office of Legal Counsel and require written publication of Office of Legal Counsel opinions over current law regarding women in combat roles. The President should publicly pledge to act consistent with these opinions.**

**The Office of Legal Counsel should opine that the best interpretation of current law requires** the president to not exclude women from forces introduced into hostilities

**CP competes on ‘authority’ but solves – OLC rulings are binding as settled law, but crafting reduces links to net benefits**

Trevor W. **Morrison**, October 20**10** Columbia Law Professor

“STARE DECISIS IN THE OFFICE OF LEGAL COUNSEL,” Columbia Law Review, 110 Colum. L. Rev. 1448.

On the other hand, an OLC that says "yes" too often is not in the client's long-run interest. n49 Virtually all of OLC's clients have their own legal staffs, including the White House Counsel's Office in the White House and the general counsel's offices in other departments and agencies. Those offices are capable of answering many of the day-to-day issues that arise in those components. They typically turn to OLC when the issue is sufficiently controversial or complex (especially on constitutional questions) that some external validation holds special value. n50 For example, when a department confronts a difficult or delicate constitutional question in the course of preparing to embark upon a new program or course of action that raises difficult or politically sensitive legal questions, it has an interest in being able to point to a credible source affirming the [\*1462] legality of its actions. n51 The in-house legal advice of the agency's general counsel is unlikely to carry the same weight. n52 Thus, even though those offices might possess the expertise necessary to answer at least many of the questions they currently send to **OLC**, in some contexts they will not take that course because a "yes" from the in-house legal staff is not as valuable as a "yes" from OLC. But that **value depends on** OLC **maintaining its reputation for serious**, evenhanded analysis, **not mere advocacy**. n53 The risk, however, is that OLC's clients will not internalize the long-run costs of taxing OLC's integrity. This is in part because the full measure of those costs will be spread across all of OLC's clients, not just the client agency now before it. The program whose legality the client wants OLC to review, in contrast, is likely to be something in which the client has an immediate and palpable stake. Moreover, the very fact that the agency has come to OLC for legal advice will often mean it thinks there is [\*1463] at least a plausible argument that the program is lawful. In that circumstance, the agency is unlikely to see any problem in a "yes" from OLC. Still, it would be an overstatement to say that OLC risks losing its client base every time it contemplates saying "no." One reason is custom. In some areas, there is a longstanding tradition - rising to the level of an expectation - that certain executive actions or decisions will not be taken without seeking OLC's advice. One example is OLC's bill comment practice, in which it reviews legislation pending in Congress for potential constitutional concerns. If it finds any serious problems, it writes them up and forwards them to the Office of Management and Budget, which combines OLC's comments with other offices' policy reactions to the legislation and generates a coordinated administration position on the legislation. n54 That position is then typically communicated to Congress, either formally or informally. While no statute or regulation mandates OLC's part in this process, it is a deeply entrenched, broadly accepted practice. Thus, although some within the Executive Branch might find it frustrating when OLC raises constitutional concerns in bills the administration wants to support as a policy matter, and although the precise terms in which OLC's constitutional concerns are passed along to Congress are not entirely in OLC's control, there is no realistic prospect that OLC would ever be cut out of the bill comment process entirely. Entrenched practice, then, provides OLC with some measure of protection from the pressure to please its clients. But there are limits to that protection. Most formal OLC opinions do not arise out of its bill comment practice, which means most are the product of a more truly voluntary choice by the client to seek OLC's advice. And as suggested above, although **the Executive Branch at large has an interest in OLC's credibility** and integrity, the preservation of those virtues generally falls to OLC itself. OLC's nonlitigating function makes this all the more true. Whereas, for example, the Solicitor General's aim of prevailing before the Supreme Court limits the extent to which she can profitably pursue an extreme agenda inconsistent with current doctrine, OLC faces no such immediate constraint. Whether **OLC** honors its oft-asserted commitment to legal advice based on its best view of the law **depends largely on** its own **self-restraint**. 2. Formal Requests, Binding Answers, and Lawful Alternatives. - Over time, **OLC** has developed practices and policies that help maintain its independence and credibility. First, **before** **it provides a written opinion**, n55 OLC typically **requires** that **the request** be **in writing** from the head or general counsel of the requesting agency, that the request be as **specific** and concrete as possible, **and** that the agency **provide** **its** own written [\*1464] **views** on the issue as part of its request. n56 **These requirements** help constrain the requesting agency. Asking a high-ranking member of the agency to commit the agency's views to writing, and to present legal arguments in favor of those views, **make**s it more **difficult** for the agency to press **extreme** **positions**. Second, as noted in the Introduction, n57 **OLC's legal advice is treated as binding** within the Executive Branch until withdrawn or overruled. n58 As a formal matter, the bindingness of the Attorney General's (or, in the modern era, OLC's) legal advice has long been uncertain. n59 The issue has never required formal resolution, however, because **by longstanding tradition** the advice is treated as binding. n60 OLC protects that tradition today by generally **refusing** to provide **advice** **if** **there is** **any** **doubt** about whether the requesting entity will follow it. n61 This **guards against** "**advice-shopping** by entities willing to abide only by advice they like." n62 More broadly, it helps ensure that OLC's answers matter. An agency displeased with OLC's advice cannot simply ignore the advice. The agency might [\*1465] construe any ambiguity in OLC's advice to its liking, and in some cases might even ask OLC to reconsider its advice. n63 But **the settled practice of treating OLC's advice as binding ensures it is not simply ignored**. In theory, the very bindingness of OLC's opinions creates a risk that agencies will avoid going to OLC in the first place, relying either on their general counsels or even other executive branch offices to the extent they are perceived as more likely to provide welcome answers. This is only a modest risk in practice, however. As noted above, **legal advice** obtained **from an office other than OLC** - especially an agency's own general counsel - **is unlikely to command the same respect** as OLC advice. n64 Indeed, because OLC is widely viewed as "the executive branch's chief legal advisor," n65 an agency's decision not to seek OLC's advice is likely to be viewed by outside observers with skepticism, especially if the in-house advice approves a program or initiative of doubtful legality. OLC has also developed certain practices to soften the blow of legal advice not to a client's liking. Most significantly, after concluding that a client's proposed course of action is unlawful, OLC frequently works with the client to find a lawful way to pursue its desired ends. n66 As the OLC Guidelines put it, "**when OLC** **concludes** that **a**n administration **proposal** is **impermissible**, **it** is appropriate for OLC to go on to suggest modifications that would cure the defect, and OLC **should** **stand** **ready** **to** work with the administration to **craft lawful alternatives**." n67 **This** is a critical component of OLC's work, and **distinguishes it sharply from** the **courts**. In addition to "providing a means by which the executive branch lawyer can contribute to the ability of the popularly-elected President and his administration to achieve important policy goals," n68 in more instrumental terms the practice can also reduce the risk of gaming by OLC's clients. And that, in turn, helps preserve the bindingness of OLC's opinions. n69 [\*1466] To be sure, **OLC's opinions are treated as binding only to the extent they are not displaced by a** higher authority. A subsequent **judicial decision** directly on point will generally be taken to supersede OLC's work, and always if it is from the Supreme Court. OLC's opinions are also subject to "reversal" by the President or the Attorney General. n70 Such **reversals are rare**, however. As a formal matter, Dawn Johnsen has argued that "the President or attorney general could lawfully override OLC only pursuant to a good faith determination that OLC erred in its legal analysis. **The President would violate his constitutional obligation if he were to reject OLC's advice solely on policy grounds**." n71 Solely is a key word here, especially for the President. Although his oath of office obliges him to uphold the Constitution, n72 it is not obvious he would violate that oath by pursuing policies that he thinks are plausibly constitutional even if he has not concluded they fit his best view of the law. It is not clear, in other words, that the President's oath commits him to seeking and adhering to a single best view of the law, as opposed to any reasonable or plausible view held in good faith. Yet even assuming the President has some space here, it is hard to see how his oath permits him to reject OLC's advice solely on policy grounds if he concludes that doing so is indefensible as a legal matter. n73 So **the President needs at least a plausible legal basis for** [\*1467] **disagreeing with OLC's advice**, which itself would likely require some other source of legal advice for him to rely upon. The White House Counsel's Office might seem like an obvious candidate. But despite recent speculation that the size of that office during the Obama Administration might reflect an intention to use it in this fashion, n74 **it** **continues to be virtually unheard of for the White House to reverse OLC's legal analysis**. For one thing, even a deeply staffed White House Counsel's Office typically does not have the time to perform the kind of research and analysis necessary to produce a credible basis for reversing an OLC opinion. n75 For another, as with attempts to rely in the first place on in-house advice in lieu of OLC, any reversal of OLC by the White House Counsel is likely to be viewed with great skepticism by outside observers. If, for example, a congressional committee demands to know why the Executive Branch thinks a particular program is lawful, a response that relies on the conclusions of the White House Counsel is unlikely to suffice if the committee knows that OLC had earlier concluded otherwise. Rightly or wrongly, the White House Counsel's analysis is likely to be treated as an exercise of political will, not dispassionate legal analysis. Put another way, the same reasons that lead the White House to seek OLC's legal advice in the first place - its reputation for [\*1468] providing candid, independent legal advice based on its best view of the law - make an outright reversal highly unlikely. n76 Of course, the White House Counsel's Office may well be in frequent contact with OLC on an issue OLC has been asked to analyze, and in many cases is likely to make it abundantly clear what outcome the White House prefers. n77 But that is a matter of presenting arguments to OLC in support of a particular position, not discarding OLC's conclusion when it comes out the other way. n78The White House is not just any other client, and so the nature of - and risks posed by - communications between it and OLC on issues OLC is analyzing deserve special attention. I take that up in Part III. n79 My point at this stage is simply that **the prospect of literal reversal by the White House is remote** and does not meaningfully threaten the effective bindingness of OLC's decisions.

**OLC can resolve WPA questions quickly and effectively**

Cornelia **Pillard** Feb 200**5** Supreme Court Inst, G-town U Law, **former DOJ** Deputy **Asst Att Gen**

<http://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=1190&context=facpub>

Michigan Law Review, 103.4, “The Unfulfilled Promise of the Constitution in Executive Hands”, 103 Mich. L. Rev. 676-758

Just as **the SG is the** federal government's **chief litigator**, the head of **the O**ffice of **L**egal **C**ounsel **is the** executive branch's **chief** legal **advisor**. The Attorney General has formally delegated the legal-advice-giving part of his statutory responsibility to OLC.104 OLC has no enforcement or litigation responsibilities, and is devoted exclusively to giving legal advice. **OLC's role** within the executive branch **has evolved over** **the years**, with tasks calling for legal and, especially, constitutional judgment migrating to OLC, while more politicized tasks, like OLC's short involvement in vetting potential judicial nominees, being reassigned elsewhere.105 OLC's core work is to provide written and oral legal opinions to others within the executive branch, including the president, the Attorney General, and heads of other departments. **In practice, the White House** and the Attorney General are by far the most frequent requesters, **often ask**ing **complex**, **momentous questions**, frequently **on short notice**. OLC clients may seek opinions **on matters such as** the sustainability of a claim of executive privilege, or the lawfulness in a particular circumstance of a quarantine, **detention**, **or** use of **military** **force**. OLC has been consulted when troops have been sent abroad and when international criminals were arrested overseas.106 Much of OLC's work is more quotidian, including topics such as the constitutionality under the Appointments Clause of various boards and commissions, or the scope of an agency's statutory authority to alter a regulation or settle a case in a particular way. Its **opinions** "**involve** domestic problems, **international issues**, pet plans of bureaucrats, **the** **application** **of the Constitution and** the **laws** to administrative policies and procedures, the **powers** **and** **jurisdictions** of departments and agencies, the advisability of contemplated actions, [and various mundane and] momentous matters." 107 **OLC** traditionally **requires** that requests for advice come from the head or general counsel of the requesting agency, that **advice-seekers** submit their own view of the question to OLC, and that independent agencies (not already presumptively bound) **agree in advance to abide** by the advice - even oral advice - that OLC delivers.108 The agreement to be bound forestalls opportunistic advice-shopping by entities willing to abide only by advice they like, and it preserves the resources and authority of OLC against being treated merely as an extra source of legal research on issues that other lawyers or officials will ultimately resolve for themselves.109

### Off

#### Obama’s pressuring the GOP with a strong display of Presidential strength and staying on message – the GOP will cave

**Dovere, 10/1/13** (Edward, Politico, “Government shutdown: President Obama holds the line”

<http://www.politico.com/story/2013/10/government-shutdown-president-obama-holds-the-line-97646.html?hp=f3>)

President Barack Obama started September in an agonizing, extended display of how little sway he had in Congress. He ended the month with a display of resolve and strength that could redefine his presidency. All it took was a government shutdown. This was less a White House strategy than simply staying in the corner the House GOP had painted them into — to the White House’s surprise, Obama was forced to do what he so rarely has as president: he said no, and he didn’t stop saying no. For two weeks ahead of Monday night’s deadline, Obama and aides rebuffed the efforts to kill Obamacare with the kind of firm, narrow sales pitch they struggled with in three years of trying to convince people the law should exist in the first place. There was no litany of doomsday scenarios that didn’t quite come true, like in the run-up to the fiscal cliff and the sequester. No leaked plans or musings in front of the cameras about Democratic priorities he might sacrifice to score a deal. After five years of what’s often seen as Obama’s desperation to negotiate — to the fury of his liberal base and the frustration of party leaders who argue that he negotiates against himself. Even his signature health care law came with significant compromises in Congress. Instead, over and over and over again, Obama delivered the simple line: Republicans want to repeal a law that was passed and upheld by the Supreme Court — to give people health insurance — or they’ll do something that everyone outside the GOP caucus meetings, including Wall Street bankers, seems to agree would be a ridiculous risk. “If we lock these Americans out of affordable health care for one more year,” Obama said Monday afternoon as he listed examples of people who would enjoy better treatment under Obamacare, “if we sacrifice the health care of millions of Americans — then they’ll fund the government for a couple more months. Does anybody truly believe that we won’t have this fight again in a couple more months? Even at Christmas?” The president and his advisers weren’t expecting this level of Republican melee, a White House official said. Only during Sen. Ted Cruz’s (R-Texas) 21-hour floor speech last week did the realization roll through the West Wing that they wouldn’t be negotiating because they couldn’t figure out anymore whom to negotiate with. And even then, they didn’t believe the shutdown was really going to happen until Saturday night, when the House voted again to strip Obamacare funding. This wasn’t a credible position, Obama said again Monday afternoon, but rather, bowing to “extraneous and controversial demands” which are “all to save face after making some impossible promises to the extreme right wing of their political party.” Obama and aides have said repeatedly that they’re not thinking about the shutdown in terms of political gain, but the situation’s is taking shape for them. Congress’s approval on dealing with the shutdown was at 10 percent even before the shutters started coming down on Monday according to a new CNN/ORC poll, with 69 percent of people saying the House Republicans are acting like “spoiled children.” “The Republicans are making themselves so radioactive that the president and Democrats can win this debate in the court of public opinion” by waiting them out, said Jim Manley, a Democratic strategist and former aide to Senate Majority Leader Harry Reid who has previously been critical of Obama’s tactics. Democratic pollster Stan Greenberg said the Obama White House learned from the 2011 debt ceiling standoff, when it demoralized fellow Democrats, deflated Obama’s approval ratings and got nothing substantive from the negotiations. “They didn’t gain anything from that approach,” Greenberg said. “I think that there’s a lot they learned from what happened the last time they ran up against the debt ceiling.” While the Republicans have been at war with each other, the White House has proceeded calmly — a breakthrough phone call with Iranian President Hassan Rouhani Friday that showed him getting things done (with the conveniently implied juxtaposition that Tehran is easier to negotiate with than the GOP conference), his regular golf game Saturday and a cordial meeting Monday with his old sparring partner Israeli Prime Minister Benjamin Netanyahu. White House press secretary Jay Carney said Monday that the shutdown wasn’t really affecting much of anything. “It’s busy, but it’s always busy here,” Carney said. “It’s busy for most of you covering this White House, any White House. We’re very much focused on making sure that the implementation of the Affordable Care Act continues.” Obama called all four congressional leaders Monday evening — including Boehner, whose staff spent Friday needling reporters to point out that the president hadn’t called for a week. According to both the White House and Boehner’s office, the call was an exchange of well-worn talking points, and changed nothing. Manley advised Obama to make sure people continue to see Boehner and the House Republicans as the problem and not rush into any more negotiations until public outrage forces them to bend. “He may want to do a little outreach, but not until the House drives the country over the cliff,” Manley said Monday, before the shutdown. “Once the House has driven the country over the cliff and failed to fund the government, then it might be time to make a move.” The White House believes Obama will take less than half the blame for a shutdown – with the rest heaped on congressional Republicans. The divide is clear in a Gallup poll also out Monday: over 70 percent of self-identifying Republicans and Democrats each say their guys are the ones acting responsibly, while just 9 percent for both say the other side is. If Obama is able to turn public opinion against Republicans, the GOP won’t be able to turn the blame back on Obama, Greenberg said. “Things only get worse once things begin to move in a particular direction,” he said. “They don’t suddenly start going the other way as people rethink this.”

#### Having to defend authority derails the current agenda

Kriner 10 Douglas L. Kriner (assistant professor of political science at Boston University) “After the Rubicon: Congress, Presidents, and the Politics of Waging War”, University of Chicago Press, Dec 1, 2010, page 68-69.

While congressional support leaves the president’s reserve of political capital intact, congressional criticism saps energy from other initiatives on the home front by forcing the president to expend energy and effort defending his international agenda. Political capital spent shoring up support for a president’s foreign policies is capital that is unavailable for his future policy initiatives. Moreover, any weakening in the president’s political clout may have immediate ramifications for his reelection prospects, as well as indirect consequences for congressional races.59 Indeed, Democratic efforts to tie congressional Republican incumbents to President George W. Bush and his war policies paid immediate political dividends in the 2006 midterms, particularly in states, districts, and counties that had suffered the highest casualty rates in the Iraq War. 60 In addition to boding ill for the president’s perceived political capital and reputation, such partisan losses in Congress only further imperil his programmatic agenda, both international and domestic. Scholars have long noted that President Lyndon Johnson’s dream of a Great Society also perished in the rice paddies of Vietnam. Lacking the requisite funds in a war-depleted treasury and the political capital needed to sustain his legislative vision, Johnson gradually let his domestic goals slip away as he hunkered down in an effort first to win and then to end the Vietnam War. In the same way, many of President Bush’s highest second-term domestic proprieties, such as Social Security and immigration reform, failed perhaps in large part because the administration had to expend so much energy and effort waging a rear-guard action against congressional critics of the war in Iraq.61 When making their cost-benefit calculations, presidents surely consider these wider political costs of congressional opposition to their military policies. If congressional opposition in the military arena stands to derail other elements of his agenda, all else being equal, the president will be more likely to judge the benefits of military action insufficient to its costs than if Congress stood behind him in the international arena.

#### That takes Obama off-message – it undermines his constant pressure on the GOP

**Milbank, 9/27/13** – Washington Post Opinion Writer (Dana, “Obama should pivot to Dubya’s playbook” Washington Post, <http://www.washingtonpost.com/opinions/dana-milbank-obama-should-try-pivoting-to-george-bushs-playbook/2013/09/27/c72469f0-278a-11e3-ad0d-b7c8d2a594b9_story.html>)

If President Obama can stick to his guns, he will win his October standoff with Republicans. That’s an awfully big “if.” This president has been consistently inconsistent, predictably unpredictable and reliably erratic. Consider the events of Thursday morning: Obama gave a rousing speech in suburban Washington, in defense of Obamacare, on the eve of its implementation. “We’re now only five days away from finishing the job,” he told the crowd. But before he had even left the room, his administration let slip that it was delaying by a month the sign-up for the health-care exchanges for small businesses. It wasn’t a huge deal, but it was enough to trample on the message the president had just delivered. Throughout his presidency, Obama has had great difficulty delivering a consistent message. Supporters plead for him to take a position — any position — and stick with it. His shifting policy on confronting Syria was the most prominent of his vacillations, but his allies have seen a similar approach to the Guantanamo Bay prison, counterterrorism and climate change. Even on issues such as gun control and immigration where his views have been consistent, Obama has been inconsistent in promoting his message. Allies are reluctant to take risky stands, because they fear that Obama will change his mind and leave them standing alone. Now come the budget showdowns, which could define the rest of his presidency. Republican leaders are trying to shift the party’s emphasis from the fight over a government shutdown to the fight over the debt-limit increase, where they have more support. A new Bloomberg poll found that Americans, by a 2-to-1 margin, disagree with Obama’s view that Congress should raise the debt limit without any conditions. But Obama has a path to victory. That poll also found that Americans think lawmakers should stop trying to repeal Obamacare. And that was before House Republicans dramatically overplayed their hand by suggesting that they’ll allow the nation to default if Obama doesn’t agree to their laundry list of demands, including suspending Obamacare, repealing banking reforms, building a new oil pipeline, easing environmental regulations, limiting malpractice lawsuits and restricting access to Medicare. To beat the Republicans, Obama might follow the example of a Republican, George W. Bush. Whatever you think of what he did, he knew how to get it done: by simplifying his message and repeating it, ad nauseam, until he got the result he was after. Obama instead tends to give a speech and move along to the next topic. This is why he is forever making “pivots” back to the economy, or to health care. But the way to pressure Congress is to be President One Note. In the debt-limit fight, Obama already has his note: He will not negotiate over the full faith and credit of the United States. That’s as good a theme as any; it matters less what the message is than that he delivers it consistently. The idea, White House officials explained to me, is to avoid getting into a back-and-forth over taxes, spending and entitlement programs. “We’re right on the merits, but I don’t think we want to argue on the merits,” one said. “Our argument is not that our argument is better than theirs; it’s that theirs is stupid.” This is a clean message: Republicans are threatening to tank the economy — through a shutdown or, more likely, through a default on the debt — and Obama isn’t going to negotiate with these hostage-takers. Happily for Obama, Republicans are helping him to make the case by being publicly belligerent. After this week’s 21-hour speech on the Senate floor by Sen. Ted Cruz (R-Tex.), the publicity-seeking Texan and Sen. Mike Lee (R-Utah) objected to a bipartisan request to move a vote from Friday to Thursday to give House Republicans more time to craft legislation avoiding a shutdown. On the Senate floor, Sen. Bob Corker (R-Tenn.) accused them of objecting because they had sent out e-mails encouraging their supporters to tune in to the vote on Friday. The Post’s Ed O’Keefe caught Cruz “appearing to snicker” as his colleague spoke — more smug teenager than legislator. Even if his opponents are making things easier for him, Obama still needs to stick to his message. As in Syria, the president has drawn a “red line” by saying he won’t negotiate with those who would put the United States into default. If he retreats, he will embolden his opponents and demoralize his supporters.

#### All of his political capital key to dem unity and debt ceiling

**Lillis, 9/7/13** (Mike, The Hill, “Fears of wounding Obama weigh heavily on Democrats ahead of vote”

Read more: http://thehill.com/homenews/house/320829-fears-of-wounding-obama-weigh-heavily-on-democrats#ixzz2gWiT9H8u

The prospect of wounding President Obama is weighing heavily on Democratic lawmakers as they decide their votes on Syria. Obama needs all the political capital he can muster heading into bruising battles with the GOP over fiscal spending and the debt ceiling. Democrats want Obama to use his popularity to reverse automatic spending cuts already in effect and pay for new economic stimulus measures through higher taxes on the wealthy and on multinational companies. But if the request for authorization for Syria military strikes is rebuffed, some fear it could limit Obama's power in those high-stakes fights. That has left Democrats with an agonizing decision: vote "no" on Syria and possibly encourage more chemical attacks while weakening their president, or vote "yes" and risk another war in the Middle East. “I’m sure a lot of people are focused on the political ramifications,” a House Democratic aide said. Rep. Jim Moran (D-Va.), a veteran appropriator, said the failure of the Syria resolution would diminish Obama's leverage in the fiscal battles. "It doesn't help him," Moran said Friday by phone. "We need a maximally strong president to get us through this fiscal thicket. These are going to be very difficult votes."

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

Davidson 9/10

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

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

#### Econ collapse = extinction

Kemp 10 Geoffrey Kemp, Director of Regional Strategic Programs at The Nixon Center, served in the White House under Ronald Reagan, special assistant to the president for national security affairs and senior director for Near East and South Asian affairs on the National Security Council Staff, Former Director, Middle East Arms Control Project at the Carnegie Endowment for International Peace, 2010, The East Moves West: India, China, and Asia’s Growing Presence in the Middle East, p. 233-4

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

### Off

#### 4GW is the most accurate description of modern war- escalation is likely if uncontained- executive authority is key to counter these threats

Li 2009 [Zheyoa Li Winter, 2009 The Georgetown Journal of Law Public Policy 7 Geo. J.L. & Pub. Pol'y 373 “War Powers for the Fourth Generation: Constitutional Interpretation in the Age of Asymmetric Warfare” lexis]

Even as the quantity of nation-states in the world has increased dramatically since the end of World War II, the institution of the nation-state has been in decline over the past few decades. Much of this decline is the direct result of the waning of major interstate war, which primarily resulted from the introduction of nuclear weapons. 122 The proliferation of nuclear weapons, and their immense capacity for absolute destruction, has ensured that conventional wars remain limited in scope and duration. Hence, "both the size of the armed forces and the quantity of weapons at their disposal has declined quite sharply" since 1945. 123 At the same time, concurrent with the decline of the nation-state in the second half of the twentieth century, non-state actors have increasingly been willing and able to use force to advance their causes. In contrast to nation-states, who adhere to the Clausewitzian distinction between the ends of policy and the means of war to achieve those ends, non-state actors do not necessarily fight as a mere means of advancing any coherent policy. Rather, they see their fight as a life-and-death struggle, wherein the ordinary terminology of war as an instrument of policy breaks down because of this blending of means and ends. 124¶ It is the existential nature of this struggle and the disappearance of the Clausewitzian distinction between war and policy that has given rise to a new generation of warfare. The concept of fourth-generational warfare was first articulated in an influential article in the Marine Corps Gazette in 1989, which has proven highly prescient. In describing what they saw as the modern trend toward a new phase of warfighting, the authors argued that:¶ [\*395] In broad terms, fourth generation warfare seems likely to be widely dispersed and largely undefined; the distinction between war and peace will be blurred to the vanishing point. It will be nonlinear, possibly to the point of having no definable battlefields or fronts. The distinction between "civilian" and "military" may disappear. Actions will occur concurrently throughout all participants' depth, including their society as a cultural, not just a physical, entity. Major military facilities, such as airfields, fixed communications sites, and large headquarters will become rarities because of their vulnerability; the same may be true of civilian equivalents, such as seats of government, power plants, and industrial sites (including knowledge as well as manufacturing industries). 125 It is precisely this blurring of peace and war and the demise of traditionally definable battlefields that provides the impetus for the formulation of a new theory of war powers. As evidenced by Part III, supra, the constitutional allocation of war powers, and the Framers' commitment of the war power to two co-equal branches, was not designed to cope with the current international system, one that is characterized by the persistent machinations of international terrorist organizations, the rise of multilateral alliances, the emergence of rogue states, and the potentially wide proliferation of easily deployable weapons of mass destruction, nuclear and otherwise.

#### Most likely nuclear escalation

Richards 2005 (Dr. Chet Richards, J. Addams & Partners July 12, 2005, “Dear Mr. & Ms. 1RP: Welcome to the 21st Century” http://www.zmetro.com/pdf/2005/07/welcome\_21st\_century\_v4.pdf)

Beginning with Mao Tse-Tung, and continuing to the present day, insurgency and other forms of non-state warfare have become more potent and much more dangerous in at least two ways: Groups other than states – that is, multinational organizations ranging from alQa’ida to the narcotrafficking cartels – are beginning to acquire high levels of sophistication in organization and in the information technologies that allow them to plan and conduct operations while widely dispersed.4 These same groups increasingly have the financial wherewithal to acquire virtually any type of weapon, from small arms to chemical and biological to nuclear, that they need to carry out operations. The only exceptions are conventional weapons such as tanks, combat aircraft, and fighting ships that require large facilities to support them, but are primarily of use only against other military forces armed with the same types of weapons. They are using their new capabilities not only to fight local governments, as was the case with traditional insurgencies, but to attack distant superpowers as well. Because they can’t field sizable amounts of conventional military hardware, fourth generation (4GW) forces will never try to achieve victory by defeating the military forces of a state in stand-up battles. Instead, they will try to convince their state opponent that it is simply not worth it to continue the fight. Successful 4GWcampaigns in modern times would include those against the French in Algeria, the US in Vietnam and the Soviet Union in Afghanistan, where the insurgents never defeated the foreign armies in any major battle, but eventually persuaded the governments back home to withdraw them. In a well run 4GW campaign, everything the 4GW forces do – including fighting and usually losing the occasional major battle – will support this goal. Persuading governments to withdraw forces, rather than defeating them on the battlefield, is an “information age” goal.6 To achieve the necessary level of persuasion, practitioners of 4GWwill use every information tool they can find to spread their messages to the enemy population and decision makers: Our cause is just and no threat to you There’s nothing here worth your effort and sacrifice Your troops are becoming brutal and your tactics ineffective If you keep it up, you’re going to bleed for a very long time So why not just leave now? As we enter the 21st Century, 4GWorganizations are becoming adept at spreading such messages through new channels, such as global news services (CNN, Al Jazeerah) and of course, web sites, blogs, and mass e-mailings. What you may not be aware of is that 4GWorganizations are also using the latest information tools to communicate with each other and to share information, particularly about what is and is not working (what the military calls “lessons learned.”)7Messages may be encrypted, or sent using code phrases, or even hidden in web site images, a practice called steganography. As with so many information age techniques, instructions for encryption and steganography are floating all over the Internet. Information age techniques are ideal for loose networks of highly motivated individuals, which is a typical form of organization for 4GW groups. Modern information warfare places a higher premium on creativity and innovation than it does on things 4GW organizations typically don’t have, like massive forces, volumes of regulations, and expensive hardware.8 By emphasizing speed and innovation, 4GWgroups can often invent new techniques faster than more structured and bureaucratic organizations such as the Pentagon.9 First responder organizations themselves may be targets of information warfare operations. The information systems of 1RP organizations, including operational systems as well as payroll and administrative, might make attractive targets in coordination with a physical attack. This is a real threat: Many members of al-Qa’ida and affiliated groups are from the educated classes in their countries, were technically trained (Osama bin Laden is a civil engineer), studied and lived in the West, and are capable of conceiving and managing such attacks. There are other advantages to the non-state player from operating in a loose social network. Obviously a social network is harder to find than an organization that requires a fixed infrastructure and wears uniforms. But perhaps most significant in wars of the weak against the strong, networks are highly resilient, so killing their leaders and destroying portions of the network can leave the rest to regenerate under new leadership in different locations.1112 So long as enough of the network survives to pass along the ideology and culture, along with lessons learned, the new network will likely be more dangerous and more resilient than its predecessor, much like the more resistant forms of bacteria that can emerge as a result of mis-use of antibiotics. In fact, the European resistance movements during World War II exhibited just this kind of toughness and survivability. In addition to its networked structure, there are other attributes of 4GW that should concern the 1RP (editor’s note: First Responder) community. The first is its transnational nature. An operation can be approved in Afghanistan, planned in Germany, funded in the Middle East, and carried out in the United States, as was the 9/11 attack. There is no one state we can retaliate against, nor one nationality we can profile against. Further, because it is transnational, it can involve networks of networks, such as alQa’ida attempting to cooperate with narco-trafficking organizations in Latin America to trade access to potential base areas and help in infiltrating the US for assistance in distributing narcotics.13 The upshot is that the lack of identifiable 4GW activity may not be an indication that an attack is not in the works, if the su4rveillance is being conducted by someone else. One of the more unpleasant aspects of insurgencies that will likely carry over to 4GWis their use of disguise, camouflage, and the other tools of deception. Because they are militarily weak, 4GW groups survive not by confronting superior firepower but by staying out of its sights. Those that have survived have become masters of concealment and deception, making it even more difficult to pick up early warning signals. This is why simple ethnic or national profiling will not work – 4GWteams will go to great lengths not to be identified as members of the groups in question. Skin color, eye color, and hair color are trivially easy to change, and the criminal infrastructure that already exists in most developed countries makes it simple to get drivers licenses or other means of identification (as any victim of identity theft can attest.) In a pinch, one can always recruit a member of a non-targeted group, such as the “shoe bomber,” Richard Reid, and it would be a mistake to assume the next batch will be as poorly trained. If we’re going to let Icelanders (or grandmothers or parents with toddlers, or whoever) through with less security screening than Saudis or Pakistanis or Jordanians, see if you can guess what the next aircraft hijacker will look like. Another unpleasant fact of 4GW is that like insurgency from whence it sprang, 4GW will be a protracted struggle.14 As Henry Kissinger once noted, if the guerillas don’t lose, they win, so they have all the motivation they need to keep going for as long as they think it will take.15 First responders should not draw comfort from what seems like a pause in attacks – operational cycles can stretch over several years, and a fourth generation war can span decades.16 But the most unpleasant fact of 4GW is that in it, we have finally reached the level of total war.17 In the eyes of the 4GW attacker, there are no civilians and no noncombatants. A concern for public relations offers the only reason for limiting the scope or violence of the attacks. What seems like “terrorism” to us, or senseless, random violence, may appear to the 4GW network as a legitimate way to persuade the foreign state government to withdraw, that is to stop the war. Such a strategy is nothing new. It was what Sherman had in mind during his marches through the South after the fall of Vicksburg (July 1863).18 In its local areas, the 4GW organization will spread the message that the foreign state has killed many civilians, which in a war of an advanced state versus a Third World country will often be true and will always be believed. What this means is that when a 4GW group decides to directly attack the United States or another state involved in “their” struggle, no level of violence, even nuclear, is ruled out. They may calculate that the message they are sending to the state government, to the state’s population, to undecided elements in other parts of the world, and to their own members is worth any backlash from the scenes of horror and brutality that ensue.

### Case

#### Predictions necessary good enough

Garrett 2012 (Banning Garrett, director of the Atlantic Council’s Strategic Foresight Initiative, consultant for 22 years to the Department of Defense and other U.S. Government agencies carrying on a strategic dialogue with China, senior associate at CSIS and a founding board member of the U.S. Committee for Security Cooperation in the Asia Pacific and an Adjunct Professor of Political Science at George Washington University, January 23, 2012, “In Search of Sand Piles and Butterflies,” Atlantic Council, http://www.acus.org/disruptive\_change/search-sand-piles-and-butterflies)

“Disruptive change” that produces “strategic shocks” has become an increasing concern for policymakers, shaken by momentous events of the last couple of decades that were not on their radar screens – from the fall of the Berlin Wall and the 9/11 terrorist attacks to the 2008 financial crisis and the “Arab Spring.” These were all shocks to the international system, predictable perhaps in retrospect but predicted by very few experts or officials on the eve of their occurrence.¶ This “failure” to predict specific strategic shocks does not mean we should abandon efforts to foresee disruptive change or look at all possible shocks as equally plausible. Most strategic shocks do not “come out of the blue.” We can understand and project long-term global trends and foresee at least some of their potential effects, including potential shocks and disruptive change. We can construct alternative futures scenarios to envision potential change, including strategic shocks. Based on trends and scenarios, we can take actions to avert possible undesirable outcomes or limit the damage should they occur. We can also identify potential opportunities or at least more desirable futures that we seek to seize through policy course corrections.¶ We should distinguish “strategic shocks” that are developments that could happen at any time and yet may never occur. This would include such plausible possibilities as use of a nuclear device by terrorists or the emergence of an airborne human-to-human virus that could kill millions. Such possible but not inevitable developments would not necessarily be the result of worsening long-term trends. Like possible terrorist attacks, governments need to try to prepare for such possible catastrophes though they may never happen.¶ But there are other potential disruptive changes, including those that create strategic shocks to the international system, that can result from identifiable trends that make them more likely in the future—for example, growing demand for food, water, energy and other resources with supplies failing to keep pace. We need to look for the “sand piles” that the trends are building and are subject to collapse at some point with an additional but indeterminable additional “grain of sand” and identify the potential for the sudden appearance of “butterflies” that might flap their wings and set off hurricanes. Mohamed Bouazizi, who immolated himself December 17, 2010 in Sidi Bouzid, Tunisia, was the butterfly who flapped his wings and (with the “force multiplier” of social media) set off a hurricane that is still blowing throughout the Middle East. Perhaps the metaphors are mixed, but the butterfly’s delicate flapping destabilized the sand piles (of rising food prices, unemployed students, corrupt government, etc.) that had been building in Tunisia, Egypt, and much of the region. The result was a sudden collapse and disruptive change that has created a strategic shock that is still producing tremors throughout the region. But the collapse was due to cumulative effects of identifiable and converging trends. When and what form change will take may be difficult if not impossible to foresee, but the likelihood of a tipping point being reached—that linear continuation of the present into the future is increasingly unlikely—can be foreseen.¶ Foreseeing the direction of change and the likelihood of discontinuities, both sudden and protracted, is thus not beyond our capabilities. While efforts to understand and project long-term global trends cannot provide accurate predictions, for example, of the GDPs of China, India, and the United States in 2030, looking at economic and GDP growth trends, can provide insights into a wide range of possible outcomes. For example, it is a useful to assess the implications if the GDPs of these three countries each grew at currently projected average rates – even if one understands that there are many factors that can and likely will alter their trajectories. The projected growth trends of the three countries suggest that at some point in the next few decades, perhaps between 2015 and 2030, China’s GDP will surpass that of the United States. And by adding consideration of the economic impact of demographic trends (China’s aging and India’s youth bulge), there is a possibility that India will surpass both China and the US, perhaps by 2040 or 2050, to become the world’s largest economy. These potential shifts of economic power from the United States to China then to India would likely prove strategically disruptive on a global scale. Although slowly developing, such disruptive change would likely have an even greater strategic impact than the Arab Spring. The “rise” of China has already proved strategically disruptive, creating a potential China-United States regional rivalry in Asia two decades after Americans fretted about an emerging US conflict with a then-rising Japan challenging American economic supremacy.¶ Despite uncertainty surrounding projections, foreseeing the possibility (some would say high likelihood) that China and then India will replace the United States as the largest global economy has near-term policy implications for the US and Europe. The potential long-term shift in economic clout and concomitant shift in political power and strategic position away from the US and the West and toward the East has implications for near-term policy choices. Policymakers could conclude, for example, that the West should make greater efforts to bring the emerging (or re-emerging) great powers into close consultation on the “rules of the game” and global governance as the West’s influence in shaping institutions and behavior is likely to significantly diminish over the next few decades. The alternative to finding such a near-term accommodation could be increasing mutual suspicions and hostility rather than trust and growing cooperation between rising and established powers—especially between China and the United States—leading to a fragmented, zero-sum world in which major global challenges like climate change and resource scarcities are not addressed and conflict over dwindling resources and markets intensifies and even bleeds into the military realm among the major actors.¶ Neither of these scenarios may play out, of course. Other global trends suggest that sometime in the next several decades, the world could encounter a “hard ceiling” on resources availability and that climate change could throw the global economy into a tailspin, harming China and India even more than the United States. In this case, perhaps India and China would falter economically leading to internal instability and crises of governance, significantly reducing their rates of economic growth and their ability to project power and play a significant international role than might otherwise have been expected. But this scenario has other implications for policymakers, including dangers posed to Western interests from “failure” of China and/or India, which could produce huge strategic shocks to the global system, including a prolonged economic downturn in the West as well as the East.¶ Thus, looking at relatively slowly developing trends can provide foresight for necessary course corrections now to avert catastrophic disruptive change or prepare to be more resilient if foreseeable but unavoidable shocks occur.¶ Policymakers and the public will press for predictions and criticize government officials and intelligence agencies when momentous events “catch us by surprise.” But unfortunately, as both Yogi Berra and Neils Bohr are credited with saying, “prediction is very hard, especially about the future.” One can predict with great accuracy many natural events such as sunrise and the boiling point of water at sea level. We can rely on the infallible predictability of the laws of physics to build airplanes and automobiles and iPhones. And we can calculate with great precision the destruction footprint of a given nuclear weapon. Yet even physical systems like the weather as they become more complex, become increasingly difficult and even inherently impossible to predict with precision.¶ With human behavior, specific predictions are not just hard, but impossible as uncertainty is inherent in the human universe. As futurist Paul Saffo wrote in the Harvard Business Review in 2007, “prediction is possible only in a world in which events are preordained and no amount of actions in the present can influence the future outcome.” One cannot know for certain what actions he or she will take in the future much less the actions of another person, a group of people or a nation state. This obvious point is made to dismiss any idea of trying to “predict” what will occur in the future with accuracy, especially the outcomes of the interplay of many complex factors, including the interaction of human and natural systems. More broadly, the human future is not predetermined but rather depends on human choices at every turning point, cumulatively leading to different alternative outcomes. This uncertainty about the future also means the future is amenable to human choice and leadership. Trends analyses—including foreseeing trends leading to disruptive change—are thus essential to provide individuals, organizations and political leaders with the strategic foresight to take steps mitigate the dangers ahead and seize the opportunities for shaping the human destiny.¶ Peter Schwartz nearly a decade ago characterized the convergence of trends and disruptive change as “inevitable surprises.” He wrote in Inevitable Surprises that “in the coming decades we face many more inevitable surprises: major discontinuities in the economic, political and social spheres of our world, each one changing the ‘rules of the game’ as its played today. If anything, there will be more, no fewer, surprises in the future, and they will all be interconnected. Together, they will lead us into a world, ten to fifteen years hence, that is fundamentally different from the one we know today. Understanding these inevitable surprises in our future is critical for the decisions we have to make today …. We may not be able to prevent catastrophe (although sometimes we can), but we can certainly increase our ability to respond, and our ability to see opportunities that we would otherwise miss.”

#### Magnitude outweighs – as long as there is some life there’s only a risk they retain ontological capacity

Jonas 1996 Hans Jonas (Former Alvin Johnson Prof. Phil. – New School for Social Research and Former Eric Voegelin Visiting Prof. – U. Munich) 1996 “Morality and Mortality: A Search for the Good After Auschwitz”, p. 111-112)

With this look ahead at an ethics for the future, we are touching at the same time upon the question of the future of freedom. The unavoidable discussion of this question seems to give rise to misunderstandings. My dire prognosis that not only our material standard of living but also our democratic freedoms would fall victim to the growing pressure of a worldwide ecological crisis, until finally there would remain only some form of tyranny that would try to save the situation, has led to the accusation that I am defending dictatorship as a solution to our problems. I shall ignore here what is a confusion between warning and recommendation. But I have indeed said that such a tyranny would still be better than total ruin; thus, I have ethically accepted it as an alternative. I must now defend this standpoint, which I continue to support, before the court that I myself have created with the main argument of this essay. For are we not contradicting ourselves in prizing physical survival at the price of freedom? Did we not say that freedom was the condition of our capacity for responsibility—and that this capacity was a reason for the survival of humankind?; By tolerating tyranny as an alternative to physical annihilation are we not violating the principle we established: that the How of existence must not take precedence over its Why? Yet we can make a terrible concession to the primacy of physical survival in the conviction that the ontological capacity for freedom, inseparable as it is from man's being, cannot really be extinguished, only temporarily banished from the public realm. This conviction can be supported by experience we are all familiar with. We have seen that even in the most totalitarian societies the urge for freedom on the part of some individuals cannot be extinguished, and this renews our faith in human beings. Given this faith, we have reason to hope that, as long as there are human beings who survive, the image of God will continue to exist along with them and will wait in concealment for its new hour. With that hope—which in this particular case takes precedence over fear—it is permissible, for the sake of physical survival, to accept if need be a temporary absence of freedom in the external affairs of humanity. This is, I want to emphasize, a worst-case scenario, and it is the foremost task of responsibility at this particular moment in world history to prevent it from happening. This is in fact one of the noblest of duties (and at the same time one concerning self-preservation), on the part of the imperative of responsibility to avert future coercion that would lead to lack of freedom by acting freely in the present, thus preserving as much as possible the ability of future generations to assume responsibility. But more than that is involved. At stake is the preservation of Earth's entire miracle of creation, of which our human existence is a part and before which man reverently bows, even without philosophical "grounding." Here too faith may precede and reason follow; it is faith that longs for this preservation of the Earth (fides quaerens intellectum), and reason comes as best it can to faith's aid with arguments, not knowing or even asking how much depends on its success or failure in determining what action to take. With this confession of faith we come to the end of our essay on ontology.

#### Util good- Calculation is good and doesn’t devalue life

Revesz 2008 Richard L. Revesz (Dean and Lawrence King Professor of Law at New York University School of Law, JD Yale Law School) and Michael A Livermore. (JD NYU School of Law, Executive Director of the Institute for Policy Integrity, and Managing director of the NYU Law Review). Retaking Rationality How Cots-Benefit Analysis Can Better protect the Environment and Our Health. 2008. P. 1-4.

Governmental decisions are also fundamentally different from personal decisions in that they often affect people in the aggregate. In our individual lives, we come into contact with at least some of the consequences of our decisions. If we fail to consult a map, we pay the price: losing valuable time driving around in circles and listening to the complaints of our passengers. We are constantly confronted with the consequences of the choices that we have made. Not so for governments, however, which exercise authority by making decisions at a distance. Perhaps one of the most challenging aspects of governmental decisions is that they require a special kind of compassion—one that can seem, at first glance, cold and calculating, the antithesis of empathy. The aggregate and complex nature of governmental decisions does not address people as human beings, with concerns and interests, families and emotional relationships, secrets and sorrows. Rather, people are numbers stacked in a column or points on a graph, described not through their individual stories of triumph and despair, but by equations, functions, and dose-response curves. The language of governmental decisionmaking can seem to—and to a certain extent does—ignore what makes individuals unique and morally important. But, although the language of bureaucratic decisionmaking can be dehumanizing, it is also a prerequisite for the kind of compassion that is needed in contemporary society. Elaine Scarry has developed a comparison between individual compassion and statistical compassion.' Individual compassion is familiar—when we see a person suffering, or hear the story of some terrible tragedy, we are moved to take action. Statistical compassion seems foreign—we hear only a string of numbers but must comprehend "the concrete realities embedded there."' Individual compassion derives from our social nature, and may be hardwired directly into the human brain.' Statistical compassion calls on us to use our higher reasoning power to extend our natural compassion to the task of solving more abstract—but no less real—problems. Because compassion is not just about making us feel better—which we could do as easily by forgetting about a problem as by addressing it—we have a responsibility to make the best decisions that we can. This book argues that cost-benefit analysis, properly conducted, can improve environmental and public health policy. Cost-benefit analysis—the translation of human lives and acres of forest into the language of dollars and cents—can seem harsh and impersonal. But such an approach is also necessary to improve the quality of decisions that regulators make. Saving the most lives, and best protecting the quality of our environment and our health—in short, exercising our compassion most effectively—requires us to step back and use our best analytic tools. Sometimes, in order to save a life, we need to treat a person like a number. This is the challenge of statistical compassion. This book is about making good decisions. It focuses on the area of environmental, health and safety regulation. These regulations have been the source of numerous and hard-fought controversies over the past several decades, particularly at the federal level. Reaching the right decisions in the areas of environmental protection, increasing safety, and improving public health is clearly of high importance. Although it is admirable (and fashionable) for people to buy green or avoid products made in sweatshops, efforts taken at the individual level are not enough to address the pressing problems we face—there is a vital role for government in tackling these issues, and sound collective decisions concerning regulation are needed. There is a temptation to rely on gut-level decisionmaking in order to avoid economic analysis, which, to many, is a foreign language on top of seeming cold and unsympathetic. For government to make good decisions, however, it cannot abandon reasoned analysis. Because of the complex nature of governmental decisions, we have no choice but to deploy complex analytic tools in order to make the best choices possible. Failing to use these tools, which amounts to abandoning our duties to one another, is not a legitimate response. Rather, we must exercise statistical compassion by recognizing what numbers of lives saved represent: living and breathing human beings, unique, with rich inner lives and an interlocking web of emotional relationships. The acres of a forest can be tallied up in a chart, but that should not blind us to the beauty of a single stand of trees. We need to use complex tools to make good decisions while simultaneously remembering that we are not engaging in abstract exercises, but that we are having real effects on people and the environment. In our personal lives, it would be unwise not to shop around for the best price when making a major purchase, or to fail to think through our options when making a major life decision. It is equally foolish for government to fail to fully examine alternative policies when making regulatory decisions with life-or-death consequences. This reality has been recognized by four successive presidential administrations. Since 1981, the cost-benefit analysis of major regulations has been required by presidential order. Over the past twenty-five years, however, environmental and other progressive groups have declined to participate in the key governmental proceedings concerning the cost-benefit analysis of federal regulations, instead preferring to criticize the technique from the outside. The resulting asymmetry in political participation has had profound negative consequences, both for the state of federal regulation and for the technique of cost-benefit analysis itself. Ironically, this state of affairs has left progressives open to the charge of rejecting reason, when in fact strong environmental and public health pro-grams are often justified by cost-benefit analysis. It is time for progressive groups, as well as ordinary citizens, to retake the high ground by embracing and reforming cost-benefit analysis. The difference between being unthinking—failing to use the best tools to analyze policy—and unfeeling—making decisions without compassion—is unimportant: Both lead to bad policy. Calamities can result from the failure to use either emotion or reason. Our emotions provide us with the grounding for our principles, our innate interconnectedness, and our sense of obligation to others. We use our powers of reason to build on that emotional foundation, and act effectively to bring about a better world.

#### No root cause of war – decades of research votes aff

Cashman 2000 Greg Cashman (Professor of Political Science at Salisbury State University) 2000 “What Causes war?: An introduction to theories of international conflict” pg. 9

Two warnings need to be issued at this point. First, while we have been using a single variable explanation of war merely for the sake of simplicity, multivariate explanations of war are likely to be much more powerful. Since social and political behaviors are extremely complex, they are almost never explainable through a single factor. Decades of research have led most analysts to reject monocausal explanations of war. For instance, international relations theorist J. David Singer suggests that we ought to move away from the concept of “causality” since it has become associated with the search for a single cause of war; we should instead redirect our activities toward discovering “explanations”—a term that implies multiple causes of war, but also a certain element of randomness or chance in their occurrence.

####  “Structural violence” is reductive and inevitable

Boulding 1977 (Kenneth E. Boulding, economist, educator, peace activist, poet, religious mystic, devoted Quaker, systems scientist, and interdisciplinary philosopher, “Twelve Friendly Quarrels with Johan Galtung,” Journal of Peace Research, Vol. 14, No. 1, JSTOR)

Finally, we come to the great Galtung metaphors of 'structural violence' 'and 'positive peace'. They are metaphors rather than models, and for that very reason are suspect. Metaphors always imply models and meta- phors have much more persuasive power than models do, for models tend to be the preserve of the specialist. But when a metaphor implies a bad model it can be very dangerous, for it is both persuasive and wrong. The metaphor of structural violence I would argue falls right into this category. The metaphor is that poverty, deprivation, ill health, low expectations of life, a condi- tion in which more than half the human race lives, is 'like' a thug beating up the victim and 'taking his money away from him in the street, or it is 'like' a conqueror stealing the land of the people and reducing them to slavery. The implication is that poverty and its associated ills are the fault of the thug or the conqueror and the solution is to do away with thugs and conquerors. While there is some truth in the metaphor, in the modern world at least there is not very much. Violence, whether of the streets and the home, or of the guerilla, of the police, or of the armed forces, is a very different phenomenon from poverty. The processes which create and sustain poverty are not at all like the processes which create and sustain violence, although like everything else in 'the world, everything is somewhat related to every- thing else.¶ There is a very real problem of the struc- tures which lead to violence, but unfortunately Galitung's metaphor of structural violence as he has used it has diverted atten- tion from this problem. Violence in the behavioral sense, that is, somebody actually doing damage to somebody else and trying to make them worse off, is a 'threshold' phenomenon, rather like the boiling over of a pot. The temperature under a pot can rise for a long time without its boiling over, but at some 'threshold boiling over will take place. The study of the structures which underlie violence are a very important and much neglected part of peace research and indeed of social science in general. Thresh- old phenomena like violence are difficult to study because they represent 'breaks' in the system rather than uniformities. Violence, whether between persons or organizations, occurs when the 'strain' on a system is too great for its 'strength'. The metaphor here is that violence is like what happens when we break a piece of chalk. Strength and strain, however, especially in social systems, are so interwoven historically that it is very difficult to separate them.¶ The diminution of violence involves two¶ possible strategies, or a mixture of the two;¶ one is the increase in the strength of the sys-¶ tem, 'the other is the diminution of the strain.¶ The strength of systems involves habit, culture, taboos, and sanctions, all these 'things which enable a system to stand increasing¶ strain without breaking down into violence. The strains on the system 'are largely dy- namic in character, such as arms races, mu- tually stimulated hostility, changes in rela- tive economic position or political power, which are often hard to identify. Conflicts of interest 'are only part 'of the strain on a sys-¶ tem, and not always the most important part. It is very hard for people ito know their interests, and misperceptions of 'interest take place mainly through the dynamic processes, not through the structural ones. It is only perceptions of interest which affect people's behavior, not the 'real' interests, whatever these may be, and the gap between perception and reality can be very large and re- sistant to change.¶ However, what Galitung calls structural violence (which has been defined 'byone un- kind commenltatoras anything that Galitung doesn't like) was originally defined as any unnecessarily low expectation of life, on that assumption that anybody who dies before the allotted span has been killed, however unintentionally and unknowingly, by some- body else. The concept has been expanded to include all 'theproblems of poverty, desti- tution, deprivation, and misery. These are enormouslyreal and are a very high priority for research and action, but they belong to systems which are only peripherally related to 'the structures whi'ch produce violence. This is not rto say that the cultures of vio- lence and the cultures of poverty are not sometimes related, though not all poverty cultures are cultures of violence, and cer- tainly not all cultures of violence are pover- ty cultures. But the dynamicslof poverty and the success or failure to rise out of it are of a complexity far beyond anything which the metaphor of structural violence can offer. While the metaphor of structural violence performed a service in calling attention to a problem, it may have done a disservice in preventing us from finding the answer.

#### Human life is inherently valuable

Penner 2005 Melinda Penner (Director of Operations – STR, Stand To Reason) 2005 “End of Life Ethics: A Primer”, Stand to Reason, http://www.str.org/site/News2?page=NewsArticle&id=5223

Intrinsic value is very different. Things with intrinsic value are valued for their own sake. They don’t have to achieve any other goal to be valuable. They are goods in themselves. Beauty, pleasure, and virtue are likely examples. Family and friendship are examples. Something that’s intrinsically valuable might also be instrumentally valuable, but even if it loses its instrumental value, its intrinsic value remains. Intrinsic value is what people mean when they use the phrase "the sanctity of life." Now when someone argues that someone doesn’t have "quality of life" they are arguing that life is only valuable as long as it obtains something else with quality, and when it can’t accomplish this, it’s not worth anything anymore. It's only instrumentally valuable. The problem with this view is that it is entirely subjective and changeable with regards to what might give value to life. Value becomes a completely personal matter, and, as we all know, our personal interests change over time. There is no grounding for objective human value and human rights if it’s not intrinsic value. Our legal system is built on the notion that humans have intrinsic value. The Declaration of Independence: "We hold these truths to be self-evident, that all men are created equal, that each person is endowed by his Creator with certain unalienable rights...." If human beings only have instrumental value, then slavery can be justified because there is nothing objectively valuable that requires our respect. There is nothing other than intrinsic value that can ground the unalienable equal rights we recognize because there is nothing about all human beings that is universal and equal. Intrinsic human value is what binds our social contract of rights. So if human life is intrinsically valuable, then it remains valuable even when our capacities are limited. Human life is valuable even with tremendous limitations. Human life remains valuable because its value is not derived from being able to talk, or walk, or feed yourself, or even reason at a certain level. Human beings don’t have value only in virtue of states of being (e.g., happiness) they can experience. The "quality of life" view is a poison pill because once we swallow it, we’re led down a logical slippery slope. The exact same principle can be used to take the life of human beings in all kinds of limited conditions because I wouldn't want to live that way. Would you want to live the life of a baby with Down’s Syndrome? No? Then kill her. Would you want to live the life of an infant with cerebral palsy? No? Then kill him. Would you want to live the life of a baby born with a cleft lip? No? Then kill her. (In fact, they did.) Once we accept this principle, it justifies killing every infant born with a condition that we deem a life we don’t want to live. There’s no reason not to kill every handicapped person who can’t speak for himself — because I wouldn’t want to live that way. This, in fact, is what has happened in Holland with the Groningen Protocol. Dutch doctors euthanize severely ill newborns and their society has accepted it.

**The claim that IR is inherently patriarchal is counterproductive and false**

Fernanado **Tesson** (professor of Law at Arizona State University) **1993** “Feminism and International Lay: A Reply”

When we move from the philosophical domain to global political realities, there is even more reason to resist the radical feminist agenda. Radical feminists have joined other radicals in attacking liberalism; indeed, their whoel ase rests upon the supposed bankruptcy of liberal society, on the moral inadequacy of the kind of civil society mandated by the Kantian theory of international law, but is the oppression of women correlated to liberal practices? The answer is, emphatically, “no”. The feminist claim that male domination is an inherent part of liberal discourse and that liberal institutions are therefore inevitably oppressive of women is both politically counterproductive and patently false

**Isolating feminist epistemological perspectives essentialize women’s experience and only reinforces other forms of oppression**

Katharine **Bartlett** (professor of Law at Duke University School of Law) **1990** “Feminist Legal Methods” Harvard Law Review p. Lexis

Despite the valuable insights offered by feminist standpoint epistemology, however, it does not offer an adequate account of feminist knowing. First, in isolating gender as a source of oppression, feminist legal thinkers tend to concentrate on the identification of woman's true identity beneath the oppression and thereby essentialize **her characteristics**. Catharine MacKinnon, for example, in exposing what she finds to be the total system of male hegemony, repeatedly speaks of "women's point of view," n186 of "woman's voice," n187 of empowering women "on our own terms," n188 of what women "really want," n189 and of standards that are "not ours." n190 Ruth Colker sees the discovery of women's "authentic self" n191 as a difficult job given the social constructions [\*874] imposed upon women, but nonetheless, like MacKinnon, insists upon it as a central goal of feminism. Robin West, too, assumes that woman has a "true nature" upon which to base a feminist jurisprudence. n192 Although the essentialist positions **taken by these feminists often** have strategic or rhetorical value**, n193** these positions obscure the importance of differences among women and the fact that factors other than gender victimize women. A theory that purports to isolate gender as a basis for oppression **obscures these factors and even** reinforces other forms of oppression. n194 **This error duplicates the error of other legal theories that project the meaning speakers give to their own experiences onto the experiences of others**. n195

# 2NC

## Topicality

### 2NC Limits DA

#### Presidents claim authority to do all sorts of shit

Jennifer K. Elsea 2013 CRS Attorney

Jennifer K. Elsea Legislative Attorney Michael John Garcia Legislative Attorney Thomas J. Nicola Legislative Attorney February 19, 2013 Congressional Research Service 7-5700 www.crs.gov R41989 Congressional Authority to Limit

Presidents from Truman to Obama have claimed independent authority to commit U.S. Armed Forces to involvements abroad absent any congressional participation other than consultation and after-the-fact financing. In 1994, for example, President Clinton based his authority to order the participation of U.S. forces in NATO actions in Bosnia-Herzegovina on his “constitutional authority to conduct U.S. foreign relations” and as his role as Commander in Chief, 66 and protested efforts to restrict the use of military forces there and elsewhere as an improper and possibly unconstitutional limitation on his “command and control” of U.S. forces. 67 In March 2011, President Obama ordered U.S. military forces to take action as part of an international coalition to enforce U.N. Security Council Resolution 1973, which authorized U.N. Member States to take all necessary measures (other than through military occupation) to protect civilians from attacks by the Libyan government and to es tablish a no-fly zone over the country. Although these operations had not been authorized by legislation, the executive submitted a report to Congress which claimed that the President has the “constitutional authority, as Commander in Chief and Chief Executive and pursuant to his foreign affairs powers, to direct such limited military operations abroad.” 68 The executive branch has also, on occasion, claimed independent authority to detain, interrogate, and try belligerents captured in hostilities, and suggested that this authority may not be circumscribed by Congress. In the context of what it described as the “Global War on Terror,” the George W. Bush Administration claimed that the President’s Commander-in-Chief authority entails inherent authority with respect to the capture and detention of suspected terrorists, authority he has claimed cannot be infringed by legislation, 69 meaning that even criminal laws prohibiting torture were deemed inapplicable to activities conducted pursuant to the President’s war powers. 70 In 2004, the Supreme Court avoided deciding whether Congress could pass a statute to prohibit or regulate the detention and interrogation of captured suspects, which the Bush Administration had asserted would unconstitutionally interfere with core Commander-in-Chief powers, by finding that Congress had implicitly authorized the detention of enemy combatants when it authorized the use of force in the aftermath of the September 11, 2001, terrorist attacks. 71 However, the Supreme Court in 2006 invalidated President Bush’s military order authorizing trials of aliens accused of terrorist offenses by military commission, finding that the regulations promulgated to implement the order did not comply with relevant statutes. 72 The Court did not expressly pass on the constitutionality of any statute or discuss possible congressional incursion into areas of exclusive presidential authority, which was seen by many as implicitly confirming Congress’s authority to legislate in such a way as to limit the power of the Commander in Chief. 73

#### Literally doubles the educational benefit

**Arrington 2009** (Rebecca, UVA Today, “Study Finds That Students Benefit From Depth, Rather Than Breadth, in High School Science Courses” March 4)

A recent study reports that high school students who study fewer science topics, but study them in greater depth, have an advantage in college science classes over their peers who study more topics and spend less time on each. Robert Tai, associate professor at the University of Virginia's Curry School of Education, worked with Marc S. Schwartz of the University of Texas at Arlington and Philip M. Sadler and Gerhard Sonnert of the Harvard-Smithsonian Center for Astrophysics to conduct the study and produce the report. "Depth Versus Breadth: How Content Coverage in High School Courses Relates to Later Success in College Science Coursework" relates the amount of content covered on a particular topic in high school classes with students' performance in college-level science classes. The study will appear in the July 2009 print edition of Science Education and is currently available as an online pre-print from the journal. "As a former high school teacher, I always worried about whether it was better to teach less in greater depth or more with no real depth. This study offers evidence that teaching fewer topics in greater depth is a better way to prepare students for success in college science," Tai said. "These results are based on the performance of thousands of college science students from across the United States." The 8,310 students in the study were enrolled in introductory biology, chemistry or physics in randomly selected four-year colleges and universities. Those who spent one month or more studying one major topic in-depth in high school earned higher grades in college science than their peers who studied more topics in the same period of time. The study revealed that students in courses that focused on mastering a particular topic were impacted twice as much as those in courses that touched on every major topic

#### Turns their offense—limits are vital to creativity and innovation

David Intrator (President of The Creative Organization) October 21, 2010 “Thinking Inside the Box,” http://www.trainingmag.com/article/thinking-inside-box

One of the most pernicious myths about creativity, one that seriously inhibits creative thinking and innovation, is the belief that one needs to “think outside the box.” As someone who has worked for decades as a professional creative, nothing could be further from the truth. This a is view shared by the vast majority of creatives, expressed famously by the modernist designer Charles Eames when he wrote, “Design depends largely upon constraints.” The myth of thinking outside the box stems from a fundamental misconception of what creativity is, and what it’s not. In the popular imagination, creativity is something weird and wacky. The creative process is magical, or divinely inspired. But, in fact, creativity is not about divine inspiration or magic. It’s about problem-solving, and by definition a problem is a constraint, a limit, a box. One of the best illustrations of this is the work of photographers. They create by excluding the great mass what’s before them, choosing a small frame in which to work. Within that tiny frame, literally a box, they uncover relationships and establish priorities. What makes creative problem-solving uniquely challenging is that you, as the creator, are the one defining the problem. You’re the one choosing the frame. And you alone determine what’s an effective solution. This can be quite demanding, both intellectually and emotionally. Intellectually, you are required to establish limits, set priorities, and cull patterns and relationships from a great deal of material, much of it fragmentary. More often than not, this is the material you generated during brainstorming sessions. At the end of these sessions, you’re usually left with a big mess of ideas, half-ideas, vague notions, and the like. Now, chances are you’ve had a great time making your mess. You might have gone off-site, enjoyed a “brainstorming camp,” played a number of warm-up games. You feel artistic and empowered. But to be truly creative, you have to clean up your mess, organizing those fragments into something real, something useful, something that actually works. That’s the hard part. It takes a lot of energy, time, and willpower to make sense of the mess you’ve just generated. It also can be emotionally difficult. You’ll need to throw out many ideas you originally thought were great, ideas you’ve become attached to, because they simply don’t fit into the rules you’re creating as you build your box.

## Case

### Util

#### This moral tunnel vision is complicit with the evil they criticize

Jeffrey Issac (professor of political science at Indiana University) 2002 Dissent, Spring, ebsco

As writers such as Niccolo Machiavelli, Max Weber, Reinhold Niebuhr, and Hannah Arendt have taught, an unyielding concern with moral goodness undercuts political responsibility. The concern may be morally laudable, reflecting a kind of personal integrity, but it suffers from three fatal flaws: (1) It fails to see that the purity of one’s intention does not ensure the achievement of what one intends. Abjuring violence or refusing to make common cause with morally compromised parties may seem like the right thing; but if such tactics entail impotence, then it is hard to view them as serving any moral good beyond the clean conscience of their supporters; (2) it fails to see that in a world of real violence and injustice, moral purity is not simply a form of powerlessness; it is often a form of complicity in injustice. This is why, from the standpoint of politics—as opposed to religion—pacifism is always a potentially immoral stand. In categorically repudiating violence, it refuses in principle to oppose certain violent injustices with any effect; and (3) it fails to see that politics is as much about unintended consequences as it is about intentions; it is the effects of action, rather than the motives of action, that is most significant. Just as the alignment with “good” may engender impotence, it is often the pursuit of “good” that generates evil. This is the lesson of communism in the twentieth century: it is not enough that one’s goals be sincere or idealistic; it is equally important, always, to ask about the effects of pursuing these goals and to judge these effects in pragmatic and historically contextualized ways. Moral absolutism inhibits this judgment. It alienates those who are not true believers. It promotes arrogance. And it undermines political effectiveness.

#### In a nuclear world we have to weigh consequences.

Sissela Bok (Professor of Philosophy) 1998 Applied Ethics and Ethical Theory, Ed. David Rosenthal and Fudlou Shehadi

The same argument can be made for Kant’s other formulations of the Categorical Imperative: “So act as to use humanity, both in your own person and in the person of every other, always at the same time as an end, never simply as a means”; and “So act as if you were always through actions a law-making member in a universal Kingdom of Ends.” No one with a concern for humanity could consistently will to risk eliminating humanity in the person of himself and every other or to risk the death of all members in a universal Kingdom of Ends for the sake of justice. To risk their collective death for the sake of following one’s conscience would be, as Rawls said, “irrational, crazy.” And to say that one did not intend such a catastrophe, but that one merely failed to stop other persons from bringing it about would be beside the point when the end of the world was at stake. For although it is true that we cannot be held responsible for most of the wrongs that others commit, the Latin maxim presents a case where we would have to take such a responsibility seriously—perhaps to the point of deceiving, bribing, even killing an innocent person, in order that the world not perish.

#### The means/ends distinction is inevitable and a moral cop out. There are no absolutes. You have to weigh comparative risks.

Saul Alinsky (Professor and Social Organizer with International Fame, Founder of the Industrial Areas Foundation) 1971 Rules for Radicals, p. 24-27

We cannot think first and act afterwards. From the moment of birth we are immersed in action and can only fitfully guide it by taking thought. Alfred North Whitehead That perennial question, “Does the end justify the means?” is meaningless as it stands; the real and only question regarding the ethics of means and ends is, and always has been, “Does this particular end justify this particular means?” Life and how you live it is the story of means and ends. The end is what you want, and the means is how you get it. Whenever we think about social change, the question of means and ends arises. The man of action views the issue of means and ends arises. The man of action views the issue of means and ends in pragmatic and strategic terms. He has no other problem; he thinks only of his actual resources and the possibilities of various choices of action. He asks of ends only whether they are achievable and worth the cost; of means, only whether they will work. To say that corrupt means corrupt the ends is to believe in the immaculate conception of ends and principles. The real arena is corrupt and bloody. Life is a corrupting process from the time a child learns to play his mother off against his father in the politics of when to go to bed; he who fears corruption fears life. The practical revolutionary will understand Geothe’s “conscience is the virtue of observers and not of agents of action”; in action, one does not always enjoy the luxury of a decision that is consistent both with one’s individual conscience and the good of [hu]mankind. The choice must always be for the latter. Action is for mass salvation and not for the individual’s personal salvation. He who sacrifices the mass good for his personal conscience has peculiar conception of “personal salvation”; he doesn’t care enough for people to be “corrupted” for them. The men [people] who pile up the heaps of discussion and literature on the ethics of means and ends—which with rare exception is conspicuous for its sterility—rarely write about their won experiences in the perpetual struggle of life and change. They are strangers, moreover, to the burdens and problems of operational responsibility and the unceasing pressure for immediate decisions. They are passionately committed to a mystical objectivity where passions are suspect. They assume a nonexistent situation where man suspect. They assume a nonexistent situation where men dispassionately and with reason draw and devise means and ends as if studying a navigational chart on land. They can be recognized by one of two verbal brands; “We agree with the ends but not the means,” or “This is not the time.” The means-and-end moralists or non-doers always wind up on their ends without any means. The means-and-ends moralists, constantly obsessed with the ethics of the means used by the Have-Nots against the Haves, should search themselves as to their real political position. In fact, they are passive—but real—allies of the Haves. They are the ones Jacques Maritain referred to in his statement, “The fear of soiling ourselves by entering the context of history is not virtue, but a way of escaping virtue.” These non-doers were the ones who chose not to fight the Nazis in the only way they could have been fought; they were the ones who drew their window blinds to shut out the shameful spectacle of Jews and political prisoners being dragged through the streets; they were the ones who privately deplored the horror of it all—and did nothing. This is the nadir of immorality. The most unethical of all means is the nonuse of any means. It is this species of man how so vehemently and militantly participated in that classically idealistic debate at the old League of Nations on the ethical differences between defensive and offensive weapons. Their fears of action drive them to refuge in an ethics so divorced from the politics of life that it can apply only to angels, not to men. The standards of judgment must be rooted in the whys and wherefores of life as it is lived, the world as it is, not our wished-for fantasy of the world as it should be. I present here a series of rules pertaining to the ethics of means and ends: first, that one’s concern with the ethics of means and ends varies inversely with one’s personal interest in the issue. When we are not directly concerned our morality overflows; as La Rochefoucauld put it, “We all have strength enough to endure the misfortunes of others.” Accompanying this rule is the parallel one that one’s concern with the ethics of means and ends varies inversely with one’s distance from the scene of conflict. The second rule of the ethics of means and ends is that the judgment of the ethics of means is dependent upon the political position of those sitting in judgment. If you actively opposed the Nazi occupation and joined the underground Resistance, then you adopted the means of assassination, terror, properly destruction, the bombing of tunnels and trains, kidnapping, and the willingness to sacrifice innocent hostages to the end of defeating the Nazis. Those who opposed the Nazi conquerors regarded the Resistance as a secret army of selfless, patriotic idealists, courageous beyond expectation and willing to sacrifice their lives to their moral convictions.

#### Utilitarianism doesn’t justify evil—their examples are oversimplified exaggerations that mischaracterize utility—things like slavery don’t maximize the public good

Richard Palmer (professor at SUNY Fredonia) 1992 Teaching Philosophy, March

It seems that such oversimplifications are often couched in hypothetical contexts that pretend to show that they are the only alternative possibilities. Hypothetical contexts or “examples” purporting to show that utilitarianism would endorse slavery, torture, etc., are often modeled along the following lines: Suppose that the only possibilities open to us were society exactly as it is but with the institution of slavery, and society exactly as it is but without the institution of slavery, and further suppose keeping society exactly as it is but instituting slavery were the action which would produce more good or less harm than any other alternative open to use, then slavery would be right. But slavery is not (would not be) right, so utilitarianism is wrong! But where would the claim “slavery would not be right” come from? Surely from our recognition that society (as it is) with slavery would be more morally objectionable than society (as it is) without slavery. So the supposition that society would be better, or produce more good, or less harm, is patently contrary to fact, contrary to intuition, and contrary to moral (including utilitarian) training. It seems to us that such contrary to fact subjunctives generate only contrary to fact conclusions: If slavery would improve society, (which it would not), then slavery would be right, (which it is not). If society would be improved by slavery (which it would not), then utilitarianism would endorse slavery (which it does not). Since utilitarianism would endorse slavery (which we know would not make society better) then utilitarianism must be false. Such is often the form of the critics’ suggestion. But in society as we know it utilitarianism would not endorse slavery, because slavery would not improve society, and so utilitarianism is not mistaken. The critics’ suppositions, that in society as it currently exists torture or slavery are the actions which of all the alternatives open to us, would produce more good or less harm for all people affected than any other actions, are so far-fetched that one does not (perhaps cannot) have any concept of the differencs in societal circumstances which would have to prevail in order to make these actions preferable to any others.

#### Arguments about extreme examples of utilitarianism are scare tactics without a basis in reality—utilitarianism itself checks the extreme examples because they are never in the greater good

Leonard Ratner (professor of law at USC) 1984 Hofstra Law Journal, Spring, lexis

Some nonutilitarians derive the possibility of a monstrous utilitarian result from the premise that the social benefit of monstrous conduct could conceivably exceed the social harm. In such a case,  [\*754]  they insist, utilitarians must either approve the monstrous conduct or cease to be utilitarians. n136 The premise, however, is fallacious. First, if such a case is conceivable, nonutilitarians have the burden of conceiving it, and the conception must be viable, i.e., consistent with reality and in sufficient detail to permit a utililarian costbenefit analysis. The fulfillment consequences of fanciful or conclusory assumptions cannot be ascertained. n137 Second, the required utilitarian evaluation resolves the pseudo dilemma. Conduct that reduces long-run per capita fulfillment is indisputably objectionable, whether or not labeled "monstrous." Conduct that is necessary to increase such fulfillment, i.e., to facilitate long-run human survival, is not socially perceived as monstrous, n138 although a nonutilitarian may continue to denounce it as contrary to some a prior morality divorced from human consequences and resting on faith.

# 1NR

### OV

#### Biggest and fastest--- We’ll hit the debt ceiling on Oct 17, causing immediate economic catastrophe, causes a cascade of economic crises worldwide, causes great power war and war between regional competitors like India and Pakistan--- solving linear impacts like patriarchy and sexual violence is indeterminate and long term--- prefer short term high magnitude impacts, you can only die once and existence is a prerequisite to solving social problems because death destroys subjectivity

#### Turns the case--- economic decline hits women hardest, they’re statistically most likely to give up food or other essentials for their families--- other forms of gender violence like domestic violence and rape correlate to economic decline

### Uniqueness

#### Obama will be able to hold firm on debt ceiling stance now.

CAROL E. LEE And PETER NICHOLAS October 3, 2013, 8:36 p.m. ET

White House's Hard Line on Shutdown, Debt Ceiling Has Risks Attached <http://online.wsj.com/article/SB10001424052702303492504579113781436540284.html>

President Barack Obama is sticking to his stance that he won't negotiate with Republicans over the government shutdown or the higher-stakes fight over the federal debt ceiling. The question, for Republicans and White House allies alike: How long will that resolve last? Mr. Obama spoke Thursday at a construction company just outside Washington and held fast to his view that Republicans must not attach conditions to bills that underpin the functioning of government. "There is one way out," he said: Republicans must relent and reopen the government. White House officials believe they have the upper hand, citing evidence that some Republicans are buckling under public pressure. Mr. Obama invited the four congressional leaders to the Oval Office Wednesday, and despite the show of engagement made no concessions, according to people familiar with the meeting. House Speaker John Boehner (R., Ohio) left the White House and said Mr. Obama "reiterated one more time tonight that he will not negotiate." Terry Holt, a longtime Republican strategist, said Mr. Obama's strategy rests on a cold-eyed calculation that Republicans are the ones with the most to lose. "As long as the president thinks his poll numbers are going to be good, I don't expect the government to reopen," he said.

#### None of their warrants assumes Obama has PC and is pushing – he’s not giving an inch now – that’s key the budget.

Parnes, The Hill, 9-30-13 Amie, “Not giving an inch is seen as best strategy for win at White House,” http://thehill.com/homenews/administration/325663-not-giving-an-inch-is-seen-as-best-strategy-for-win-at-white-house

There was no shadow of doubt at the White House as the clocked ticked down to midnight Monday. Officials suggested that a refusal to negotiate over funding the government was the winning strategy. White House officials expressed confidence they wouldn’t have to back down in the slightest, while aides close to Obama, former administration officials and top Democratic strategists who confer with the White House say the chances of them negotiating with Republicans are slim to none. Sources said the White House believes GOP divisions, and polls showing more people would blame Republicans in Congress for a shutdown, mean Obama — who has been blamed for giving in too much in previous bargaining sessions — won’t have to give an inch. White House officials were even more emboldened by support from Senate Republicans, including Sen. Susan Collins of Maine, who said publicly that she disagreed with the House Republican strategy of linking the Affordable Care Act with “the continuing functioning of government.” Some Republicans in the House on Monday also expressed public support for moving a clean funding measure, something the White House will see as giving it more leverage. Those close to the White House say Republicans have backed themselves into a corner with few options remaining. “This is truly [Speaker] John Boehner’s [R-Ohio] worst nightmare,” one former senior administration official said. “This is Republican on Republican violence right now. This has absolutely nothing to do with Democrats or the president. So all Obama has to do now is sit back.” The battle isn’t about “lack of engagement,” the former official added. “The president could go to the Capitol and give the speech of his life on why we shouldn’t shut down the government. But you have this Tea Party base that will never be placated, and they’re itching for a fight. But I have news for them: They won’t win it,” the official said. Another former administration official added, “The question isn’t, should he negotiate. It’s who does he negotiate with. Who up there is actually empowered to cut a deal. It’s not clear. They can’t make up their minds amongst themselves, so who can he negotiate with to reach a deal that sticks?” White House senior adviser Dan Pfeiffer backed that sentiment in an interview on CNN. “What the Republicans want is to extract some ideological concession in order to save face for the Tea Party that funds the government for two months,” Pfeiffer said. “What happens two months from now? What are they going to want then? Full repeal of ObamaCare? Overturn of Roe v. Wade? An installment of [Mitt] Romney as president? At some point, we have to bring this cycle of hostage taking and brinksmanship to an end.” In the lead-up to the shutdown, Obama sent strong signals that he felt he was on the right side of the fight. On Saturday, with the House in session and voting on legislation to avoid the shutdown, the president played a round of golf. Likewise, Senate Majority Leader Harry Reid (D-Nev.) — who has been coordinating closely with the White House — was in no rush to convene the upper chamber on Sunday. The first former senior administration official credited Reid with stepping up his role in the fight. “Harry Reid is basically saying, ‘No way, not again,’ ” the former official said. Some Republicans accused the White House of over-confidence Monday and said Obama risked getting plenty of blame for a shutdown by not negotiating with Republicans. “If we’re unable to avoid a crisis in the next few weeks, the president will have to explain why he sat at home and did nothing to help find a solution,” said Brendan Buck, a spokesman for Boehner. “Obama is the president, and his job is to lead,” said Kirsten Kukowski, a spokeswoman at the Republican National Committee. “The longer he refuses to come to the table, the more Americans will realize he’s the typical politician he promised he wouldn’t be.” With cable news networks displaying countdown clocks until the deadline Monday, Obama did telegraph a willingness to at least talk to congressional leaders. “I suspect I will be speaking to the leaders today, tomorrow and the next day,” Obama told reporters earlier in the day. Later in the day, however, he signaled a tougher line, stating that “one faction of one party in one house of Congress in one branch of government doesn’t get to shut down the entire government just to refight an election.” “You don’t get to extract a ransom for doing your job,” Obama said. Those close to the White House predicted that a deal would eventually be reached, even after the deadline. But they reaffirmed the confidence that it would be Republicans who would suffer the consequences. In the meantime, as the debt-ceiling fight heats up, they said Obama would ramp up the rhetoric and use the bully pulpit to drive home that point. In addition, one former senior official said Obama has to get the business community and Wall Street to say, “What the f--- is happening here?” “As people realize what this will do to the stock market, they’ll ask Boehner and the Tea Party, ‘Is this what you really want?’” the official added. “The more he can remain a bit above the fray and say, ‘I’m not going to get on your level’, the better. ”

### A2 Shutdown Thumper

#### \*\*\*\*Shutdown was a win for Obama – mobilizes his agenda

NBC NEWS 10 – 1 – 13 <http://nbcpolitics.nbcnews.com/_news/2013/10/01/20763839-winners-and-losers-of-the-government-shutdown?lite>

Here is a look at some of the shutdown's winners and losers.

Winners:

President Barack Obama

At the end of the day, Obama's signature domestic achievement — the Affordable Care Act — survived this fight intact.

What's more, the president didn't have to offer any concessions in exchange for leaving his namesake "Obamacare" law alone.

Unlike the 2011 debt-ceiling fight, when the administration agreed to the automatic spending cuts that would eventually form the basis of the sequester, this time the administration held the line and didn't yield much ground to Republicans.

 The developments mark a somewhat stunning turnaround for Obama's political fortunes over the last month.

Just a few week's ago, the administration was struggling badly to win congressional approval for intervention in Syria — an initiative which had no less than Obama's second-term relevance riding on it.

Now, Obama has dispensed with the Syria issue (for now) through diplomacy, and scored a major win over Republicans -- a rare victory, given the waning prospects for immigration reform or major gun control legislation during his presidency.

### 2nc Link Wall

#### This isn't a just a political capital DA—the 1nc read several link arguments that establish a unique window for the debt ceiling—

#### First—Obama has to be “President One Note” to bludgeon the GOP into submission, that's Milbank—his strategy is working, but introducing new policy fights would derail his focus.

#### And, (Specific link args - Kriner) prove the plan would incite backlash and become a political football.

#### Next —challenging authority on these issues weakens his position independent of polcap. It’s a losers lose argument unique to his position on a core counter-terror mission - Lillis.

#### Obama’s backlash to the plan turns case

Epps 13 (Feb 16, “Why a Secret Court Won't Solve the Drone-Strike Problem,” The Atlantic, Garrett, <http://www.theatlantic.com/politics/archive/2013/02/why-a-secret-court-wont-solve-the-drone-strike-problem/273246/>)

Professor Stephen I. Vladeck of American University has offered a remedy to this problem. He proposes a statute in which Congress assigns jurisdiction to a specific judicial district, probably the District Court for the District of Columbia. Congress in the statute would strip the executive of such defenses as "state secrets" and "political question." Survivors of someone killed in a drone attack could bring a wrongful-death suit. The secret evidence would be reviewed by the judge, government lawyers, and the lawyers for the plaintiff. Those lawyers would have to have security clearance; the evidence would not be shown to the plaintiffs themselves, or to the public. After review of the evidence, the court would rule. If the plaintiffs won, they would receive only symbolic damages--but they'd also get a judgment that the dead person had been killed illegally.

It's an elegant plan, and the only one I've seen that would permit us to involve the Article III courts in adjudicating drone attacks. Executive-power hawks would object that courts have no business looking into the president's use of the war power. But Vladeck points out that such after-the-fact review has taken place since at least the Adams administration. "I don't think there's any case that says that how the president uses military force--especially against a U.S. citizen--is not subject to judicial review," he said in an interview. "He may be entitled to some deference and discretion, but not complete immunity."

**The real problem with Vladeck's court might be political**. I expect that any president would resist such a statute as a dilution of his commander in chief power, and enactment seems unlikely. Without such a statute, then, systematic review of secret drone killings must come inside the executive branch.

#### That costs political capital and trades off with domestic priorities

O’Neil 7 (David, Adjunct Associate Professor of Law – Fordham Law School, “The Political Safeguards of Executive Privilege”, Vanderbilt Law Review, 60 Vand. L. Rev. 1079, Lexis)

The first such assumption is belied both by first-hand accounts of information battles and by the conclusions of experts who study them. Participants in such battles report that short-term political calculations consistently trump the constitutional interests at stake. One veteran of the first Bush White House, for example, has explained that rational-choice theory predicts what he in fact experienced: The rewards for a consistent and forceful defense of the legal interests of the office of the presidency would be largely abstract, since they would consist primarily of fidelity to a certain theory of the Constitution... . The costs of pursuing a serious defense of the presidency, however, would tend to be immediate and tangible. These costs would include the expenditure of political capital that might have been used for more pressing purposes, [and] the unpleasantness of increased friction with congressional barons and their allies. n182 Louis Fisher, one of the leading defenders of the political branches' competence and authority to interpret the Constitution independently of the courts, n183 acknowledges that politics and "practical considerations" typically override the legal and constitutional principles implicated in information disputes. n184 In his view, although debate about congressional access and executive privilege "usually proceeds in terms of constitutional doctrine, it is the messy political realities of the moment that usually decide the issue." n185 Indeed, Professor Peter Shane, who has extensively studied such conflicts, concludes that their successful resolution in fact depends upon the parties focusing only on short-term political [\*1123] considerations. n186 When the participants "get institutional," Shane observes, non-judicial resolution "becomes vastly more difficult." n187

#### Disagreements over authority trigger constitutional showdowns – even if the executive wants the plan – it’s about who decides, not the decision itself

**Posner and Vermeule, 10** - \*professor of law at the University of Chicago AND \*\*professor of law at Harvard (Eric and Adrian, The Executive Unbound, p. 75-77)

Showdowns occur when the location of constitutional authority for making an important policy decision is ambiguous, and multiple political agents (branches, parties, sections, governments) have a strong interest in establishing that the authority lies with them. Although agents often have an interest in negotiating a settlement, asymmetric information about the interests and bargaining power of opposing parties will sometimes prevent such a settlement from being achieved. That is when a showdown occurs. Ultimately, however, someone must yield; this yielding to or acquiescence in the claimed authority of another agent helps clarify constitutional lines of authority, so that next time the issue arises, a constitutional impasse can be avoided. From a normative standpoint, constitutional showdowns thus have an important benefit, but they are certainly not costless. As long as the showdown lasts, the government may be paralyzed, unable to make important policy decisions, at least with respect to the issue under dispute. We begin by examining a simplified version of our problem, one involving just two agents—Congress and the executive. We assume for now that each agent is a unitary actor with a specific set of interests and capacities. We also assume that each agent has a slightly different utility function, reflecting their distinct constituencies. If we take the median voter as a baseline, we might assume that Congress is a bit to the left (or right) of the median voter, while the president is a bit to the right (or left). We will assume that the two agents are at an equal distance from the median, and that the preferences of the population are symmetrically distributed, so that the median voter will be indifferent between whether the president or Congress makes a particular decision, assuming that they have equal information.39 But we also will assume that the president has better information about some types of problems, and Congress has better information about other types of problems, so that, from the median voter’s standpoint, it is best for the president to make decisions about the first type of problem and for Congress to make decisions about the second type ofproblem.40 Suppose, for example, that the nation is at war and the government must decide whether to terminate it soon or allow it to continue. Congress and the president may agree about what to do, of course. But if they disagree, their disagreement may arise from one or both of two sources. First, Congress and the president have different information. For example, the executive may have better information about the foreign policy ramifications of a premature withdrawal, while Congress has better information about home-front morale. These different sources of information lead the executive to believe that the war should continue, while Congress believes the war should be ended soon. Second, Congress and the president have different preferences because of electoral pressures of their different constituents. Suppose, for example, that the president depends heavily on the continued support of arms suppliers, while crucial members of Congress come from districts dominated by war protestors. Thus, although the median voter might want the war to continue for a moderate time, the president prefers an indefinite extension, while Congress prefers an immediate termination. So far, we have explained why the president and Congress might disagree about when to terminate the war, but mere policy disagreement does not result in a showdown. Showdowns arise only when there is a disagreement about authority. If Congress believes that the president has the sole authority to terminate the war, then his view will prevail. Congress may try to pressure him or influence him by offering support for other programs desired by the president, or by trying to rile up the public, but these activities are part of normal politics, and do not provoke a constitutional showdown. Similarly, if the president believes that Congress has the sole authority to terminate the war, then Congress’s view will prevail. This outcome is shown in cell 3 in table 2.1. Similarly, no showdown occurs when the two branches agree both about authority and policy—for example, that the president decides, and Congress agrees with his decision (cell 1). The first column represents the domain of normal politics. Showdowns can arise only when Congress and the president disagree about who decides. Here, there are two further possibilities. First, Congress and the president disagree about who decides but agree about the correct policy outcome (cell 2). In these situations, which arise with some frequency, the two branches are often tempted to paper over their differences because an immediate policy choice is not at stake. But sometimes a showdown will occur. We will discuss this special case later. Second, Congress and the president disagree about the policy outcome and about authority (cell 4). In this case, showdowns are likely, because a policy decision must be made, and if the parties cannot agree about what it should be, then they cannot avoid resolving the question of authority. We focus on this case for now.

### 2NC/1NR Hostilities /WPR links

#### Political opposition to the plan – Congress does not want to initiate a review process

Buchanon 13 (PRESIDENTIAL POWER AND ACCOUNTABILITY Bruce Buchanan is Professor of Government at the University of Texas at Austin Toward a Presidential Accountability System, Bruce Buchanan, 111)

A serious pre-invasion congressional vetting of any prospective decision for war would certainly be constitutional. It might increase the likelihood of durable public support for the war, and it could be designed to increase the quality of the decision making process. But the Congress has shown no recent inclination to initiate a review of its own. It is only when outsiders forced the issue—either presidents demanding resolutions of congressional support or public opinion signaling implacable opposition to the Vietnam War—that Congress was moved to act at all. Conventional wisdom concerning the fecklessness of Congress in such cases is succinctly captured by former JFK speechwriter Ted Sorensen, who observed: “Congress already has enormous power, if it only had the guts to use it” (quoted in Roberts, 1974: 27). More recently, reﬂecting on the modern legacy of presidential wars of choice pundit George Will made the same point: “Congress’ constitutional powers relevant to war-making have atrophied from disuse” (Will, May 5, 2008:A9). And in an interview shortly before his death, former JFK and LBJ defense secretary Robert McNamara lamented the absence of congressional oversight of ultimately unsuccessful Vietnam War policy during the Johnson Administration. “I think the Congress, particularly with respect to war, should play a greater role than it does … In some way, the Congress should retain a lasting and a continuing interest in war” (Woodward and Goldstein, October 25, 2009: F1).Perhaps it should, but scholars of Congress are not optimistic that it will happen anytime soon. For example, after reviewing the history of the matter, Christopher Deering concluded that “despite the intentions of the founders, the politics of war and foreign aﬀairs are very much transformed relative to the century following the adoption of the Constitution … a dramatic resurgence of congressional inﬂuence in war and foreign aﬀairs is highly unlikely” (Deering, 2005: 372, 373). Similarly, after their book-length assessment of the current state of the institution, Thomas Mann and Norman Ornstein wrote that “We wish we could … restore Congress to what it should be and at times has been. Unfortunately, there is no quick ﬁx … the lesson for our purposes is that major change within Congress is most likely to originate outside” (Mann and Ornstein, 2006: 226; 227). What is it that so consistently prevents Congress from asserting its power on matters of peace and war? The answer is collective action and self-interest problems that leave individual members of both houses with no incentive to join together to vigorously challenge the president on such politically fraught decisions. The reason is that such decisions threaten their hold on elective oﬃce. When confronted with these choices they tend to function defensively. Said Texas Rep. Ron Paul, “Congress would rather give up its most important authorized power to the president and the U.N. than risk losing an election if the war goes badly” (quoted in Rudalevige, 2006: 276). Related to re-election are the kind of partisan incentives described in Chapter 3, illustrated by the tendency of Republicans to uncritically support President Bush’s Iraq policy. Why, then, did many congressional Republicans not oppose President Obama’s decision to order troop increases in Afghanistan and drone attack increases in Pakistan? Both parties supported the president’s expansion of the drone attacks as “a potent weapon against terrorism that put no American lives at risk” (Shane and Schmitt, January 23, 2010: A1). But it was Republicans in greater numbers than Democrats who supported the decision to increase troop deployments to Afghanistan by 30,000.Republican support for the president’s troop increase decision did not reﬂect a sudden emergence of bipartisanship. The president, after all, had been unable to attract a single Republican vote on his health care initiative, a longstanding Democratic Party priority, largely for strategic partisan reasons. The Republicans sided with the president’s troop initiative, however, because it was consistent with what had been Bush Administration policy, and because they knew that most Democrats in Congress were opposed. There was therefore no challenge to the Republican Party’s recent “ownership” of national security issues. On this issue, Republican policy and partisan interests were both served by supporting a president who was defying his own party (Henninger, January 14, 2010: A14).Most noteworthy for present purposes, however, is the absence in these Bush and Obama examples of support for the hypothesis ventured by James Madison in Federalist 51, that “the great security against a gradual concentration of the several powers in the same department, consists in giving to those who administer each department the necessary constitutional means, and the personal motives, to resist encroachment of the others” (Wills, 1982: 262, emphasis added). As the Bush–Obama examples show, this particular personal motive is most decidedly missing. Nowhere inside Congress was there apparent concern for the incentive that the founders hoped their “separation of powers” design would at least encourage if not guarantee: institutional loyalty strong enough to impel members of Congress to set lesser personal motives aside to defend against executive encroachment on their constitutional prerogatives.

#### Limiting the authority is extremely controversial and will require massive political capital – it tanks the agenda

Munoz 5/23 Carlo Munoz (staff writer at the Hill covering defense and national security) “ President Obama on Thursday promised to ramp down or cancel outright a number of 9/11-era U.S. counterterrorism policies that would usher in a new chapter in America's war on terror.” The Hill 5/23/13 <http://thehill.com/blogs/defcon-hill/policy-and-strategy/301737-obama-seeks-to-ramp-down-911-rules-for-war-on-terror>

Calls to close the Guantánamo Bay prison camp and to codify rules on drone strikes made headlines, but Obama’s promised effort to change the rules of engagement in the war on terror may have the biggest ramifications for national security. Passed by Congress in the days immediately after 9/11, those rules — known as Authorization of the Use of Military Force (AUMF) — gave the Pentagon and intelligence agencies unprecedented authority to wage war against al Qaeda and other militant groups. The authorization opened the door to a much wider range of aggressive and controversial counterterrorism tactics for the military, unbinding it from traditional rules of war. Supporters of the law argue the rules — which underpin the detainee program and armed drone strikes — allowed American forces to decimate al Qaeda's senior leadership, including Osama bin Laden. But Obama argued in his address Thursday at the National Defense University that the law has expanded beyond its intent and should be repealed. "I look forward to engaging Congress and the American people in efforts to refine, and ultimately repeal, the AUMF’s mandate," Obama said. Obama argued that unless the 12-year-old rules are rewritten, Congress risked giving future presidents unbound powers. “Unless we discipline our thinking and our actions, we may be drawn into more wars we don’t need to fight, or continue to grant presidents unbound powers more suited for traditional armed conflicts between nation states,” Obama said in arguing for the AUMF’s change. “So I look forward to engaging Congress and the American people in efforts to refine, and ultimately repeal, the AUMF’s mandate,” he said. “And I will not sign laws designed to expand this mandate further. Our systematic effort to dismantle terrorist organizations must continue. But this war, like all wars, must end. That’s what history advises. That’s what our democracy demands.” It seems unlikely Congress will approve legislation to change the rules of engagement, however, and it is unclear how hard Obama — already focused on immigration reform and distracted by a trio of controversies — will push on the issue. Some Republicans argued Obama was weakening the U.S. war on terror with his proposals. “I believe we are still in a long, drawn-out conflict with al Qaeda. To somehow argue that al Qaeda is ‘on the run,’ comes from a degree of un-reality to me that is really incredible,” said Sen. John McCain (R-Ariz.). Violent al Qaeda affiliates in Yemen, West Africa, Libya and elsewhere that continue to plot attacks against the United States are proof positive the rules of engagement must remain intact, he said. "To somehow think we can bring the [AUMF] to a complete closure contradicts the reality of the facts on the ground," McCain said. "Al Qaeda will be with us for a long time." A former CIA officer argued the White House simply does not have the political capital to burn in order to get the counterterrorism rules changed. "Congress is not going to allow [Obama] to move" on the rules changes or any of the other initiatives laid out by the president during Thursday's speech, Frederick Fleitz, a former CIA official, told The Hill on Thursday. "I do not think the president is going to spend a lot of political capital on this," said Fleitz, who described Thursday's speech as being geared more toward preserving Obama's foreign policy legacy than actual changes in counterterrorism strategy.

### PC key

#### Obama’s strength will allow a debt deal without complicated battle and additional spending cuts

JONATHAN ALLEN | 9/19/13 6:42 PM EDT Read more: http://www.politico.com/story/2013/09/republicans-budget-obama-97093.html#ixzz2fRhWaU12

There’s a simple reason President Barack Obama is using his bully pulpit to focus the nation’s attention on the battle over the budget: In this fight, he’s watching Republicans take swings at each other. And that GOP fight is a lifeline for an administration that had been scrambling to gain control its message after battling congressional Democrats on the potential use of military force in Syria and the possible nomination of Larry Summers to run the Federal Reserve. If House Republicans and Obama can’t cut even a short-term deal for a continuing resolution, the government’s authority to spend money will run out on Oct. 1. Within weeks, the nation will default on its debt if an agreement isn’t reached to raise the federal debt limit. For some Republicans, those deadlines represent a leverage point that can be used to force Obama to slash his health care law. For others, they’re a zero hour at which the party will implode if it doesn’t cut a deal. Meanwhile, “on the looming fiscal issues, Democrats — both liberal and conservative, executive and congressional — are virtually 100 percent united,” said Sen. Charles Schumer (D-N.Y.). Just a few days ago, all that Obama and his aides could talk about were Syria and Summers. Now, they’re bringing their party together and shining a white hot light on Republican disunity over whether to shut down the government and plunge the nation into default in a vain effort to stop Obamacare from going into effect. The squabbling among Republicans has gotten so vicious that a Twitter hashtag — #GOPvsGOPugliness — has become a thick virtual data file for tracking the intraparty insults. Moderates, and even some conservatives, are slamming Texas Sen. Ted Cruz, a tea party favorite, for ramping up grassroots expectations that the GOP will shut down the government if it can’t win concessions from the president to “defund” his signature health care law. “I didn’t go to Harvard or Princeton, but I can count,” Sen. Bob Corker (R-Tenn.) tweeted, subtly mocking Cruz’s Ivy League education. “The defunding box canyon is a tactic that will fail and weaken our position.” While it is well-timed for the White House to interrupt a bad slide, Obama’s singular focus on the budget battle is hardly a last-minute shift. Instead, it is a return to the narrative arc that the White House was working to build before the Syria crisis intervened. And it’s so important to the president’s strategy that White House officials didn’t consider postponing Monday’s rollout of the most partisan and high-stakes phase even when a shooter murdered a dozen people at Washington’s Navy Yard that morning. The basic storyline, well under way over the summer, was to have the president point to parts of his agenda, including reducing the costs of college and housing, designed to strengthen the middle class; use them to make the case that he not only saved the country from economic disaster but is fighting to bolster the nation’s finances on both the macro and household level; and then argue that Republicans’ desire to lock in the sequester and leverage a debt-ceiling increase for Obamacare cuts would reverse progress made. The president is on firm ground, White House officials say, because he stands with the public in believing that the government shouldn’t shut down and that the country should pay its bills. ”It would not be good for the middle class of this country or for our general economy to see a lapse in the funding of essential government operations,” White House press secretary Jay Carney said Thursday. Republican leaders say it’s Obama who is out of touch. “Americans don’t support Obamacare, and they don’t support increasing the debt limit without any measures to reduce the deficit itself,” said Brendan Buck, spokesman for House Speaker John Boehner. “The president has put himself in the position of defending two things that put him on the wrong side of public opinion.” Democrats say their Syria fight looked like Yalta compared to the GOP’s “civil war” over Obamacare, the continuing resolution and the debt limit. Still, Obama spent the first weeks of September making the case for a military strike that was unpopular not just with the public but with his own Democratic allies in Congress. At worst, it was a demonstration that he has lost influence on Capitol Hill and within his own party. At best, it was a major message distraction. Carney alluded to the lost Syria weeks on Monday when he said “time is short” for the president to make his case before the deadline for extending government funding. Now, the White House has seemingly pushed its message machine back on track — and it’s getting an extra boost from congressional Democrats who want to take the fight to the GOP. Some House Democrats privately express the view — to reporters and to the White House — that it might be better to let the government shut down rather than extend sequester-level spending for a few months. Such a destabilizing event could do enough damage to the GOP brand to shatter Republicans’ lock on a House majority in next year’s election, they hope, without seriously harming the economy. The White House would clearly prefer to simply keep the government funded and raise the debt ceiling without a crisis — after all, Obama risks collateral damage even if Republicans are hurt by a shutdown.“It is not our policy and not our view that a shutdown would be anything but bad,” Carney said.

Still, aides to the president and Boehner have said there’s no back-channeling going on between the two leaders, and White House officials say that while they expect Obama to talk with congressional leaders soon, there’s nothing on the schedule at the moment.

There’s also reason to think that the GOP establishment is afraid the brinksmen among House Democrats are right about who will win the political aftermath of a government shutdown or a default. Republican strategists outside the crowded conservative corners of the House Republican Conference are reacting along a spectrum that ranges from scratching their heads to tearing their hair out. Nicolle Wallace, a former communications aide to President George W. Bush, had told MSNBC’s “Morning Joe” on Wednesday that Obama erred by giving a partisan speech on the budget fights on the heels of a massacre in Washington. “It really speaks to me about a White House with no more controls. There are no internal controls anymore. There’s no process by which that staff can get to him and make something stop,” she said. “Once a train has been pushed out of the station, no matter how ill-advised its course, nothing and no one can stop it.” By Thursday, the transportation metaphors cut in the other direction. “We are going to let our party run into moving traffic against a red light,” she said on the same program. “It’s idiotic.” The Wall Street Journal editorial page and Karl Rove, Bush’s chief strategist, have also taken fellow Republicans to task in recent days for letting Obama get the upper hand with their obsessive — and sure to fail — effort to kill Obamacare at any potential political cost. There are potential pitfalls for Democrats, too. They risk getting caught up in a blame game if there’s a shutdown and they vote against a GOP-written bill that would extend government funding while blocking Obamacare funds. Even without the Obamacare provision — which could, conceivably, be stripped out by the Senate — many of them don’t want to lock in current spending levels because they say the sequestration deal struck at the end of a similar showdown in August 2011 has robbed their communities of needed funding. That makes it hard to swallow a so-called clean extension of government funding for a few months. Democratic Rep. Gerry Connolly, who represents thousands of government workers and contractors in northern Virginia, is against both a shutdown and the maintenance of current spending levels. He would vote for a clean CR to keep the government funded rather than letting it shut down but would prefer to see the president strike a deal that increases funding for some priorities. In any event, he said, he won’t vote for legislation that defunds Obamacare — like the version of the CR that the House is set to vote on Friday. But Connolly and other Democrats seem willing to follow Obama, who is vowing not to cut Obamacare or negotiate over whether to raise the debt limit next month, all without getting into the details of a possible deal. At least for now. “He has not really given much away,” Connolly said. “I think his Sphinx-like position with respect to the Republicans makes it harder for them to exact unacceptable concessions, and therefore it’s probably a wise posture at this time.”

### A2: PC Theory False

#### Political capital theory is true – newest data proves that presidents have significant legislative influence

Beckman 10 – Professor of Political Science

(Matthew N. Beckman, Professor of Political Science @ UC-Irvine, 2010, “Pushing the Agenda: Presidential Leadership in U.S. Lawmaking, 1953-2004,” pg. 2-3)

Developing presidential coalition building as a generalizable class of strategies is itself instructive, a way of bringing clarity to presidential– congressional dynamics that have previously appeared idiosyncratic, if not irrational. However, the study’s biggest payoff comes not from identifying presidents’ legislative strategies but rather from discerning their substantive effects. In realizing how presidents target congressional processes upstream (how bills get to the ﬂoor, if they do) to inﬂuence downstream policy outcomes (what passes or does not), we see that standard tests of presidential inﬂuence have missed most of it. Using original data and new analyses that account for the interrelationship between prevoting and voting stages of the legislative process, I ﬁnd that presidents’ legislative inﬂuence is real, often substantial, and, to date, greatly underestimated.

#### Political capital theory is true – modern presidents have unique capabilities – it’s finite

Beckmann and Kumar 11

(Matt, Professor of Political Science, and Vimal, How presidents push, when presidents win: A model of positive presidential power in US lawmaking, Journal of Theoretical Politics 2011 23: 3)

Fortunately for contemporary presidents, today’s White House affords its occupants an unrivaled supply of persuasive carrots and sticks. Beyond the ofﬁce’s unique visibility and prestige, among both citizens and their representatives in Congress, presidents may also sway lawmakers by using their discretion in budgeting and/or rulemaking, unique fundraising and campaigning capacity, control over executive and judicial nominations, veto power, or numerous other options under the chief executive’s control. Plainly, when it comes to the arm-twisting, brow-beating, and horse-trading that so often characterizes legislative battles, modern presidents are uniquely well equipped for the ﬁght In the following we employ the omnibus concept of ‘presidential political capital’ to capture this conception of presidents’ positive power as persuasive bargaining. 1 Speciﬁ cally, we deﬁne presidents’ political capital as the class of tactics White House ofﬁcials employ to induce changes in lawmakers’ behavior. 2 Importantly, this conception of presidents’ positive power as persuasive bargaining not only meshes with previous scholarship on lobbying (see, e.g., Austen-Smith and Wright (1994), Groseclose and Snyder (1996), Krehbiel (1998: ch. 7), and Snyder (1991)), but also presidential practice. 3 For example, Goodwin recounts how President Lyndon Johnson routinely allocated ‘rewards’ to ‘cooperative’ members: The rewards themselves (and the withholding of rewards) . . . might be something as unobtrusive as receiving an invitation to join the President in a walk around the White House grounds, knowing that pictures of the event would be sent to hometown newspapers . . . [or something as pointed as] public works projects, military bases, educational research grants, poverty projects, appointments of local men to national commissions, the granting of pardons, and more. (Goodwin, 1991: 237) Of course, presidential political capital is a scarce commodity with a ﬂoating value. Even a favorably situated president enjoys only a ﬁnite supply of political capital; he can only promise or pressure so much. What is more, this capital ebbs and ﬂows as realities and/or perceptions change. So, similarly to Edwards (1989), we believe presidents’ bargaining resources cannot fundamentally alter legislators’ predispositions, but rather operate ‘at the margins’ of US lawmaking, however important those margins may be (see also Bond and Fleisher (1990), Peterson (1990), Kingdon (1989), Jones (1994), and Rudalevige (2002)). Indeed, our aim is to explicate those margins and show how presidents may systematically inﬂuence them.

#### Even if pundits exaggerate the president’s influence, it still is salient

Beckman 10 – Professor of Political Science

(Matthew N. Beckman, Professor of Political Science @ UC-Irvine, 2010, “Pushing the Agenda: Presidential Leadership in U.S. Lawmaking, 1953-2004,” pg. 17)

Even though Washington correspondents surely overestimate a sitting president's potential sway in Congress, more than a kernel of truth remains. Modern presidents do enjoy tremendous persuasive assets: unmatched public visibility; unequaled professional staff, unrivaled historical prestige, unparalleled fundraising capacity. And buttressing these persuasive power sources are others, including a president’s considerable discretion over federal appointments, bureaucratic rules, legislative vetoes, and presidential trinkets.9 So even with their limitations duly noted, presidents clearly still enjoy an impressive bounty in the grist of political persuasion - one they can (and do) draw on to help build winning coalitions on Capitol Hill.

### A2 Winners win

A2 Winners win

Eberly 13 - assistant professor in the Department of Political Science at St. Mary's College of Maryland

Todd, “The presidential power trap,” Baltimore Sun, 1/21/13, Lexis

Only by solving the problem of political capital is a president likely to avoid a power trap. Presidents in recent years from have been unable to prevent their political capital eroding. When it did, their power assertions often got them into further political trouble. Through leveraging public support, presidents have at times been able to overcome contemporary leadership challenges by adopting as their own issues that the public already supports. Bill Clinton's centrist "triangulation" and George W. Bush's careful issue selection early in his presidency allowed them to secure important policy changes — in Mr. Clinton's case, welfare reform and budget balance, in Mr. Bush's tax cuts and education reform — that at the time received popular approval.¶ However, short-term legislative strategies may win policy success for a president but do not serve as an antidote to declining political capital over time, as the difficult final years of both the Bill Clinton and George W. Bush presidencies demonstrate. None of Barack Obama's recent predecessors solved the political capital problem or avoided the power trap. It is the central political challenge confronted by modern presidents and one that will likely weigh heavily on the current president's mind today as he takes his second oath of office.

#### Obama thinks that pol cap is finite – he’ll back off controversial issues even if he’s winning

Kuttner 9, co-editor of The American Prospect and a senior fellow at Demos, author of "Obama's Challenge: America's Economic Crisis and the Power of a Transformative Presidency, 4/28/’9

(Robert, “Obama Has Amassed Enormous Political Capital, But He Doesn't Know What to Do with It,” http://www.alternet.org/economy/138641/obama\_has\_amassed\_enormous\_political\_capital,\_but\_he\_doesn%27t\_know\_what\_to\_do\_with\_it/?page=entire)

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

#### Sequencing – unpopular policies ruin the agenda– Obama’s entire first term proves

Hirsh, 2/7 --- Chief correspondent (2/7/2013, Michael, “There’s No Such Thing as Political Capital; The idea of political capital—or mandates, or momentum—is so poorly defined that presidents and pundits often get it wrong,” [http://www.nationaljournal.com/magazine/there-s-no-such-thing-as-political-capital-20130207)](http://www.nationaljournal.com/magazine/there-s-no-such-thing-as-political-capital-20130207%29))

.¶ THE REAL LIMITS ON POWER¶ Presidents are limited in what they can do by time and attention span, of course, just as much as they are by electoral balances in the House and Senate. But this, too, has nothing to do with political capital. Another well-worn meme of recent years was that Obama used up too much political capital passing the health care law in his first term. But the real problem was that the plan was unpopular, the economy was bad, and the president didn’t realize that the national mood (yes, again, the national mood) was at a tipping point against big-government intervention, with the tea-party revolt about to burst on the scene. For Americans in 2009 and 2010—haunted by too many rounds of layoffs, appalled by the Wall Street bailout, aghast at the amount of federal spending that never seemed to find its way into their pockets—government-imposed health care coverage was simply an intervention too far. So was the idea of another economic stimulus. Cue the tea party and what ensued: two titanic fights over the debt ceiling. Obama, like Bush, had settled on pushing an issue that was out of sync with the country’s mood.¶ Unlike Bush, Obama did ultimately get his idea passed. But the bigger political problem with health care reform was that it distracted the government’s attention from other issues that people cared about more urgently, such as the need to jump-start the economy and financial reform. Various congressional staffers told me at the time that their bosses didn’t really have the time to understand how the Wall Street lobby was riddling the Dodd-Frank financial-reform legislation with loopholes. Health care was sucking all the oxygen out of the room, the aides said.

#### Hirsch concedes PC matters

Hirsh, 2/7 --- Chief correspondent (2/7/2013, Michael, “There’s No Such Thing as Political Capital; The idea of political capital—or mandates, or momentum—is so poorly defined that presidents and pundits often get it wrong,” [http://www.nationaljournal.com/magazine/there-s-no-such-thing-as-political-capital-20130207)](http://www.nationaljournal.com/magazine/there-s-no-such-thing-as-political-capital-20130207%29))

The point is not that “political capital” is a meaningless term. Often it is a synonym for “mandate” or “momentum” in the aftermath of a decisive election—and just about every politician ever elected has tried to claim more of a mandate than he actually has. Certainly, Obama can say that because he was elected and Romney wasn’t, he has a better claim on the country’s mood and direction. Many pundits still defend political capital as a useful metaphor at least. “It’s an unquantifiable but meaningful concept,” says Norman Ornstein of the American Enterprise Institute. “You can’t really look at a president and say he’s got 37 ounces of political capital. But the fact is, it’s a concept that matters, if you have popularity and some momentum on your side.”

### A2: Econ D (Resilient/ No War)

#### Double-dip now causes depression - overwhelms their D

Isidore 11 (Financial Correspondent-CNN Money, 8/10, http://money.cnn.com/2011/08/10/news/economy/double\_dip\_recession\_economy/index.htm

Another recession could be even worse than the last one for a few reasons. For starters, the economy is more vulnerable than it was in 2007 when the Great Recession began. In fact, the economy would enter the new recession much weaker than the start of any other downturn since the end of World War II. Unemployment currently stands at 9.1%. In November 2007, the month before the start of the Great Recession, it was just 4.7%. And the large number of Americans who have stopped looking for work in the last few years has left the percentage of the population with a job at a 28-year low. Various parts of the economy also have yet to recover from the last recession and would be at serious risk of lasting damage in a new downturn. Home values continue to lose ground and are projected to continue their fall. While manufacturing has had a nice rebound in the last two years, industrial production is still 18% below pre-recession levels. There are nearly 900 banks on the FDIC's list of troubled institutions, the highest number since 1993. Only 76 banks were at risk as the Great Recession took hold. But what has economists particularly worried is that the tools generally used to try to jumpstart an economy teetering on the edge of recession aren't available this time around. "The reason we didn't go into a depression three years ago is the policy response by Congress and the Fed," said Dan Seiver, a finance professor at San Diego State University. "We won't see that this time." Three times between 2008 and 2010, Congress approved massive spending or temporary tax cuts to try to stimulate the economy. But fresh from the bruising debt ceiling battle and credit rating downgrade, and with elections looming, the federal government has shown little inclination to move in that direction. So this new recession would likely have virtually no policy effort to counteract it.

### Cap Sustainable

#### Sustainable growth now

Economist 2012 (The Economist, February 16, 2012, “Blood, Gore and capitalism,” http://www.economist.com/blogs/schumpeter/2012/02/sustainable-capitalism)

THESE are busy days for Al Gore. In late January, the former vice-president turned climate-change warrior took to the high seas, leading a luxury cruise-cum-fact-finding mission to Antarctica for a bunch of billionaires and policy wonks. They were to see for themselves the melting ice shelf and enjoy what remains of the spectacular views. Then, on February 15th, he was in New York to launch a manifesto (pdf) for what he calls “sustainable capitalism”. The manifesto is published by the non-profit arm of Generation Investment Management, a fund-management company Mr Gore launched in 2004 with David Blood, an ex-partner at Goldman Sachs. The company focuses on firms with what it calls sustainable business models. Unlike Mr Gore's seafaring adventures, which generated a lively blogging war between Mr Gore, shipmates such as Richard Branson, and their right-wing critics, the manifesto is unlikely to set anyone's pulse racing. Yet its very dullness is a virtue, for it reflects the practical lessons learnt from several years of trying to make a success of the investment business, where the devil lies very much in the boring detail. The big picture outlined by Messrs Blood and Gore is hardly novel. An obsession with short-term profits rather than sustainable long-term profits led to the apotheosis of unsustainable capitalism—the crash of September 2008—and the subsequent bail-out of the financial system (though in this case, a lack of environmental concern was the least of the unsustainability problems). Like many people, they had expected this crash to be a turning point, after which capitalism would be reorientated towards the long term. In the event, this did not happen. Indeed, says Mr Gore, the “conversation about sustainability has if anything gone backwards”. To help remedy this, the manifesto suggests several changes to the way the capitalist system works. (It does not go into detail about other farther-reaching reforms for which Mr Gore has long advocated, such as putting a price on carbon.) The sexiest of these, assuming securities law turns you on, is a proposal—already made elsewhere by organisations such as the Aspen Institute—for “loyalty shares” that pay out more to investors that have owned them continuously for at least three years. The average holding period for a share is now seven months, down from several years in the 1990s. Rewarding longer ownership would require a lot of new legislation, particularly to apply it to existing firms. Even among those who favour long-termism there is debate about whether longer ownership is necessarily the same as more effective ownership. Still, it is worth discussing. Lovers of accountancy may be taken more by two other proposals. One, which would probably need legislation though could conceivably be introduced without it by regulators such as America’s Securities and Exchange Commission, is to require all companies to publish “integrated reports” that would include details of their environmental, social and governance (ESG) performance alongside their financial returns. Making such reporting mandatory would be a big step, especially given opposition from the significant number of firms that say that the science of ESG reporting is too immature to be integrated with financial reports. A better approach, cited in the manifesto, may be South Africa's new requirement that firms either publish an integrated report or explain why not. That should stimulate lively debate in either case. The Blood and Gore manifesto also wants firms to have to account for assets that might become "stranded" —worth much less—in the event of policy changes such as the imposition of a price on carbon emissions or higher charges for the use of water. This, the pair contend, would reveal many companies to be in much worse shape than they now appear, given plausible scenarios for how policy in these areas might one day develop. This scenario-planning might seem like a lot of extra work about stuff that is only hypothetical, and thus a burdensome extra cost. But Mr Blood points out that many firms already apply a price of carbon internally,¶ for example when evaluating significant investments, as they increasingly think it likely that governments will impose one. So perhaps it isn't that much more work. A key issue is whether all this extra information and rewards for loyalty will result in demands for more sustainable performance from those who own companies. As well as calling for company bosses to be paid in ways that incentivise sustainable long-term performance, the manifesto rightly shines a critical light on the pay of fund managers employed by institutional shareholders such as pension funds. Often, these managers are paid for short-term financial results, even though the liabilities of those investors—all of our pensions, for instance—are mostly very long-term. This prompts the thought that institutional investors that incentivise short-term performance when their liabilities are long-term may be in breach of their fiduciary duty as managers of other people's money. Indeed, maybe this incentive mismatch could provide the basis for a lawsuit. Messrs Blood and Gore say they are intrigued by the possibilities for such litigation to drive change, though they are not inclined to bring it themselves. But they do want to see the definition of what it means to be a fiduciary expanded to include an emphasis on sustainable investing. To their critics, Messrs Blood and Gore simply want to weigh capitalism down with political correctness. Yet they insist that a focus on firms that deliver sustainable results is actually the best long-term investment strategy. That, after all, is why they created Generation. Unlike earlier "green" and "ethical" investment funds, which screened out "bad" companies, effectively sacrificing financial return for purity, Generation set out to outperform the market by finding firms that it expected to do better than average over the long term.

# Rd 3 Neg v Trinity

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### Off

#### Terrorist capabilities are degraded- they still have operational intent though

McLaughlin 2013 [John McLaughlin was a CIA officer for 32 years and served as deputy director and acting director from 2000-2004. He currently teaches at the Johns Hopkins University's School of Advanced International Studies and is a Non-Resident Senior Fellow at the Brookings Institution July 12, 2013 “Terrorism at a moment of transition” http://security.blogs.cnn.com/2013/07/12/terrorism-at-a-moment-of-transition/]

On targets, jihadists are now pulled in many directions. Many experts contend they are less capable of a major attack on the U.S. homeland. But given the steady stream of surprises they’ve sprung – ranging from the 2009 “underwear bomber” to the more recent idea of a surgically implanted explosive – it is hard to believe they’ve given up trying to surprise us with innovations designed to penetrate our defenses.¶ We especially should remain alert that some of the smaller groups could surprise us by pointing an attacker toward the United States, as Pakistan’s Tehrik e Taliban did in preparing Faizal Shazad for his attempted bombing of Times Square in 2010.¶ At the same time, many of the groups are becoming intrigued by the possibility of scoring gains against regional governments that are now struggling to gain or keep their balance – opportunities that did not exist at the time of the 9/11 attacks.¶ Equally important, jihadists are now learning from their mistakes, especially the reasons for their past rejection by populations where they temporarily gained sway.¶ Documents from al Qaeda in the Islamic Maghreb, discovered after French forces chased them from Mali, reveal awareness that they were too harsh on local inhabitants, especially women. They also recognized that they need to move more gradually and provide tangible services to populations – a practice that has contributed to the success of Hezbollah in Lebanon.¶ We are now seeing a similar awareness among jihadists in Syria, Tunisia, Libya, and Yemen. If these “lessons learned” take hold and spread, it will become harder to separate terrorists from populations and root them out.¶ Taken together, these three trends are a cautionary tale for those seeking to gauge the future of the terrorist threat.¶ Al Qaeda today may be weakened, but its wounds are far from fatal. It is at a moment of transition, immersed in circumstances that could sow confusion and division in the movement or, more likely, extend its life and impart new momentum.¶ So if we are ever tempted to lower our guard in debating whether and when this war might end, we should take heed of these trends and of the wisdom J. R. R. Tolkien has Eowyn speak in “Lord of the Rings”: "It needs but one foe to breed a war, not two ..."

#### Judicial review of detention crushes the war on terror

Wittes 2008 [Benjamin Wittes is a senior fellow in Governance Studies at The Brookings Institution. He co-founded and is the editor-in-chief of the Lawfare blog, which is devoted to sober and serious discussion of "Hard National Security Choices," and is a member of the Hoover Institution's Task Force on National Security and Law 2008 “LAW AND THE ¶ LONG WAR ¶ THE FUTURE OF JUSTICE ¶ IN THE AGE OF TERROR” Chapter 4 “The Necessity and ¶ Impossibility of Judicial ¶ Review” Penguin Press https://webspace.utexas.edu/rmc2289/National%20Security%20and%20the%20Courts/Law%20and%20the%20Long%20War%20%20Chapter%204.pdf]

A broad conception of judicial review in this conflict also suffers from an ¶ unrealistic assessment of judicial competence and capacity to evaluate military actions. This is true partly because of the limits of judges as people untrained in military matters and the limits of evidence collected in a fashion so ¶ far removed from the one to which judges are accustomed. Even when the ¶ military uses evidence it did not obtain through any untoward coercion, it will ¶ generally not have observed such standard law enforcement practices as preserving chains of custody of physical evidence. Society asks a lot of a judge ¶ who has never been to Afghanistan, who has never served in the military, and ¶ who has no intimacy with the day-to-day conduct of its overseas antiterrorism 'operations to decide not merely how to handle a morass of evidence of ¶ questionable probative value about a detainee who may pose an extreme danger if allowed to walk free but also to make up the rules and standards under ¶ , ¶ which he will consider that evidence. The temptation among some judges in ¶ that situation, understanding their own limitations, will be to defer absolutely ¶ to the military's judgment. Other judges, like the carpenter whose only tool is ¶ hammer and for whom every problem therefore resembles a nail, will try to ¶ apply criminal justice evidentiary standards to combat operations. The public ¶ should find neither reaction an appealing prospect.

#### Nuclear terrorism breaks the taboo- causes escalation

Bin ‘9 (5-22-09 About the Authors Prof. Li Bin is a leading Chinese expert on arms control and is currently the director of Arms Control Program at the Institute of International Studies, Tsinghua University. He received his Bachelor and Master Degrees in Physics from Peking University before joining China Academy of Engineering Physics (CAEP) to pursue a doctorate in the technical aspects of arms control. He served as a part-time assistant on arms control for the Committee of Science, Technology and Industry for National Defense (COSTIND).Upon graduation Dr. Li entered the Institute of Applied Physics and Computational Mathematics (IAPCM) as a research fellow and joined the COSTIND technical group supporting Chinese negotiation team on Comprehensive Test Ban Treaty (CTBT). He attended the final round of CTBT negotiations as a technical advisor to the Chinese negotiating team. Nie Hongyi is an officer in the People’s Liberation Army with an MA from China’s National Defense University and a Ph.D. in International Studies from Tsinghua University, which he completed in 2009 under Prof. Li Bin. )

**The nuclear taboo is a** kind **of international norm and this type of norm is supported by the promotion of the norm through international social exchange.** **But at present the increased threat of nuclear terrorism has lowered people’s confidence that nuclear weapons will not be used**. **China and the United States have a broad common interest in combating nuclear terrorism.** **Using technical and institutional measures to break the foundation of nuclear terrorism and lessen the possibility of a nuclear terrorist attack can not only weaken the danger of nuclear terrorism itself but also** strengthen people’s confidence in the nuclear taboo**, and in this way preserve an international environment beneficial to both China and the United States.** **In this way even if there is crisis in China-U.S. relations caused by conflict, the nuclear taboo can also help both countries reduce suspicions about the nuclear weapons problem, avoid miscalculation and thereby reduce the** danger of a nuclear war**.**

### Off

#### Obama’s pressuring the GOP with a strong display of Presidential strength and staying on message – the GOP will cave

**Dovere, 10/1/13** (Edward, Politico, “Government shutdown: President Obama holds the line”

<http://www.politico.com/story/2013/10/government-shutdown-president-obama-holds-the-line-97646.html?hp=f3>)

President Barack Obama started September in an agonizing, extended display of how little sway he had in Congress. He ended the month with a display of resolve and strength that could redefine his presidency. All it took was a government shutdown. This was less a White House strategy than simply staying in the corner the House GOP had painted them into — to the White House’s surprise, Obama was forced to do what he so rarely has as president: he said no, and he didn’t stop saying no. For two weeks ahead of Monday night’s deadline, Obama and aides rebuffed the efforts to kill Obamacare with the kind of firm, narrow sales pitch they struggled with in three years of trying to convince people the law should exist in the first place. There was no litany of doomsday scenarios that didn’t quite come true, like in the run-up to the fiscal cliff and the sequester. No leaked plans or musings in front of the cameras about Democratic priorities he might sacrifice to score a deal. After five years of what’s often seen as Obama’s desperation to negotiate — to the fury of his liberal base and the frustration of party leaders who argue that he negotiates against himself. Even his signature health care law came with significant compromises in Congress. Instead, over and over and over again, Obama delivered the simple line: Republicans want to repeal a law that was passed and upheld by the Supreme Court — to give people health insurance — or they’ll do something that everyone outside the GOP caucus meetings, including Wall Street bankers, seems to agree would be a ridiculous risk. “If we lock these Americans out of affordable health care for one more year,” Obama said Monday afternoon as he listed examples of people who would enjoy better treatment under Obamacare, “if we sacrifice the health care of millions of Americans — then they’ll fund the government for a couple more months. Does anybody truly believe that we won’t have this fight again in a couple more months? Even at Christmas?” The president and his advisers weren’t expecting this level of Republican melee, a White House official said. Only during Sen. Ted Cruz’s (R-Texas) 21-hour floor speech last week did the realization roll through the West Wing that they wouldn’t be negotiating because they couldn’t figure out anymore whom to negotiate with. And even then, they didn’t believe the shutdown was really going to happen until Saturday night, when the House voted again to strip Obamacare funding. This wasn’t a credible position, Obama said again Monday afternoon, but rather, bowing to “extraneous and controversial demands” which are “all to save face after making some impossible promises to the extreme right wing of their political party.” Obama and aides have said repeatedly that they’re not thinking about the shutdown in terms of political gain, but the situation’s is taking shape for them. Congress’s approval on dealing with the shutdown was at 10 percent even before the shutters started coming down on Monday according to a new CNN/ORC poll, with 69 percent of people saying the House Republicans are acting like “spoiled children.” “The Republicans are making themselves so radioactive that the president and Democrats can win this debate in the court of public opinion” by waiting them out, said Jim Manley, a Democratic strategist and former aide to Senate Majority Leader Harry Reid who has previously been critical of Obama’s tactics. Democratic pollster Stan Greenberg said the Obama White House learned from the 2011 debt ceiling standoff, when it demoralized fellow Democrats, deflated Obama’s approval ratings and got nothing substantive from the negotiations. “They didn’t gain anything from that approach,” Greenberg said. “I think that there’s a lot they learned from what happened the last time they ran up against the debt ceiling.” While the Republicans have been at war with each other, the White House has proceeded calmly — a breakthrough phone call with Iranian President Hassan Rouhani Friday that showed him getting things done (with the conveniently implied juxtaposition that Tehran is easier to negotiate with than the GOP conference), his regular golf game Saturday and a cordial meeting Monday with his old sparring partner Israeli Prime Minister Benjamin Netanyahu. White House press secretary Jay Carney said Monday that the shutdown wasn’t really affecting much of anything. “It’s busy, but it’s always busy here,” Carney said. “It’s busy for most of you covering this White House, any White House. We’re very much focused on making sure that the implementation of the Affordable Care Act continues.” Obama called all four congressional leaders Monday evening — including Boehner, whose staff spent Friday needling reporters to point out that the president hadn’t called for a week. According to both the White House and Boehner’s office, the call was an exchange of well-worn talking points, and changed nothing. Manley advised Obama to make sure people continue to see Boehner and the House Republicans as the problem and not rush into any more negotiations until public outrage forces them to bend. “He may want to do a little outreach, but not until the House drives the country over the cliff,” Manley said Monday, before the shutdown. “Once the House has driven the country over the cliff and failed to fund the government, then it might be time to make a move.” The White House believes Obama will take less than half the blame for a shutdown – with the rest heaped on congressional Republicans. The divide is clear in a Gallup poll also out Monday: over 70 percent of self-identifying Republicans and Democrats each say their guys are the ones acting responsibly, while just 9 percent for both say the other side is. If Obama is able to turn public opinion against Republicans, the GOP won’t be able to turn the blame back on Obama, Greenberg said. “Things only get worse once things begin to move in a particular direction,” he said. “They don’t suddenly start going the other way as people rethink this.”

#### Having to defend authority derails the current agenda

Kriner 10 Douglas L. Kriner (assistant professor of political science at Boston University) “After the Rubicon: Congress, Presidents, and the Politics of Waging War”, University of Chicago Press, Dec 1, 2010, page 68-69.

While congressional support leaves the president’s reserve of political capital intact, congressional criticism saps energy from other initiatives on the home front by forcing the president to expend energy and effort defending his international agenda. Political capital spent shoring up support for a president’s foreign policies is capital that is unavailable for his future policy initiatives. Moreover, any weakening in the president’s political clout may have immediate ramifications for his reelection prospects, as well as indirect consequences for congressional races.59 Indeed, Democratic efforts to tie congressional Republican incumbents to President George W. Bush and his war policies paid immediate political dividends in the 2006 midterms, particularly in states, districts, and counties that had suffered the highest casualty rates in the Iraq War. 60 In addition to boding ill for the president’s perceived political capital and reputation, such partisan losses in Congress only further imperil his programmatic agenda, both international and domestic. Scholars have long noted that President Lyndon Johnson’s dream of a Great Society also perished in the rice paddies of Vietnam. Lacking the requisite funds in a war-depleted treasury and the political capital needed to sustain his legislative vision, Johnson gradually let his domestic goals slip away as he hunkered down in an effort first to win and then to end the Vietnam War. In the same way, many of President Bush’s highest second-term domestic proprieties, such as Social Security and immigration reform, failed perhaps in large part because the administration had to expend so much energy and effort waging a rear-guard action against congressional critics of the war in Iraq.61 When making their cost-benefit calculations, presidents surely consider these wider political costs of congressional opposition to their military policies. If congressional opposition in the military arena stands to derail other elements of his agenda, all else being equal, the president will be more likely to judge the benefits of military action insufficient to its costs than if Congress stood behind him in the international arena.

#### That takes Obama off-message – it undermines his constant pressure on the GOP

**Milbank, 9/27/13** – Washington Post Opinion Writer (Dana, “Obama should pivot to Dubya’s playbook” Washington Post, <http://www.washingtonpost.com/opinions/dana-milbank-obama-should-try-pivoting-to-george-bushs-playbook/2013/09/27/c72469f0-278a-11e3-ad0d-b7c8d2a594b9_story.html>)

If President Obama can stick to his guns, he will win his October standoff with Republicans. That’s an awfully big “if.” This president has been consistently inconsistent, predictably unpredictable and reliably erratic. Consider the events of Thursday morning: Obama gave a rousing speech in suburban Washington, in defense of Obamacare, on the eve of its implementation. “We’re now only five days away from finishing the job,” he told the crowd. But before he had even left the room, his administration let slip that it was delaying by a month the sign-up for the health-care exchanges for small businesses. It wasn’t a huge deal, but it was enough to trample on the message the president had just delivered. Throughout his presidency, Obama has had great difficulty delivering a consistent message. Supporters plead for him to take a position — any position — and stick with it. His shifting policy on confronting Syria was the most prominent of his vacillations, but his allies have seen a similar approach to the Guantanamo Bay prison, counterterrorism and climate change. Even on issues such as gun control and immigration where his views have been consistent, Obama has been inconsistent in promoting his message. Allies are reluctant to take risky stands, because they fear that Obama will change his mind and leave them standing alone. Now come the budget showdowns, which could define the rest of his presidency. Republican leaders are trying to shift the party’s emphasis from the fight over a government shutdown to the fight over the debt-limit increase, where they have more support. A new Bloomberg poll found that Americans, by a 2-to-1 margin, disagree with Obama’s view that Congress should raise the debt limit without any conditions. But Obama has a path to victory. That poll also found that Americans think lawmakers should stop trying to repeal Obamacare. And that was before House Republicans dramatically overplayed their hand by suggesting that they’ll allow the nation to default if Obama doesn’t agree to their laundry list of demands, including suspending Obamacare, repealing banking reforms, building a new oil pipeline, easing environmental regulations, limiting malpractice lawsuits and restricting access to Medicare. To beat the Republicans, Obama might follow the example of a Republican, George W. Bush. Whatever you think of what he did, he knew how to get it done: by simplifying his message and repeating it, ad nauseam, until he got the result he was after. Obama instead tends to give a speech and move along to the next topic. This is why he is forever making “pivots” back to the economy, or to health care. But the way to pressure Congress is to be President One Note. In the debt-limit fight, Obama already has his note: He will not negotiate over the full faith and credit of the United States. That’s as good a theme as any; it matters less what the message is than that he delivers it consistently. The idea, White House officials explained to me, is to avoid getting into a back-and-forth over taxes, spending and entitlement programs. “We’re right on the merits, but I don’t think we want to argue on the merits,” one said. “Our argument is not that our argument is better than theirs; it’s that theirs is stupid.” This is a clean message: Republicans are threatening to tank the economy — through a shutdown or, more likely, through a default on the debt — and Obama isn’t going to negotiate with these hostage-takers. Happily for Obama, Republicans are helping him to make the case by being publicly belligerent. After this week’s 21-hour speech on the Senate floor by Sen. Ted Cruz (R-Tex.), the publicity-seeking Texan and Sen. Mike Lee (R-Utah) objected to a bipartisan request to move a vote from Friday to Thursday to give House Republicans more time to craft legislation avoiding a shutdown. On the Senate floor, Sen. Bob Corker (R-Tenn.) accused them of objecting because they had sent out e-mails encouraging their supporters to tune in to the vote on Friday. The Post’s Ed O’Keefe caught Cruz “appearing to snicker” as his colleague spoke — more smug teenager than legislator. Even if his opponents are making things easier for him, Obama still needs to stick to his message. As in Syria, the president has drawn a “red line” by saying he won’t negotiate with those who would put the United States into default. If he retreats, he will embolden his opponents and demoralize his supporters.

#### All of his political capital key to dem unity and debt ceiling

**Lillis, 9/7/13** (Mike, The Hill, “Fears of wounding Obama weigh heavily on Democrats ahead of vote”

Read more: http://thehill.com/homenews/house/320829-fears-of-wounding-obama-weigh-heavily-on-democrats#ixzz2gWiT9H8u

The prospect of wounding President Obama is weighing heavily on Democratic lawmakers as they decide their votes on Syria. Obama needs all the political capital he can muster heading into bruising battles with the GOP over fiscal spending and the debt ceiling. Democrats want Obama to use his popularity to reverse automatic spending cuts already in effect and pay for new economic stimulus measures through higher taxes on the wealthy and on multinational companies. But if the request for authorization for Syria military strikes is rebuffed, some fear it could limit Obama's power in those high-stakes fights. That has left Democrats with an agonizing decision: vote "no" on Syria and possibly encourage more chemical attacks while weakening their president, or vote "yes" and risk another war in the Middle East. “I’m sure a lot of people are focused on the political ramifications,” a House Democratic aide said. Rep. Jim Moran (D-Va.), a veteran appropriator, said the failure of the Syria resolution would diminish Obama's leverage in the fiscal battles. "It doesn't help him," Moran said Friday by phone. "We need a maximally strong president to get us through this fiscal thicket. These are going to be very difficult votes."

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

Davidson 9/10

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

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

#### Econ collapse = extinction

Kemp 10 Geoffrey Kemp, Director of Regional Strategic Programs at The Nixon Center, served in the White House under Ronald Reagan, special assistant to the president for national security affairs and senior director for Near East and South Asian affairs on the National Security Council Staff, Former Director, Middle East Arms Control Project at the Carnegie Endowment for International Peace, 2010, The East Moves West: India, China, and Asia’s Growing Presence in the Middle East, p. 233-4

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

### Off

#### By executive order, the President of the United States should commit the Solicitor General & White House Counsel’s Office to advance consultation with the Office of Legal Counsel and require written publication of Office of Legal Counsel opinions over current law regarding habeas rights for detainees. The President should publicly pledge to act consistent with these opinions.

#### The Office of Legal Counsel should opine that the best interpretation of current law requires the president to no longer enforce the D.C. Circuit ruling in Al-Maqaleh v. Gates.

#### CP competes on ‘authority’ but solves – OLC rulings are binding as settled law, but crafting reduces links to net benefits

Trevor W. Morrison, October 2010 Columbia Law Professor

“STARE DECISIS IN THE OFFICE OF LEGAL COUNSEL,” Columbia Law Review, 110 Colum. L. Rev. 1448.

On the other hand, an OLC that says "yes" too often is not in the client's long-run interest. n49 Virtually all of OLC's clients have their own legal staffs, including the White House Counsel's Office in the White House and the general counsel's offices in other departments and agencies. Those offices are capable of answering many of the day-to-day issues that arise in those components. They typically turn to OLC when the issue is sufficiently controversial or complex (especially on constitutional questions) that some external validation holds special value. n50 For example, when a department confronts a difficult or delicate constitutional question in the course of preparing to embark upon a new program or course of action that raises difficult or politically sensitive legal questions, it has an interest in being able to point to a credible source affirming the [\*1462] legality of its actions. n51 The in-house legal advice of the agency's general counsel is unlikely to carry the same weight. n52 Thus, even though those offices might possess the expertise necessary to answer at least many of the questions they currently send to OLC, in some contexts they will not take that course because a "yes" from the in-house legal staff is not as valuable as a "yes" from OLC. But that value depends on OLC maintaining its reputation for serious, evenhanded analysis, not mere advocacy. n53 The risk, however, is that OLC's clients will not internalize the long-run costs of taxing OLC's integrity. This is in part because the full measure of those costs will be spread across all of OLC's clients, not just the client agency now before it. The program whose legality the client wants OLC to review, in contrast, is likely to be something in which the client has an immediate and palpable stake. Moreover, the very fact that the agency has come to OLC for legal advice will often mean it thinks there is [\*1463] at least a plausible argument that the program is lawful. In that circumstance, the agency is unlikely to see any problem in a "yes" from OLC. Still, it would be an overstatement to say that OLC risks losing its client base every time it contemplates saying "no." One reason is custom. In some areas, there is a longstanding tradition - rising to the level of an expectation - that certain executive actions or decisions will not be taken without seeking OLC's advice. One example is OLC's bill comment practice, in which it reviews legislation pending in Congress for potential constitutional concerns. If it finds any serious problems, it writes them up and forwards them to the Office of Management and Budget, which combines OLC's comments with other offices' policy reactions to the legislation and generates a coordinated administration position on the legislation. n54 That position is then typically communicated to Congress, either formally or informally. While no statute or regulation mandates OLC's part in this process, it is a deeply entrenched, broadly accepted practice. Thus, although some within the Executive Branch might find it frustrating when OLC raises constitutional concerns in bills the administration wants to support as a policy matter, and although the precise terms in which OLC's constitutional concerns are passed along to Congress are not entirely in OLC's control, there is no realistic prospect that OLC would ever be cut out of the bill comment process entirely. Entrenched practice, then, provides OLC with some measure of protection from the pressure to please its clients. But there are limits to that protection. Most formal OLC opinions do not arise out of its bill comment practice, which means most are the product of a more truly voluntary choice by the client to seek OLC's advice. And as suggested above, although the Executive Branch at large has an interest in OLC's credibility and integrity, the preservation of those virtues generally falls to OLC itself. OLC's nonlitigating function makes this all the more true. Whereas, for example, the Solicitor General's aim of prevailing before the Supreme Court limits the extent to which she can profitably pursue an extreme agenda inconsistent with current doctrine, OLC faces no such immediate constraint. Whether OLC honors its oft-asserted commitment to legal advice based on its best view of the law depends largely on its own self-restraint. 2. Formal Requests, Binding Answers, and Lawful Alternatives. - Over time, OLC has developed practices and policies that help maintain its independence and credibility. First, before it provides a written opinion, n55 OLC typically requires that the request be in writing from the head or general counsel of the requesting agency, that the request be as specific and concrete as possible, and that the agency provide its own written [\*1464] views on the issue as part of its request. n56 These requirements help constrain the requesting agency. Asking a high-ranking member of the agency to commit the agency's views to writing, and to present legal arguments in favor of those views, makes it more difficult for the agency to press extreme positions. Second, as noted in the Introduction, n57 OLC's legal advice is treated as binding within the Executive Branch until withdrawn or overruled. n58 As a formal matter, the bindingness of the Attorney General's (or, in the modern era, OLC's) legal advice has long been uncertain. n59 The issue has never required formal resolution, however, because by longstanding tradition the advice is treated as binding. n60 OLC protects that tradition today by generally refusing to provide advice if there is any doubt about whether the requesting entity will follow it. n61 This guards against "advice-shopping by entities willing to abide only by advice they like." n62 More broadly, it helps ensure that OLC's answers matter. An agency displeased with OLC's advice cannot simply ignore the advice. The agency might [\*1465] construe any ambiguity in OLC's advice to its liking, and in some cases might even ask OLC to reconsider its advice. n63 But the settled practice of treating OLC's advice as binding ensures it is not simply ignored. In theory, the very bindingness of OLC's opinions creates a risk that agencies will avoid going to OLC in the first place, relying either on their general counsels or even other executive branch offices to the extent they are perceived as more likely to provide welcome answers. This is only a modest risk in practice, however. As noted above, legal advice obtained from an office other than OLC - especially an agency's own general counsel - is unlikely to command the same respect as OLC advice. n64 Indeed, because OLC is widely viewed as "the executive branch's chief legal advisor," n65 an agency's decision not to seek OLC's advice is likely to be viewed by outside observers with skepticism, especially if the in-house advice approves a program or initiative of doubtful legality. OLC has also developed certain practices to soften the blow of legal advice not to a client's liking. Most significantly, after concluding that a client's proposed course of action is unlawful, OLC frequently works with the client to find a lawful way to pursue its desired ends. n66 As the OLC Guidelines put it, "when OLC concludes that an administration proposal is impermissible, it is appropriate for OLC to go on to suggest modifications that would cure the defect, and OLC should stand ready to work with the administration to craft lawful alternatives." n67 This is a critical component of OLC's work, and distinguishes it sharply from the courts. In addition to "providing a means by which the executive branch lawyer can contribute to the ability of the popularly-elected President and his administration to achieve important policy goals," n68 in more instrumental terms the practice can also reduce the risk of gaming by OLC's clients. And that, in turn, helps preserve the bindingness of OLC's opinions. n69 [\*1466] To be sure, OLC's opinions are treated as binding only to the extent they are not displaced by a higher authority. A subsequent judicial decision directly on point will generally be taken to supersede OLC's work, and always if it is from the Supreme Court. OLC's opinions are also subject to "reversal" by the President or the Attorney General. n70 Such reversals are rare, however. As a formal matter, Dawn Johnsen has argued that "the President or attorney general could lawfully override OLC only pursuant to a good faith determination that OLC erred in its legal analysis. The President would violate his constitutional obligation if he were to reject OLC's advice solely on policy grounds." n71 Solely is a key word here, especially for the President. Although his oath of office obliges him to uphold the Constitution, n72 it is not obvious he would violate that oath by pursuing policies that he thinks are plausibly constitutional even if he has not concluded they fit his best view of the law. It is not clear, in other words, that the President's oath commits him to seeking and adhering to a single best view of the law, as opposed to any reasonable or plausible view held in good faith. Yet even assuming the President has some space here, it is hard to see how his oath permits him to reject OLC's advice solely on policy grounds if he concludes that doing so is indefensible as a legal matter. n73 So the President needs at least a plausible legal basis for [\*1467] disagreeing with OLC's advice, which itself would likely require some other source of legal advice for him to rely upon. The White House Counsel's Office might seem like an obvious candidate. But despite recent speculation that the size of that office during the Obama Administration might reflect an intention to use it in this fashion, n74 it continues to be virtually unheard of for the White House to reverse OLC's legal analysis. For one thing, even a deeply staffed White House Counsel's Office typically does not have the time to perform the kind of research and analysis necessary to produce a credible basis for reversing an OLC opinion. n75 For another, as with attempts to rely in the first place on in-house advice in lieu of OLC, any reversal of OLC by the White House Counsel is likely to be viewed with great skepticism by outside observers. If, for example, a congressional committee demands to know why the Executive Branch thinks a particular program is lawful, a response that relies on the conclusions of the White House Counsel is unlikely to suffice if the committee knows that OLC had earlier concluded otherwise. Rightly or wrongly, the White House Counsel's analysis is likely to be treated as an exercise of political will, not dispassionate legal analysis. Put another way, the same reasons that lead the White House to seek OLC's legal advice in the first place - its reputation for [\*1468] providing candid, independent legal advice based on its best view of the law - make an outright reversal highly unlikely. n76 Of course, the White House Counsel's Office may well be in frequent contact with OLC on an issue OLC has been asked to analyze, and in many cases is likely to make it abundantly clear what outcome the White House prefers. n77 But that is a matter of presenting arguments to OLC in support of a particular position, not discarding OLC's conclusion when it comes out the other way. n78The White House is not just any other client, and so the nature of - and risks posed by - communications between it and OLC on issues OLC is analyzing deserve special attention. I take that up in Part III. n79 My point at this stage is simply that the prospect of literal reversal by the White House is remote and does not meaningfully threaten the effective bindingness of OLC's decisions.

#### OLC can resolve WPA questions quickly and effectively

Cornelia Pillard Feb 2005 Supreme Court Inst, G-town U Law, former DOJ Deputy Asst Att Gen

<http://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=1190&context=facpub>

Michigan Law Review, 103.4, “The Unfulfilled Promise of the Constitution in Executive Hands”, 103 Mich. L. Rev. 676-758

Just as the SG is the federal government's chief litigator, the head of the Office of Legal Counsel is the executive branch's chief legal advisor. The Attorney General has formally delegated the legal-advice-giving part of his statutory responsibility to OLC.104 OLC has no enforcement or litigation responsibilities, and is devoted exclusively to giving legal advice. OLC's role within the executive branch has evolved over the years, with tasks calling for legal and, especially, constitutional judgment migrating to OLC, while more politicized tasks, like OLC's short involvement in vetting potential judicial nominees, being reassigned elsewhere.105 OLC's core work is to provide written and oral legal opinions to others within the executive branch, including the president, the Attorney General, and heads of other departments. In practice, the White House and the Attorney General are by far the most frequent requesters, often asking complex, momentous questions, frequently on short notice. OLC clients may seek opinions on matters such as the sustainability of a claim of executive privilege, or the lawfulness in a particular circumstance of a quarantine, detention, or use of military force. OLC has been consulted when troops have been sent abroad and when international criminals were arrested overseas.106 Much of OLC's work is more quotidian, including topics such as the constitutionality under the Appointments Clause of various boards and commissions, or the scope of an agency's statutory authority to alter a regulation or settle a case in a particular way. Its opinions "involve domestic problems, international issues, pet plans of bureaucrats, the application of the Constitution and the laws to administrative policies and procedures, the powers and jurisdictions of departments and agencies, the advisability of contemplated actions, [and various mundane and] momentous matters." 107 OLC traditionally requires that requests for advice come from the head or general counsel of the requesting agency, that advice-seekers submit their own view of the question to OLC, and that independent agencies (not already presumptively bound) agree in advance to abide by the advice - even oral advice - that OLC delivers.108 The agreement to be bound forestalls opportunistic advice-shopping by entities willing to abide only by advice they like, and it preserves the resources and authority of OLC against being treated merely as an extra source of legal research on issues that other lawyers or officials will ultimately resolve for themselves.109

### Off

#### The 1AC’s war powers discourse sanitizes global destruction by proliferating symptom-focused solutions to global power imbalances---causes cycles of violence that make global warfare and extinction inevitable

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3. From securitisation to militarisation 3.1 Complicity¶ This analysis thus calls for a broader approach to environmental security based on retrieving the manner in which political actors construct discourses of ‘scarcity’ in response to ecological, energy and economic crises (critical security studies) in the context of the historically-specific socio-political and geopolitical relations of domination by which their power is constituted, and which are often implicated in the acceleration of these very crises (historical sociology and historical materialism).¶ Instead, both realist and liberal orthodox IR approaches focus on different aspects of inter-state behaviour, conflictual and cooperative respectively, but each lacks the capacity to grasp that the unsustainable trajectory of state and inter-state behaviour is only explicable in the context of a wider global system concurrently over-exploiting the biophysical environment in which it is embedded. They are, in other words, unable to address the relationship of the inter-state system itself to the biophysical environment as a key analytical category for understanding the acceleration of global crises. They simultaneously therefore cannot recognise the embeddedness of the economy in society and the concomitant politically-constituted nature of economics.84¶ Hence, they neglect the profound irrationality of collective state behaviour, which systematically erodes this relationship, globalising insecurity on a massive scale – in the very process of seeking security.85 In Cox's words, because positivist IR theory ‘does not question the present order [it instead] has the effect of legitimising and reifying it’.86 Orthodox IR sanitises globally-destructive collective inter-state behaviour as a normal function of instrumental reason – thus rationalising what are clearly deeply irrational collective human actions that threaten to permanently erode state power and security by destroying the very conditions of human existence. Indeed, the prevalence of orthodox IR as a body of disciplinary beliefs, norms and prescriptions organically conjoined with actual policy-making in the international system highlights the extent to which both realism and liberalism are ideologically implicated in the acceleration of global systemic crises.87¶ By the same token, the incapacity to recognise and critically interrogate how prevailing social, political and economic structures are driving global crisis acceleration has led to the proliferation of symptom-led solutions focused on the expansion of state/regime military–political power rather than any attempt to transform root structural causes.88 It is in this context that, as the prospects for meaningful reform through inter-state cooperation appear increasingly nullified under the pressure of actors with a vested interest in sustaining prevailing geopolitical and economic structures, states have resorted progressively more to militarised responses designed to protect the concurrent structure of the international system from dangerous new threats. In effect, the failure of orthodox approaches to accurately diagnose global crises, directly accentuates a tendency to ‘securitise’ them – and this, ironically, fuels the proliferation of violent conflict and militarisation responsible for magnified global insecurity.¶ ‘Securitisation’ refers to a ‘speech act’ – an act of labelling – whereby political authorities identify particular issues or incidents as an existential threat which, because of their extreme nature, justify going beyond the normal security measures that are within the rule of law. It thus legitimises resort to special extra-legal powers. By labelling issues a matter of ‘security’, therefore, states are able to move them outside the remit of democratic decision-making and into the realm of emergency powers, all in the name of survival itself. Far from representing a mere aberration from democratic state practice, this discloses a deeper ‘dual’ structure of the state in its institutionalisation of the capacity to mobilise extraordinary extra-legal military–police measures in purported response to an existential danger.89¶ The problem in the context of global ecological, economic and energy crises is that such levels of emergency mobilisation and militarisation have no positive impact on the very global crises generating ‘new security challenges’, and are thus entirely disproportionate.90 All that remains to examine is on the ‘surface’ of the international system (geopolitical competition, the balance of power, international regimes, globalisation and so on), phenomena which are dislocated from their structural causes by way of being unable to recognise the biophysically-embedded and politically-constituted social relations of which they are comprised. The consequence is that orthodox IR has no means of responding to global systemic crises other than to reduce them to their symptoms.¶ Indeed, orthodox IR theory has largely responded to global systemic crises not with new theory, but with the expanded application of existing theory to ‘new security challenges’ such as ‘low-intensity’ intra-state conflicts; inequality and poverty; environmental degradation; international criminal activities including drugs and arms trafficking; proliferation of weapons of mass destruction; and international terrorism.91 Although the majority of such ‘new security challenges’ are non-military in origin – whether their referents are states or individuals – the inadequacy of systemic theoretical frameworks to diagnose them means they are primarily examined through the lenses of military-political power.92 In other words, the escalation of global ecological, energy and economic crises is recognised not as evidence that the current organisation of the global political economy is fundamentally unsustainable, requiring urgent transformation, but as vindicating the necessity for states to radicalise the exertion of their military–political capacities to maintain existing power structures, to keep the lid on.93¶ Global crises are thus viewed as amplifying factors that could mobilise the popular will in ways that challenge existing political and economic structures, which it is presumed (given that state power itself is constituted by these structures) deserve protection. This justifies the state's adoption of extra-legal measures outside the normal sphere of democratic politics. In the context of global crisis impacts, this counter-democratic trend-line can result in a growing propensity to problematise potentially recalcitrant populations – rationalising violence toward them as a control mechanism.¶ 3.2 From theory to policy¶ Consequently, for the most part, the policy implications of orthodox IR approaches involve a redundant conceptualisation of global systemic crises purely as potential ‘threat-multipliers’ of traditional security issues such as ‘political instability around the world, the collapse of governments and the creation of terrorist safe havens’. Climate change will serve to amplify the threat of international terrorism, particularly in regions with large populations and scarce resources.94 The US Army, for instance, depicts climate change as a ‘stress-multiplier’ that will ‘exacerbate tensions’ and ‘complicate American foreign policy’; while the EU perceives it as a ‘threat-multiplier which exacerbates existing trends, tensions and instability’.95¶ In practice, this generates an excessive preoccupation not with the causes of global crisis acceleration and how to ameliorate them through structural transformation, but with their purportedly inevitable impacts, and how to prepare for them by controlling problematic populations. Paradoxically, this ‘securitisation’ of global crises does not render us safer. Instead, by necessitating more violence, while inhibiting preventive action, it guarantees greater insecurity. Thus, a recent US Department of Defense report explores the future of international conflict up to 2050. It warns of ‘resource competition induced by growing populations and expanding economies’, particularly due to a projected ‘youth bulge’ in the South, which ‘will consume ever increasing amounts of food, water and energy’. This will prompt a ‘return to traditional security threats posed by emerging near-peers as we compete globally for depleting natural resources and overseas markets’. Finally, climate change will ‘compound’ these stressors by generating humanitarian crises, population migrations and other complex emergencies.96¶ A similar study by the US Joint Forces Command draws attention to the danger of global energy depletion through to 2030. Warning of ‘the dangerous vulnerabilities the growing energy crisis presents’, the report concludes that ‘The implications for future conflict are ominous.’97 Once again, the subject turns to demographics: ‘In total, the world will add approximately 60 million people each year and reach a total of 8 billion by the 2030s’, 95 per cent accruing to developing countries, while populations in developed countries slow or decline. ‘Regions such as the Middle East and Sub-Saharan Africa, where the youth bulge will reach over 50% of the population, will possess fewer inhibitions about engaging in conflict.’98 The assumption is that regions which happen to be both energy-rich and Muslim-majority will also be sites of violent conflict due to their rapidly growing populations.¶ A British Ministry of Defence report concurs with this assessment, highlighting an inevitable ‘youth bulge’ by 2035, with some 87 per cent of all people under the age of 25 inhabiting developing countries. In particular, the Middle East population will increase by 132 per cent and sub-Saharan Africa by 81 per cent. Growing resentment due to ‘endemic unemployment’ will be channelled through ‘political militancy, including radical political Islam whose concept of Umma, the global Islamic community, and resistance to capitalism may lie uneasily in an international system based on nation-states and global market forces’. More strangely, predicting an intensifying global divide between a super-rich elite, the middle classes and an urban under-class, the report warns: ‘The world's middle classes might unite, using access to knowledge, resources and skills to shape transnational processes in their own class interest.’99¶ 3.3 Exclusionary logics of global crisis securitisation?¶ Thus, the securitisation of global crisis leads not only to the problematisation of particular religious and ethnic groups in foreign regions of geopolitical interest, but potentially extends this problematisation to any social group which might challenge prevailing global political economic structures across racial, national and class lines. The previous examples illustrate how securitisation paradoxically generates insecurity by reifying a process of militarisation against social groups that are constructed as external to the prevailing geopolitical and economic order. In other words, the internal reductionism, fragmentation and compartmentalisation that plagues orthodox theory and policy reproduces precisely these characteristics by externalising global crises from one another, externalising states from one another, externalising the inter-state system from its biophysical environment, and externalising new social groups as dangerous ‘outsiders’. Hence, a simple discursive analysis of state militarisation and the construction of new ‘outsider’ identities is insufficient to understand the causal dynamics driving the process of ‘Otherisation’. As Doug Stokes points out, the Western state preoccupation with the ongoing military struggle against international terrorism reveals an underlying ‘discursive complex’, where representations about terrorism and non-Western populations are premised on ‘the construction of stark boundaries’ that ‘operate to exclude and include’. Yet these exclusionary discourses are ‘intimately bound up with political and economic processes’, such as strategic interests in proliferating military bases in the Middle East, economic interests in control of oil, and the wider political goal of ‘maintaining American hegemony’ by dominating a resource-rich region critical for global capitalism.100¶ But even this does not go far enough, for arguably the construction of certain hegemonic discourses is mutually constituted by these geopolitical, strategic and economic interests – exclusionary discourses are politically constituted. New conceptual developments in genocide studies throw further light on this in terms of the concrete socio-political dynamics of securitisation processes. It is now widely recognised, for instance, that the distinguishing criterion of genocide is not the pre-existence of primordial groups, one of which destroys the other on the basis of a pre-eminence in bureaucratic military–political power. Rather, genocide is the intentional attempt to destroy a particular social group that has been socially constructed as different.101 As Hinton observes, genocides precisely constitute a process of ‘othering’ in which an imagined community becomes reshaped so that previously ‘included’ groups become ‘ideologically recast’ and dehumanised as threatening and dangerous outsiders, be it along ethnic, religious, political or economic lines – eventually legitimising their annihilation.102 ¶ In other words, genocidal violence is inherently rooted in a prior and ongoing ideological process, whereby exclusionary group categories are innovated, constructed and ‘Otherised’ in accordance with a specific socio-political programme. The very process of identifying and classifying particular groups as outside the boundaries of an imagined community of ‘inclusion’, justifying exculpatory violence toward them, is itself a political act without which genocide would be impossible.103 This recalls Lemkin's recognition that the intention to destroy a group is integrally connected with a wider socio-political project – or colonial project – designed to perpetuate the political, economic, cultural and ideological relations of the perpetrators in the place of that of the victims, by interrupting or eradicating their means of social reproduction. Only by interrogating the dynamic and origins of this programme to uncover the social relations from which that programme derives can the emergence of genocidal intent become explicable.104¶ Building on this insight, Semelin demonstrates that the process of exclusionary social group construction invariably derives from political processes emerging from deep-seated socio-political crises that undermine the prevailing framework of civil order and social norms; and which can, for one social group, be seemingly resolved by projecting anxieties onto a new ‘outsider’ group deemed to be somehow responsible for crisis conditions. It is in this context that various forms of mass violence, which may or may not eventually culminate in actual genocide, can become legitimised as contributing to the resolution of crises.105¶ This does not imply that the securitisation of global crises by Western defence agencies is genocidal. Rather, the same essential dynamics of social polarisation and exclusionary group identity formation evident in genocides are highly relevant in understanding the radicalisation processes behind mass violence. This highlights the fundamental connection between social crisis, the breakdown of prevailing norms, the formation of new exclusionary group identities, and the projection of blame for crisis onto a newly constructed ‘outsider’ group vindicating various forms of violence.¶ While recommendations to shift our frame of orientation away from conventional state-centrism toward a ‘human security’ approach are valid, this cannot be achieved without confronting the deeper theoretical assumptions underlying conventional approaches to ‘non-traditional’ security issues.106 By occluding the structural origin and systemic dynamic of global ecological, energy and economic crises, orthodox approaches are incapable of transforming them. Coupled with their excessive state-centrism, this means they operate largely at the level of ‘surface’ impacts of global crises in terms of how they will affect quite traditional security issues relative to sustaining state integrity, such as international terrorism, violent conflict and population movements. Global crises end up fuelling the projection of risk onto social networks, groups and countries that cross the geopolitical fault-lines of these ‘surface’ impacts – which happen to intersect largely with Muslim communities. Hence, regions particularly vulnerable to climate change impacts, containing large repositories of hydrocarbon energy resources, or subject to demographic transformations in the context of rising population pressures, have become the focus of state security planning in the context of counter-terrorism operations abroad.¶ The intensifying problematisation and externalisation of Muslim-majority regions and populations by Western security agencies – as a discourse – is therefore not only interwoven with growing state perceptions of global crisis acceleration, but driven ultimately by an epistemological failure to interrogate the systemic causes of this acceleration in collective state policies (which themselves occur in the context of particular social, political and economic structures). This expansion of militarisation is thus coeval with the subliminal normative presumption that the social relations of the perpetrators, in this case Western states, must be protected and perpetuated at any cost – precisely because the efficacy of the prevailing geopolitical and economic order is ideologically beyond question.¶ As much as this analysis highlights a direct link between global systemic crises, social polarisation and state militarisation, it fundamentally undermines the idea of a symbiotic link between natural resources and conflict per se. Neither ‘resource shortages’ nor ‘resource abundance’ (in ecological, energy, food and monetary terms) necessitate conflict by themselves.¶ There are two key operative factors that determine whether either condition could lead to conflict. The first is the extent to which either condition can generate socio-political crises that challenge or undermine the prevailing order. The second is the way in which stakeholder actors choose to actually respond to the latter crises. To understand these factors accurately requires close attention to the political, economic and ideological strictures of resource exploitation, consumption and distribution between different social groups and classes. Overlooking the systematic causes of social crisis leads to a heightened tendency to problematise its symptoms, in the forms of challenges from particular social groups. This can lead to externalisation of those groups, and the legitimisation of violence towards them.¶ Ultimately, this systems approach to global crises strongly suggests that conventional policy ‘reform’ is woefully inadequate. Global warming and energy depletion are manifestations of a civilisation which is in overshoot. The current scale and organisation of human activities is breaching the limits of the wider environmental and natural resource systems in which industrial civilisation is embedded. This breach is now increasingly visible in the form of two interlinked crises in global food production and the global financial system. In short, industrial civilisation in its current form is unsustainable. This calls for a process of wholesale civilisational transition to adapt to the inevitable arrival of the post-carbon era through social, political and economic transformation.¶ Yet conventional theoretical and policy approaches fail to (1) fully engage with the gravity of research in the natural sciences and (2) translate the social science implications of this research in terms of the embeddedness of human social systems in natural systems. Hence, lacking capacity for epistemological self-reflection and inhibiting the transformative responses urgently required, they reify and normalise mass violence against diverse ‘Others’, newly constructed as traditional security threats enormously amplified by global crises – a process that guarantees the intensification and globalisation of insecurity on the road to ecological, energy and economic catastrophe. Such an outcome, of course, is not inevitable, but extensive new transdisciplinary research in IR and the wider social sciences – drawing on and integrating human and critical security studies, political ecology, historical sociology and historical materialism, while engaging directly with developments in the natural sciences – is urgently required to develop coherent conceptual frameworks which could inform more sober, effective, and joined-up policy-making on these issues.

#### Alternative: vote negative to reject the security discourse of the 1AC.

#### Critical praxis outweighs policy making- voting affirmative guarantees error replication. Only a radical break from dominant paradigms can avoid becoming a self-fulfilling prophecy

Graeme **Cheeseman,** Snr. Lecturer @ New South Wales, **and** Robert **Bruce** Assoc. Prof in social sciences @ Curtin univ**, ‘96** (Discourses of Danger & Dread Frontiers, p. 5-9)

This goal is pursued in ways which are still unconventional in the intellectual milieu of international relations in Australia, even though they are gaining influence worldwide as traditional modes of theory and practice are rendered inadequate by global trends that defy comprehension, let alone policy. The inability to give meaning to global changes reflects partly the enclosed, elitist world of professional security analysts and bureaucratic experts, where entry is gained by learning and accepting to speak a particular, exclusionary language. The contributors to this book are familiar with the discourse, but accord no privileged place to its ‘knowledge form as reality’ in debates on defence and security. Indeed, they believe that debate will be furthered only through a long overdue critical re-evaluation of elite perspectives. Pluralistic, democratically-oriented perspectives on Australia’s identity are both required and essential if Australia’s thinking on defence and security is to be invigorated. This is not a conventional policy book; nor should it be, in the sense of offering policy-makers and their academic counterparts sets of neat alternative solutions, in familiar language and format, to problems they pose. This expectation is in itself a considerable part of the problem to be analysed. It is, however, a book about policy, one that questions how problems are framed by policy-makers. It challenges the proposition that irreducible bodies of real knowledge on defence and security exist independently of their ‘context in the world’, and it demonstrates how security policy is articulated authoritatively by the elite keepers of that knowledge, experts trained to recognize enduring, universal wisdom. All others, from this perspective, must accept such wisdom or remain outside the expert domain, tainted by their inability to comply with the ‘rightness’ of the official line. But it is precisely the official line, or at least its image of the world, that needs to be problematised. If the critic responds directly to the demand for policy alternatives, without addressing this image, he or she is tacitly endorsing it. Before § Marked 14:12 § engaging in the policy debate the critics need to reframe the basic terms of reference. This book, then, reflects and underlines the importance of Antonio Gramsci and Edward Said’s ‘critical intellectuals’.15 The demand, tacit or otherwise, that the policy-maker’s frame of reference be accepted as the only basis for discussion and analysis ignores a three thousand year old tradition commonly associated with Socrates and purportedly integral to the Western tradition of democratic dialogue. More immediately, it ignores post-seventeenth century democratic traditions which insist that a good society must have within it some way of critically assessing its knowledge and the decisions based upon that knowledge which impact upon citizens of such a society. This is a tradition with a slightly different connotation in contemporary liberal democracies which, during the Cold War, were proclaimed different and superior to the totalitarian enemy precisely because there were institutional checks and balances upon power. In short, one of the major differences between ‘open societies’ and their (closed) counterparts behind the Iron Curtain was that the former encouraged the critical testing of the knowledge and decisions of the powerful and assessing them against liberal democratic principles. The latter tolerated criticism only on rare and limited occasions. For some, this represented the triumph of rational-scientific methods of inquiry and techniques of falsification. For others, especially since positivism and rationalism have lost much of their allure, it meant that for society to become open and liberal, sectors of the population must be independent of the state and free to question its knowledge and power. Though we do not expect this position to be accepted by every reader, contributors to this book believe that critical dialogue is long overdue in Australia and needs to be listened to. For all its liberal democratic trappings, Australia’s security community continues to invoke closed monological narratives on defence and security. This book also questions the distinctions between policy practice and academic theory that inform conventional accounts of Australian security. One of its major concerns, particularly in chapters 1 and 2, is to illustrate how theory is integral to the practice of security analysis and policy prescription. The book also calls on policy-makers, academics and students of defence and security to think critically about what they are reading, writing and saying; to begin to ask, of their work and study, difficult and searching questions raised in other disciplines; to recognise, no matter how uncomfortable it feels, that what is involved in theory and practice is not the ability to identify a replacement for failed models, but a realisation that terms and concepts – state sovereignty, balance of power, security, and so on – are contested and problematic, and that the world is indeterminate, always becoming what is written about it. Critical analysis which shows how particular kinds of theoretical presumptions can effectively exclude vital areas of political life from analysis has direct practical implications for policy-makers, academics and citizens who face the daunting task of steering Australia through some potentially choppy international waters over the next few years. There is also much of interest in the chapters for those struggling to give meaning to a world where so much that has long been taken for granted now demands imaginative, incisive reappraisal. The contributors, too, have struggled to find meaning, often despairing at the terrible human costs of international violence. This is why readers will find no single, fully formed panacea for the world’s ills in general, or Australia’s security in particular. There are none. Every chapter, however, in its own way, offers something more than is found in orthodox literature, often by exposing ritualistic Cold War defence and security mind-sets that are dressed up as new thinking. Chapters 7 and 9, for example, present alternative ways of engaging in security and defence practice. Others (chapters 3, 4, 5, 6 and 8) seek to alert policy-makers, academics and students to alternative theoretical possibilities which might better serve an Australian community pursuing security and prosperity in an uncertain world. All chapters confront the policy community and its counterparts in the academy with a deep awareness of the intellectual and material constraints imposed by dominant traditions of realism, but they avoid dismissive and exclusionary terms which often in the past characterized exchanges between policy-makers and their critics. This is because, as noted earlier, attention needs to be paid to the words and the thought processes of those being criticized. A close reading of this kind draws attention to underlying assumptions, showing they need to be recognized and questioned. A sense of doubt (in place of confident certainty) is a necessary prelude to a genuine search for alternative policies. First comes an awareness of the need for new perspectives, then specific policies may follow**.** As Jim George argues in the following chapter, we need to look not so much at contending policies as they are made for us but at challenging ‘the discursive process which gives [favoured interpretations of “reality”] their meaning and which direct [Australia’s] policy/analytical/military responses’. This process is not restricted to the small, official defence and security establishment huddled around the US-Australian War Memorial in Canberra. It also encompasses much of Australia’s academic defence and security community located primarily though not exclusively within the Australian National University and the University College of the University of New South Wales. These discursive processes are examined in detail in subsequent chapters as authors attempt to make sense of a politics of exclusion and closure which exercises disciplinary power over Australia’s security community. They also question the discourse of ‘regional security’, ‘security cooperation’, ‘peacekeeping’ and ‘alliance politics’ that are central to Australia’s official and academic security agenda in the 1990s. This is seen as an important task especially when, as is revealed, the disciplines of International Relations and Strategic Studies are under challenge from critical and theoretical debates ranging across the social sciences and humanities; debates that are nowhere to be found in Australian defence and security studies. The chapters graphically illustrate how Australia’s public policies on defence and security are informed, underpinned and legitimised by a narrowly-based intellectual enterprise which draws strength from contested concepts of realism and liberalism, which in turn seek legitimacy through policy-making processes. Contributors ask whether Australia’s policy-makers and their academic advisors are unaware of broader intellectual debates, or resistant to them, or choose not to understand them, and why?

### SOP Adv

#### No adventurism

Mandelbaum 2011 (Michael Mandelbaum, A. Herter Professor of American Foreign Policy, the Paul H. Nitze School of Advanced International Studies, Johns Hopkins University, Washington DC; and Director, Project on East-West Relations, Council on Foreign Relations, “CFR 90th Anniversary Series on Renewing America: American Power and Profligacy,” Jan 2011)

I think it is, Richard. And I think that this period really goes back two decades. I think the wars or the interventions in Somalia, in Bosnia, in Kosovo, in Haiti belong with the interventions in Afghanistan and Iraq, although they were undertaken by different administrations for different reasons, and had different costs. But all of them ended up in the protracted, unexpected, unwanted and expensive task of nation building. Nation building has never been popular. The country has never liked it. It likes it even less now. And I think we're not going to do it again. We're not going to do it because there won't be enough money. We're not going to do it because there will be other demands on the public purse. We won't do it because we'll be busy enough doing the things that I think ought to be done in foreign policy. And we won't do it because it will be clear to politicians that the range of legitimate choices that they have in foreign policy will have narrowed and will exclude interventions of that kind. So I believe and I say in the book that the last -- the first two post-Cold War decades can be seen as a single unit. And that unit has come to an end.

**Social science proves no modeling- US signals are dismissed**

**Zenko ‘13** [Micah, Council on Foreign Relations Center for Preventive Action Douglas Dillon fellow, "The Signal and the Noise," Foreign Policy, 2-2-13, www.foreignpolicy.com/articles/2013/02/20/the\_signal\_and\_the\_noise, accessed 6-12-13, mss]

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

**We wont start wars just because we can**

**Brooks 12**, Stephen, Associate Professor of Government at Dartmouth College, John Ikenberry is the Albert G. Milbank Professor of Politics and International Affairs at Princeton University in the Department of Politics and the Woodrow Wilson School of Public and International Affairs, William C. Wohlforth is the Daniel Webster Professor in the Department of Government at Dartmouth College “Don’t Come Home America: The Case Against Retrenchment,” International Security, Vol. 37, No. 3 (Winter 2012/13), pp. 7–51

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.

#### Imperial presidency isn’t unprecedented- no escalation now

Keating 2013 [Joshua Keating associate editor at Foreign Policy and editor of the War of Ideas blog. He has worked as a researcher, editorial assistant, and deputy Web editor since joining the FP staff in 2007. May 9, 2013 Foreign Policy “Actually, U.S. presidents have been going to war without Congress since the beginning” http://ideas.foreignpolicy.com/posts/2013/05/09/actually\_us\_presidents\_have\_been\_going\_to\_war\_without\_congress\_since\_the\_beginning]

In the modern era, it's become increasingly common for presidents to send troops into battle without authorization from Congress -- a practice many argue is unconstitutional. During the 2011 intervention in Libya for intance, Yale law professor Bruce Ackerman wrote that "Barack Obama's administration is breaking new ground in its construction of an imperial presidency -- an executive who increasingly acts independently of Congress at home and abroad." It may be unconstitutional, but how unprecedented is it?¶ There's a general consensus that the imperial presidency model of warfighting began with Theodore Roosevelt and expanded dramatically after World War II -- the last time Congress formally declared war. The War Powers Resolution of 1973 was meant to check the president's ability to do this, but several administration's have skirted it. A paper by William D. Adler in Presidential Studies Quarterly analyzes the "small wars" of early U.S. history and found that the tradition of the president acting as "generalissimo of the nation" as the pseudonymous "Cato" put it in the Anti-Federalist Papers, goes back much further than we think. ¶ America's two largest pre-civil war conflicts -- the War of 1812 and the Mexican American War -- were both organized by Congress, though James Polk played a major hand in instigating the second one. But there were dozens of other conflicts, sometimes involving thousands of combatants. These included at least 10 major conflicts with Indian tribes between the 1790s and 1850s as well as " the Quasi-War with France during the late 1790s; the conflict with the Barbary pirates during the 1800s (which had been an ongoing problem since Washington's presidency); General Andrew Jackson's repeated invasions of Spanish Florida; naval skirmishes in Sumatra during the 1830s; the so-called Patriot War from 1839 through 1841 on the northern border; "bleeding Kansas" during the 1850s; and the Mormon war in Utah later that decade."¶ Adler argues that in all these conflicts, Congress -- if involved at all -- generally simply delegated warmaking powers to the executive branch and only excercised oversight after the fact. This was particularly this case in conflicts with Indian tribes, which were generally overseen by the War Department in cooperation with state governments without Congressional deliberations. ¶ In a scenario familiar from the Iraq War era, Congress often didn't realize quite how much power it was granting to the president. Adler recounts what happened in 1792 when Congress agreed to George Washington's request for 5,000 additional troops to fight Indian tribes in the Ohio Territory: ¶ During the conflict, Congress does not seem to have comprehended just how much power ¶ it had delegated to the executive branch. As Richard Kohn explains, when St. Clair asked for permission to call up the militia, Congress authorized it, but "only later, after Washington cited the amendment as authorization for Harmar's campaign, did Congress understand fully that it had given the President permission to wage war on his own authority." Similarly, when Congress appropriated $1 million to fund the ongoing operations, this was taken by the administration as an implicit authorization to continue the fighting; at no time did anyone think of asking for a formal resolution allowing the war to progress.¶ Early American presidents also had a habit of going to war first and asking permission later, such as when James Madison authorized the Army to seize territory in West Florida in 1810. As a general, Andrew Jackson invaded Florida three different times without asking permission from the president -- not to mention Congress. As president, Jackson continued to follow the imperial model, interpreting the Indian Removal Act of 1830 as carte blanche to use military force against Indian tribes who refused to relocate, an event now known as the Trail of Tears. This included the forced removal of the Florida Seminoles, which the largest U.S. military engagement since the War of 1812, with nearly 9,000 soldiers involved.

#### No military capacity – internal capacity to de-escalate overwhelms your links

Steven A. Cook (fellow at the Council on Foreign Relations) Ray Takeyh (fellows at the Council on Foreign Relations) and Suzanne Maloney (senior fellow at Saban Center) June 28 2007 “Why the Iraq war won't engulf the Mideast”, International Herald Tribune

Yet, the Saudis, Iranians, Jordanians, Syrians, and others are very unlikely to go to war either to protect their own sect or ethnic group or to prevent one country from gaining the upper hand in Iraq. The reasons are fairly straightforward. First, Middle Eastern leaders, like politicians everywhere, are primarily interested in one thing: self-preservation. Committing forces to Iraq is an inherently risky proposition, which, if the conflict went badly, could threaten domestic political stability. Moreover, most Arab armies are geared toward regime protection rather than projecting power and thus have little capability for sending troops to Iraq. Second, there is cause for concern about the so-called blowback scenario in which jihadis returning from Iraq destabilize their home countries, plunging the region into conflict. Middle Eastern leaders are preparing for this possibility. Unlike in the 1990s, when Arab fighters in the Afghan jihad against the Soviet Union returned to Algeria, Egypt and Saudi Arabia and became a source of instability, Arab security services are being vigilant about who is coming in and going from their countries. In the last month, the Saudi government has arrested approximately 200 people suspected of ties with militants. Riyadh is also building a 700 kilometer wall along part of its frontier with Iraq in order to keep militants out of the kingdom. Finally, there is no precedent for Arab leaders to commit forces to conflicts in which they are not directly involved. The Iraqis and the Saudis did send small contingents to fight the Israelis in 1948 and 1967, but they were either ineffective or never made it. In the 1970s and 1980s, Arab countries other than Syria, which had a compelling interest in establishing its hegemony over Lebanon, never committed forces either to protect the Lebanese from the Israelis or from other Lebanese. The civil war in Lebanon was regarded as someone else’s fight. Indeed, this is the way many leaders view the current situation in Iraq. To Cairo, Amman and Riyadh, the situation in Iraq is worrisome, but in the end it is an Iraqi and American fight. As far as Iranian mullahs are concerned, they have long preferred to press their interests through proxies as opposed to direct engagement. At a time when Tehran has access and influence over powerful Shiite militias, a massive cross-border incursion is both unlikely and unnecessary. So Iraqis will remain locked in a sectarian and ethnic struggle that outside powers may abet, but will remain within the borders of Iraq. The Middle East is a region both prone and accustomed to civil wars. But given its experience with ambiguous conflicts, the region has also developed an intuitive ability to contain its civil strife and prevent local conflicts from enveloping the entire Middle East.

**Extinction impossible**

Gregg **Easterbrook** (a senior fellow at The New Republic) July **2003** “We're All Gonna Die!” http://www.wired.com/wired/archive/11.07/doomsday.html?pg=1&topic=&topic\_set=

Germ warfare!Like chemical agents, **biological weapons have never lived up to their billing in popular culture**. Consider the 1995 medical thriller Outbreak, in which a highly contagious virus takes out entire towns. **The reality is quite different. Weaponized smallpox escaped from a Soviet laboratory** in Aralsk, Kazakhstan, **in 1971; three people died, no epidemic** followed. **In 1979, weapons-grade anthrax got out of a Soviet facility** in Sverdlovsk (now called Ekaterinburg); **68 died, no epidemic**. The loss of life was tragic, but no greater than could have been caused by a single conventional bomb. **In 1989, workers at a US government facility** near Washington **were** accidentally **exposed to Ebola virus. They walked around** the community **and hung out with family and friends for several days before the mistake was discovered. No one died**. The fact is, **evolution has spent millions of years conditioning mammals to resist germs. Consider the Black Plague. It was the worst known pathogen in history, loose in a Middle Ages society of poor public health, awful sanitation, and no antibiotics. Yet it didn't kill off humanity. Most people who were caught in the epidemic survived. Any superbug introduced into today's Western world would encounter top-notch public health, excellent sanitation, and an array of medicines specifically engineered to kill bioagents. Perhaps one day some aspiring Dr. Evil will invent a bug that bypasses the immune system. Because it is possible some novel superdisease could be invented, or that existing pathogens** like smallpox **could be genetically altered to make them more virulent** (two-thirds of those who contract natural smallpox survive), biological agents are a legitimate concern. They may turn increasingly troublesome as time passes and knowledge of biotechnology becomes harder to control, allowing individuals or small groups to cook up nasty germs as readily as they can buy guns today. **But no superplague has ever come close to wiping out humanity before, and it seems unlikely to happen in the future.**

**Even if deliberately selected for lethality – disease wont cause extinction**

Mark **Leney** **1996** (Professor of Biological Anthropology University of Cambridge) http://www.indiana.edu/~diatom/plextinc.dis

I think that **epidemics are a most unlikely expalnation for** continent wide **extinctions**. An extinction of this type is the same sort of event in evolutionary terms as the megaherbiovres undergoing population expansion, eating all the grass and starving themselves to extinction. Who would credit such a scenario? **Biological systems rarely run like this**, the componens of these systems adapt either genotypically in the evolutionary sense or in the immediate ontogenetic sense. As pathogens probably have a greater potential for evolutionary change than their hosts it is the 'experience' of the pathogens that counts in the long run not the immunological naivity of the large animal populations. **Whilst super-virulent pathogens can cause local catastrophe, they tend to evolve towards intermediate levels of pathogenicity in the medium term as this maximises their reproductive success. Even when pathogens such as myxamatosis are deliberately selected for virulence and then introduced to a naive wild population, extinction only occurs locally with the pathogen rapidly evolving towards lowered virulence as it squeezes through population bottlenecks.** The myth of the exterminator pathogen is just that. Consider the evolutionary achievements of viruses with different levels of virulence AIDS vs Ebola. AIDS is not a wipeout virus it has propagated itself widely. Ebola never gets going in the human population as it kills all the hosts before enough transmissions take place to achieve any growth. **The disease model just doesn't wash for the whole continent.**

### Legitimacy

**CO2 not key – scientific consensus against catastrophic warming – doesn’t collapse the environment**

Walter **Cunningham** (United States Marine Corps, National Aeronautics and Space Administration - pilot of Apollo 7, graduate degrees from UCLA in physics and the Harvard Graduate School of Business, member of the Advisory Board for the National Renewable Energy Laboratory) **2010** “Global Warming: Facts versus Faith” The Heartland Institute

**More than 31,000 scientists** in the United States **have signed a petition saying “there is no** convincing scientific **evidence that** human release of **carbon dioxide**, methane, or other greenhouse gases is causing or **will**, in the foreseeable future, **cause catastrophic heating** of the Earth’s atmosphere and disruption of the Earth’s climate.”3 Debating Carbon DioxideThe advocates of AGW say the United States must impose a devastating tax scheme to force industry to emit less carbon dioxide, thereby reversing the warming trend. This policy prescription is based on three assumptions: (1) that CO2 is the cause of changes in the Earth’s temperature; (2) that a warmer Earth would be bad for the planet’s flora and fauna, including humans; and (3) that humans are capable of controlling the temperature of the Earth.In reality, water vapor has more than twice the impact on temperature as atmospheric CO2, aided and abetted by other greenhouse gases, like methane (CH4) and nitrous oxide (N2O). With CO2 representing just 3.6 percent of greenhouse gases, by volume, and human activity responsible for only 3.2 percent of that, we can influence only a tiny portion of the total greenhouse gases. Some studies have found CO2 levels are largely irrelevant to global warming. The true believers in AGW base their case on a broad and weak correlation between CO2 and global temperature in the last half of the twentieth century. They cannot be sure which is cause and which is effect. **Looking at much longer periods of the Earth’s history, it becomes clear that temperature increases have preceded high CO2 levels by anywhere from 100 to 800 years**, suggesting that higher temperatures cause CO2 levels to rise, rather than vice versa. The only other time in history that temperature and CO2 levels were this low, together, was 300 million years ago. There have been periods when atmospheric CO2 levels were as much as 16 times higher than they are now—periods characterized not by warming but by glaciations. (See Figure 4.) You might have to go back half-a-million years to match our current level of atmospheric CO2, but you have to go back only to the Medieval Warm Period, from the tenth to the fourteenth century, to find an intense global warming episode, followed immediately by the drastic cooling of the Little Ice Age. Neither of those events can be attributed to variations in CO2 levels. Since **CO2 is a relatively minor constituent of “greenhouse gases,” and human activity contributes only a tiny portion of atmospheric CO2**, why have alarmists made it the whipping boy for global warming? Probably because they know how fruitless it would be to propose controlling other atmospheric drivers of climate—water, methane, and nitrous oxide—notto mention volcanic eruptions, or ocean temperature, or solar activity, etc. So they wage war on man-made CO2, no matter how ridiculous it makes them appear. Without the greenhouse effect to keep our world warm, the planet would have an average temperature of -18 degrees Celsius. Because we do have it, the temperature is a comfortable +15 degrees Celsius. Other inconvenient facts ignored by the activists: Carbon dioxide is a non-polluting gas that is essential for plant photosynthesis. **Higher concentrations of CO2 in the atmosphere produce bigger crop harvests and larger and healthier forests**— results environmentalists used to like.

#### Agreement aren’t going to solve warming

Walsh 2011 [Bryan Walsh Nov. 29, 2011 “Another Year, Another U.N. Climate-Change Summit: Expect Big Talk in Durban, and Few Results” http://content.time.com/time/health/article/0,8599,2100430,00.html]

But here's one prediction I can make without leaving my office: there will be no comprehensive international climate deal hammered out at Durban, just as there wasn't one at Cancún last year or Copenhagen the year before. And there almost certainly won't be one by 2015 — a goal the Europeans have set — or maybe by 2020, as the U.S. has grudgingly targeted. The dream of a single global climate deal is likely to remain unfulfilled — and the sooner we accept that fact, the sooner we can start focusing our energy on more effective ways to fight climate change.¶ The reality is that international climate negotiations have remained stuck on the same issues for over 15 years, going back to the original negotiations over the Kyoto Protocol, which was supposed to reduce carbon output by signatory countries by an average of 5.2% below 1990 levels. Back then — to sketch out the different sides broadly — Europeans were pushing hard for comprehensive carbon cuts, major developing countries mostly just wanted to ensure that they wouldn't be required to do anything, and the U.S. was skeptical about the whole process. In the end — thank in part to some last-minute negotiations by then Vice President Al Gore — the Kyoto Protocol was signed, mandating carbon cuts by 2012 among developed nations while setting up climate aid for developing ones.

**International law doesn’t prevent conflict**

**Cassese 2001** Antonio Cassese, Professor at the University of Florence and member of I'Institut de droit international, 2001 (International Law) pg. 348

**Over the years the 'authorization regime' has evolved** along three main lines. First **with regard to the purpose of the use of force authorized by the SC, this body has increasingly defined in a clearer manner the objectives States were to pursue when using force**. It is necessary only to think, in contrast, of the broad purpose of the use of force set out in resolution 678 (1990) concerning Iraq. The SC decided that States had to use all the means necessary 'to uphold and implement resolution 660 (1990) and al subsequent resolutions and to restore international peace and security in the area'**. This sweeping mandate enabled some States (in particular the USA and the UK) to argue that the air raids against Iraq designed to ensure respect for the subsequent SC resolutions were authorized** by resolution 678 (1990). Clearer and more specific objectives were set fourth in resolution 1511 (2003) and, even more, in resolution 1546 (2004) (see for instance 9-14), both on Iraq.

**International law has no force at all**

**Paulsen 2009** Michael Stokes Paulsen, Distinguished University Chair and Professor of Law, The University of St.Thomas School of Law [Yale Law Journal – The Constitutional Power to Interpret International Law] June 2009

To summarize the argument so far: **the Constitution mandates as a matter of U.S. domestic law the supremacy of the Constitution over international law in all respects**. **No norm, rule, principle, or command of the legal regime of "international law" in conflict with the Constitution's vesting of U.S. powers or recognition of individual or group rights can be given effect, as a matter of U.S. law.** And **even where international law is not in conflict with the Constitution,** but actually embraced within the Constitution's terms**, the Constitution's provisions maintain the supremacy of U.S. law over international law.** The Constitution's assignment of powers makes every aspect of international law subject to being overridden by Congress, the President, or the courts. **The force of international law is thus largely an illusion.** Once the fog has lifted**, international law as it concerns the United States** - treaties of the United States, executive agreements, customary international law norms and practices - **can be seen as largely a matter of international politics and policy, not binding "law,"** at least not in the sense in which law is usually understood. **It is international relations or international politics dressed up as law.** It may be highly relevant in that sense - that is, as a rhetorical, political trope - **but it is essentially irrelevant as law.** To misquote Clausewitz once again, international law is simply the continuation of international politics by other means.

**No impact - Other nations will still cooperate with the U.S. even if it’s unpopular**

**Kagan 2006** (Robert, The Washington Post, 1/15, http://www.carnegieendowment.org/publications/index.cfm?fa=view&id=17894&prog=zgp&proj=zusr

The striking thing about the present international situation is the degree to which America remains what Bill Clinton once called "the indispensable nation." Despite global opinion polls registering broad hostility to George W. Bush's United States, **the behavior of governments and political leaders suggests America's position in the world is not all that different from what it was before** Sept. 11 and **the Iraq war. The** much-anticipated global **effort to balance** against **American hegemony** -- which the realists have been anticipating for more than 15 years now -- **has simply not occurred.** On the contrary, **in Europe the idea has** all but **vanished**. European Union defense budgets continue their steady decline, and even the project of creating a common foreign and defense policy has slowed if not stalled. Both trends are primarily the result of internal European politics. But if they really feared American power, Europeans would be taking more urgent steps to strengthen the European Union's hand to check it. Nor are Europeans refusing to cooperate, even with an administration they allegedly despise. Western Europe will not be a strategic partner as it was during the Cold War, because Western Europeans no longer feel threatened and therefore do not seek American protection. Nevertheless, **the current trend is toward closer cooperation.** Germany's new government, while still dissenting from U.S. policy in Iraq, is working hard and ostentatiously to improve relations

#### International system resilient – no conflict

Christopher Preble (director of foreign policy studies at the Cato Institute) August 2010 “U.S. Military Power: Preeminence for What Purpose?” http://www.cato-at-liberty.org/u-s-military-power-preeminence-for-what-purpose/

Most in Washington still embraces the notion that America is, and forever will be, the world’s indispensable nation. Some scholars, however, questioned the logic of hegemonic stability theory from the very beginning. A number continue to do so today. They advance arguments diametrically at odds with the primacist consensus. Trade routes need not be policed by a single dominant power; the international economy is complex and resilient. Supply disruptions are likely to be temporary, and the costs of mitigating their effects should be borne by those who stand to lose — or gain — the most. Islamic extremists are scary, but hardly comparable to the threat posed by a globe-straddling Soviet Union armed with thousands of nuclear weapons. It is frankly absurd that we spend more today to fight Osama bin Laden and his tiny band of murderous thugs than we spent to face down Joseph Stalin and Chairman Mao. Many factors have contributed to the dramatic decline in the number of wars between nation-states; it is unrealistic to expect that a new spasm of global conflict would erupt if the United States were to modestly refocus its efforts, draw down

 its military power, and call on other countries to play a larger role in their own defense, and in the security of their respective regions. But while there are credible alternatives to the United States serving in its current dual role as world policeman / armed social worker, the foreign policy establishment in Washington has no interest in exploring them. The people here have grown accustomed to living at the center of the earth, and indeed, of the universe. The tangible benefits of all this military spending flow disproportionately to this tiny corner of the United States while the schlubs in fly-over country pick up the tab.

# 2NC

# Terrorism

### 2NC Impact Calc (Regular Terrorism)

#### Even a 1% probability means you vote neg.

Matthew **Bunn**, Associate Professor of Public Policy at the Belfer Center for Science and International Affairs at the John F. Kennedy School of Government, November **2008**, Securing the Bomb 2008, p. 14-15

Even a 1 percent chance over the next ten years would be enough to justify substantial action to reduce the risk, given the scale of the consequences. No one in their right mind would operate a nuclear power plant upwind of a major city that had a 1 percent chance over ten years of blowing sky-high—the risk would be understood by all to be too great. But that, in effect, is what we are doing—or worse—by managing the world’s nuclear stockpiles as we do today. The nuclear security improvements and nuclear material removals that have been accomplished in recent years— along with the disruption of al-Qaeda’s central command—have reduced the risk. But the danger remains very real.

#### Our impact is more probable- state on state war is largely obsolete

Hooker 12 [Colonel Richard D. Hooker, Jr., commands the XVIII Airborne Corps Combat ¶ Support Brigade (“Dragon Brigade”) now deployed to Iraq. He commanded an infantry battalion in the 82d Airborne Division and has served as Special Assistant to the ¶ Chairman of the Joint Chiefs, with the Office of the Chief of Staff of the Army, as Aide ¶ de Camp to the Secretary of the Army, and with the National Security Council. Colonel ¶ Hooker holds an M.S. in national security studies from the National Defense University ¶ and M.A. and Ph.D. degrees from the University of Virginia in international relations Winter 2011-12 “Beyond Vom Kriege: The Character and Conduct of Modern War” Strategic Studies Institute http://strategicstudiesinstitute.army.mil/pubs/parameters/Articles/2011winter/Hooker2.pdf]

Modern war, at least as practiced in the West, trades on American and ¶ European technology and wealth, not on manpower and ideology. Western militaries are typically small, professional organizations officered by the middle ¶ class and filled by working-class volunteers. Their wars are universally “out ¶ of area”—that is, not fought in direct defense of national borders—placing a ¶ premium on short, sharp campaigns won with relatively few casualties. Although ¶ land forces remain indispensable, whenever possible Western militaries fight ¶ at a distance using standoff precision weapons, whose accuracy and lethality make it difficult or impossible for less-sophisticated adversaries to fight ¶ conventionally with any chance of success. Increasingly, the West’s advantage ¶ in rapid data transmission on the battlefield is changing how American and ¶ European militaries wage war, as control and use of information assumes decisive importance. ¶ The qualitative gap between the armed forces of the West and their ¶ likely opponents is not likely to narrow for the foreseeable future. In this sense ¶ the West’s absolute military advantage, arguably in force since the Battle of ¶ Lepanto in 1571, is likely to persist for generations. Although challengers may ¶ pursue niche technologies like anti-ship weapons, theater ballistic or cruise ¶ missiles, or computer attack systems, their inability to match the capital expenditures and technological sophistication of the United States and its NATO ¶ allies will make military parity highly doubtful, even when they act in coalitions. Nor will nuclear weapons change this calculus. While the small nuclear ¶ arsenals of potential adversary states may yield some deterrent benefits, their ¶ offensive use as weapons of war (as distinct from their use in terrorism) is ¶ doubtful given the vastly more capable nuclear forces belonging to the United ¶ States, Britain, and France. ¶ This gap in economic and technological capacity suggests other ¶ approaches for weaker adversaries. Here there is real danger. A quick look at ¶ the protracted insurgencies of the past one hundred years is not encouraging. In ¶ China, Vietnam, and Algeria, the West or its surrogates struggled for decades ¶ and lost. Russia is experiencing the same agony in Chechnya. Even Western ¶ “successes” in Nicaragua, El Salvador, Malaysia, and Aden proved painful and ¶ debilitating.¶ 14¶ The ability of Western democracies to sustain major military ¶ ventures over time, particularly in the face of casualties suffered for less than ¶ truly vital stakes, represents a real vulnerability. The sheer cost of maintaining ¶ large fighting forces in action at great distances from the homeland is a liability ¶ that can be exploited by opponents able to tie down Western forces in extended ¶ conflicts. ¶ The costs of waging long, drawn-out conflicts will be counted in more ¶ than dollars and lives. By a curious logic, the loss of many Americans in a single ¶ event or short campaign is less harmful to our political and military institutions ¶ than the steady drain of casualties over time. By necessity, the military adapts ¶ to the narrower exigencies of the moment, focusing on the immediate fight, ¶ at some cost to the future investment, professional growth, and broader warfighting competencies which can be vital in other potential conflicts of greater ¶ import. A subsidiary effect is loss of confidence in the military as an institution ¶ when it is engaged in protracted operations involving mounting losses without ¶ apparent progress. It is too soon to tell if ongoing military operations in Iraq ¶ and Afghanistan will yield timely and fruitful results. But if they do not, the ¶ long-term effect on the health of the American military could and probably will ¶ be damaging. ¶ The experience of the Vietnam conflict, while not an exact fit, suggests ¶ that very long and enervating campaigns, fought for less than truly vital objectives, delay necessary modernization, absorb military resources earmarked for ¶ other, more dangerous contingencies, drive long-service professionals out of ¶ the force, and make it harder to recruit qualified personnel. These direct effects ¶ may then be mirrored more indirectly in declining popular support, more ¶ strident domestic political conflict, damage to alliances and mutual security ¶ arrangements, and economic dislocation. These factors will fall more heavily ¶ on ground forces, since air and naval forces typically spend less time deployed ¶ in the combat theater between rotations, suffer fewer losses, and retain career ¶ personnel in higher numbers. ¶ Viewed as a case study in the application of Clausewitzian thought, ¶ current military operations offer a vivid contrast to the wars fought in ¶ Afghanistan in 2001-02 and in Iraq in the spring of 2003. There, coalition ¶ military power could be directed against organized military forces operating ¶ under the control of regularly constituted political entities. Political objectives ¶ could be readily translated into military tasks directed against functioning ¶ state structures (“destroy the Taliban and deny al Qaeda refuge in Afghanistan; ¶ destroy the Iraqi military and topple Saddam’s regime”). ¶ In the aftermath, the focus shifted to nation-building, a more amorphous and ambiguous undertaking with fuzzier military tasks. In Iraq, for ¶ example, there is no central locus of decisionmaking power against which ¶ military force can be applied. Large-scale combat operations are rare, and military force, while a key supporting effort, is focused on stabilizing conditions ¶ so that the main effort of political reconciliation and economic reconstruction ¶ can proceed. Resistance appears to be local and fragmented, directed by a loose ¶ collection of Sunni Baathist remnants, Shia religious zealots, foreign jihadists, ¶ and, increasingly, local tribal fighters seeking revenge for the incidental deaths ¶ of family and tribal members. Access to military supplies and to new recruits is ¶ enabled both by neighboring powers like Iran and Syria and by local religious ¶ and cultural sentiment. ¶ In many ways the military problem in Iraq is harder today than it was ¶ during major combat operations. Only rarely can we expect to know in advance ¶ our enemy’s intentions, location, and methods. In this sense, seizing and maintaining the initiative, at least tactically, is a difficult challenge. ¶ Clausewitz was well aware of this environment, which he called ¶ “people’s war.” We can be confident that he would be uncomfor table with openended and hard-to-define strategic objectives. However much we may scoff ¶ at classical notions of strategy, with their “unsophisticated” and “unnuanced” ¶ focus on destroying enemy armies, seizing enemy capitals, installing more ¶ pliable regimes, and cowing hostile populations, ignoring them has led to poor ¶ historical results. A close reading of Vom Kriege shows that Clausewitz did ¶ not neglect the nature of the problem so much as he cautioned against ventures ¶ which could not be thoroughly rationalized. Put another way, he recognized ¶ there are limits to the power of any state and that those limits must be carefully ¶ calculated before, and not after, the decision to go to war. ¶ In Iraq, it may well be that American and coalition forces will destroy ¶ a critical mass of insurgents sufficient to collapse large-scale organized resistance, an outcome devoutly to be wished for. But if so, we are in a race against ¶ time. For the American Army and Marine Corps, and for our British and other ¶ coalition partners, the current level of commitment probably does not represent ¶ a sustainable steady state unless the forces available are considerably increased. ¶ If the security situation does not improve to permit major reductions in troop ¶ strength, eventually the strain will tell. At that point, the voting publics of ¶ the coalition partners and their governments may face difficult choices about ¶ whether and how to proceed.¶ 15¶ These choices will be tempered by the knowledge that the homeland ¶ itself has now become a battleground. Open societies with heterogeneous populations make Western states particularly vulnerable to terrorist attack, always ¶ an option open to hostile states or the terrorist groups they harbor. And however ¶ professional, the armies of the West are not driven by religious or ideological zeal. That too can be a weapon—as the Americans and French learned in ¶ Indochina and as we see today in the Middle East. ¶ The foregoing suggests that in future wars the United States and its ¶ Western allies will attempt to fight short, sharp campaigns with superior technology and overwhelming firepower delivered at standoff ranges, hoping to ¶ achieve a decisive military result quickly with few casualties. In contrast to the ¶ industrial or attrition-based strategies of the past, in future wars we will seek ¶ to destroy discrete targets leading to the collapse of key centers of gravity and ¶ overall system failure, rather than annihilating an opponent’s military forces in ¶ the field. Our likely opponents have two options: to inflict high losses early in ¶ a conflict (most probably with weapons of mass destruction, perhaps delivered ¶ unconventionally) in an attempt to turn public opinion against the war; or to ¶ avoid direct military confrontation and draw the conflict out over time, perhaps ¶ in conjunction with terrorist attacks delivered against the homeland, to drain ¶ away American and European resolve. ¶ In either case our enemies will not attempt to mirror our strengths and ¶ capabilities. Our airplanes and warships will not fight like systems, as in the ¶ past, but instead will serve as weapon platforms, either manned or unmanned, ¶ to deliver precision strikes against land targets. Those targets will increasingly ¶ be found under ground or in large urban areas, intermixed with civilian populations and cultural sites that hinder the use of standoff weapons.

#### And, the taboo is critical to prevent nuclear war-it suppresses all other negative DA impacts

Gizewski 1996 (Peter, Senior Associate, Peace and Conflict Studies Programme, University of Toronto, International Journal, Summer, p. 419)

Recognizing that the prohibitionary norm is no cure-all for future nuclear dangers should not obscure the large contribution it has made to international security. From its earliest days, the general impact of the taboo has been overwhelmingly positive, and the long tradition of nuclear abstinence owes much to its existence and to the allegiance it has increasingly commanded. Emerging gradually, at times in the face of considerable challenge, and in part by good fortune, it has stigmatized the use of nuclear weapons, rendering them increasingly illegitimate and unusable instruments of statecraft in the eyes of the vast majority of states in the international system. While largely tacit, informal, and owing much to force of habit, its existence now forms a barrier to the use of nuclear weapons which in some respects is no less valuable than the Non-Proliferation Treaty itself. Whether the taboo will continue to command the allegiance it has in the past is less clear. Given emerging international realities, it may well be that the norm is fast entering the period of its greatest importance and its most serious challenge. Efforts to preserve and extend it – both in the West and to other cultures – are necessary and essential to international security. In their absence, not only could the norm suffer, but the long nuclear peace which has blessed the globe for over five decades may come to an abrupt and tragic end.

### A2: Terrorist Recruiting

#### Its not a recruiting tool

Joscelyn 2010 [Thomas Joscelyn is a senior fellow at the Foundation for Defense of Democracies. DEC 27, 2010 Weekly Standard “Gitmo Is Not Al Qaeda's 'Number One Recruitment Tool'” http://www.weeklystandard.com/blogs/gitmo-not-al-qaedas-number-one-recruitment-tool\_524997.html?page=2]

President Obama and his surrogates have made this argument before, but they have provided no real evidence that it is true. In fact, al Qaeda’s top leaders rarely mention Guantanamo in their messages to the West, Muslims and the world at large.¶ No journalist in attendance had the opportunity to challenge President Obama’s assertion. The president should have been asked: If Guantanamo is such a valuable recruiting tool, then why do al Qaeda’s leaders rarely mention it?¶ THE WEEKLY STANDARD has reviewed translations of 34 messages and interviews delivered by top al Qaeda leaders operating in Pakistan and Afghanistan (“Al Qaeda Central”), including Osama bin Laden and Ayman al Zawahiri, since January 2009. The translations were published online by the NEFA Foundation. Guantanamo is mentioned in only 3 of the 34 messages. The other 31 messages contain no reference to Guantanamo. And even in the three messages in which al Qaeda mentions the detention facility it is not a prominent theme.¶ Instead, al Qaeda’s leaders repeatedly focus on a narrative that has dominated their propaganda for the better part of two decades. According to bin Laden, Zawahiri, and other al Qaeda chieftains, there is a Zionist-Crusader conspiracy against Muslims. Relying on this deeply paranoid and conspiratorial worldview, al Qaeda routinely calls upon Muslims to take up arms against Jews and Christians, as well as any Muslims rulers who refuse to fight this imaginary coalition.¶ This theme forms the backbone of al Qaeda’s messaging – not Guantanamo.¶ To illustrate this point, consider the results of some basic keyword searches. Guantanamo is mentioned a mere 7 times in the 34 messages we reviewed. (Again, all 7 of those references appear in just 3 of the 34 messages.)¶ By way of comparison, all of the following keywords are mentioned far more frequently: Israel/Israeli/Israelis (98 mentions), Jew/Jews (129), Zionist(s) (94), Palestine/Palestinian (200), Gaza (131), and Crusader(s) (322). (Note: Zionist is often paired with Crusader in al Qaeda’s rhetoric.)¶ Naturally, al Qaeda’s leaders also focus on the wars in Afghanistan (333 mentions) and Iraq (157). Pakistan (331), which is home to the jihadist hydra, is featured prominently, too. Al Qaeda has designs on each of these three nations and implores willing recruits to fight America and her allies there. Keywords related to other jihadist hotspots also feature more prominently than Gitmo, including Somalia (67 mentions), Yemen (18) and Chechnya (15). ¶ Simply put, there is no evidence in the 34 messages we reviewed that al Qaeda’s leaders are using Guantanamo as a recruiting tool. Undoubtedly, “Al Qaeda Central” has released other messages during the past two years that are not included in our sample. Some of those messages may refer to Guantanamo. And some of the al Qaeda messages provided by NEFA, which does a remarkable job collecting and translating al Qaeda’s statements and interviews, may be only partial translations of longer texts.¶ However, the messages we reviewed also surely include most of what al Qaeda’s honchos have said publicly since January 2009. These messages do not support the president’s claim.

#### The only goodwill we will get is condolences after attacks

Mukasy 2009 [Michael B. Mukasy attorney general of the United States from 2007 to 2009, October 19, 2009 Wall Street Journal “Civilian Courts Are No Place to Try Terrorists” http://online.wsj.com/article/SB10001424052748704107204574475300052267212.html]

Nevertheless, critics of Guantanamo seem to believe that if we put our vaunted civilian justice system on display in these cases, then we will reap benefits in the coin of world opinion, and perhaps even in that part of the world that wishes us ill. Of course, we did just that after the first World Trade Center bombing, after the plot to blow up airliners over the Pacific, and after the embassy bombings in Kenya and Tanzania.¶ In return, we got the 9/11 attacks and the murder of nearly 3,000 innocents. True, this won us a great deal of goodwill abroad—people around the globe lined up for blocks outside our embassies to sign the condolence books. That is the kind of goodwill we can do without.

#### Any effect would already be realized

Drew 2009 [Anne Marie Drew teaches English at the US Naval Academy September 11, 2009 “Closing Guantanamo will be a mistake” http://www.csmonitor.com/Commentary/Opinion/2009/0911/p09s01-coop.html]

It will be wrong to close these camps, in what can only be a symbolic gesture, simply for the sake of closing them.¶ Whatever moral authority America has lost by its treatment of these detainees will not be regained by moving them. Whatever mistakes we made will not be erased. Closing Gitmo will not make us safer.

### Alliances

#### Alliances and intel sharing are permanent

NYT, 1/30/’13

(“Drone Strike Prompts Suit, Raising Fears for U.S. Allies”)

The issue is more complex than drone-strike foes suggest, the current and former officials said, and is based on decades of cooperation rather than a shadowy pact for the United States to do the world’s dirty work. The arrangements for intensive intelligence sharing by Western allies go back to World War II, said Richard Aldrich, professor of international security at the University of Warwick, when the United States, Canada, Britain, Australia and New Zealand agreed to continue to collaborate. “There’s a very high volume of intelligence shared, some of which is collected automatically, so it’s impossible to track what every piece is potentially used for,” said Mr. Aldrich, who is also the author of a history of the Government Communications Headquarters, the British signal-intelligence agency. Britain’s history and expertise in South Asia means that the intelligence it gathers in Pakistan, Afghanistan and the tribal areas in between is in high demand, Mr. Aldrich said. The arrangement has been focused recently by a chill in relations between the United States and Pakistan, and by the shared war in Afghanistan. Other nations, too, intercept communications in the region that are shared broadly with the United States, he said. In Afghanistan, for example, German and Dutch forces run aggressive electronic interception operations, he said, because their rules on collaborating with local interpreters are less stringent than those of the United States. A spokesman for the coalition forces in Afghanistan, Lt. Col. Lester Carroll, declined to give details about intelligence sharing, saying agreements were classified. But he confirmed that American military forces “do share information with other U.S. government organizations on a need-to-know basis.” Few argue against the notion that European nations, many of which have been attacked by terrorists, have benefited from the drone killing, however controversial, of many of the most hardened Islamic extremist leaders.

### Executive Flexibility Preemption Link

#### Executive flexibility is key to maintaining preemption

Royal 2011 (John Paul Royal, Institute of World Politics, “War Powers and the Age of Terrorism,” Center for the Study of the Presidency & Congress The Fellows Review, http://www.thepresidency.org/storage/Fellows2011/Royal-\_Final\_Paper.pdf)

The international system itself and national security challenges to the United ¶ States in particular, underwent rapid and significant change in the first decade of the ¶ twenty-first century. War can no longer be thought about strictly in the terms of ¶ the system and tradition created by the Treaty of Westphalia over three and a half ¶ centuries ago. Non-state actors now possess a level of destructiveness formerly ¶ enjoyed only by nation states. Global terrorism, coupled with the threat of weapons ¶ of mass destruction developed organically or obtained from rogue regimes, presents ¶ new challenges to U.S. national security and place innovative demands on the ¶ Constitution’s system of making war. ¶ In the past, as summarized in the 9/11 Commission Report, threats emerged ¶ due to hostile actions taken by enemy states and their ability to muster large enough ¶ forces to wage war: “Threats emerged slowly, often visibly, as weapons were ¶ forged, armies conscripted, and units trained and moved into place. Because large ¶ states were more powerful, they also had more to lose. They could be deterred" ¶ (National Commission 2004, 362). This mindset assumed that peace was the ¶ default state for American national security. ¶ Today however, we know that threats can emerge quickly. Terrorist ¶ organizations half-way around the world are able to wield weapons of unparalleled ¶ destructive power. These attacks are more difficult to detect and deter due to their ¶ unconventional and asymmetrical nature. In light of these new asymmetric threats ¶ and the resultant changes to the international system, peace can no longer be ¶ considered the default state of American national security.¶ Many have argued that the Constitution permits the president to use ¶ unilateral action only in response to an imminent direct attack on the United States. ¶ In the emerging security environment described above, pre-emptive action taken by ¶ the executive branch may be needed more often than when nation-states were the ¶ principal threat to American national interests. Here again, the 9/11 Commission ¶ Report is instructive as it considers the possibility of pre-emptive force utilized over ¶ large geographic areas due to the diffuse nature of terrorist networks: ¶ In this sense, 9/11 has taught us that terrorism against American interests ¶ “over there” should be regarded just as we regard terrorism against America “over here.” In this sense, the American homeland is the planet ¶ (National Commission 2004, 362). ¶ Furthermore, the report explicitly describes the global nature of the threat ¶ and the global mission that must take place to address it. Its first strategic policy ¶ recommendation against terrorism states that the: ¶ U.S. government must identify and prioritize actual or potential terrorist ¶ sanctuaries. For each, it should have a realistic strategy to keep possible ¶ terrorists insecure and on the run, using all elements of national power ¶ (National Commission 2004, 367). ¶ Thus, fighting continues against terrorists in Afghanistan, Yemen, Iraq, Pakistan, ¶ the Philippines, and beyond, as we approach the tenth anniversary of the September ¶ 11, 2001 attacks. ¶ Proliferation of weapons of mass destruction (WMD), especially nuclear ¶ weapons, into the hands of these terrorists is the most dangerous threat to the ¶ United States. We know from the 9/11 Commission Report that Al Qaeda has ¶ attempted to make and obtain nuclear weapons for at least the past fifteen years. Al ¶ Qaeda considers the acquisition of weapons of mass destruction to be a religious ¶ obligation while “more than two dozen other terrorist groups are pursing CBRN ¶ [chemical, biological, radiological, and nuclear] materials” (National Commission ¶ 2004, 397). Considering these statements, rogue regimes that are openly hostile to ¶ the United States and have or seek to develop nuclear weapons capability such as ¶ North Korea and Iran, or extremely unstable nuclear countries such as Pakistan, ¶ pose a special threat to American national security interests. These nations were ¶ not necessarily a direct threat to the United States in the past. Now, however, due ¶ to proliferation of nuclear weapons and missile technology, they can inflict damage ¶ at considerably higher levels and magnitudes than in the past. In addition, these ¶ regimes may pursue proliferation of nuclear weapons and missile technology to ¶ other nations and to allied terrorist organizations. ¶ The United States must pursue condign punishment and appropriate, rapid ¶ action against hostile terrorist organizations, rogue nation states, and nuclear ¶ weapons proliferation threats in order to protect American interests both at home ¶ and abroad. Combating these threats are the “top national security priority for the ¶ United States…with the full support of Congress, both major political parties, the ¶ media, and the American people” (National Commission 2004, 361). Operations ¶ may take the form of pre-emptive and sustained action against those who have ¶ expressed hostility or declared war on the United States. Only the executive branch ¶ can effectively execute this mission, authorized by the 2001 AUMF. If the national ¶ consensus or the nature of the threat changes, Congress possesses the intrinsic ¶ power to rescind and limit these powers.

#### Preemption is key to managing terrorism

Arquilla 2013 [John Arquilla is professor of defense analysis at the U.S. Naval Postgraduate School, author of Insurgents, Raiders, and Bandits: How Masters of Irregular Warfare Have Shaped Our World, and co-editor of Afghan Endgames: Strategy and Policy Choices for America's Longest War. 8-12-2013 “Last War Standing” Foreign Policy http://www.foreignpolicy.com/articles/2013/08/12/last\_war\_standing\_preemptive]

But all that was then. Since the turn of the millennium and the onset of the long conflict with al Qaeda, the hope has been that deterrence, prevention, and preemption might somehow prove more useful than ever before. With the principal enemy being a network rather than a nation, deterrence now focused on the basic principle of denial rather than punishment. A network has no clear homeland that can be threatened with nuclear or other forms of retaliation, so the focus must be on making it seem so hard to reach a target -- "denying" it to the enemy -- that attackers call off their operations or strike elsewhere. To some extent, American homeland defensive measures have achieved a bit of this kind of deterrence. But this has not deterred terrorism overall, just redirected it. Indeed, there is now so much more extremist violence today than there was a decade ago that it can be truly said that the war on terror has morphed into terror's war on the world. Recent closures of so many American embassies and consulates across a swath of Muslim countries only reinforce this point. Deterrence may be working, but only a little, and in a very limited way.¶ What of preventive war? Fifty years after Eisenhower rejected it, George W. Bush brought it back in his invasion of Iraq. While the Bush administration called it "preemptive war," this was a misnomer given the absence of any imminent threat. The war was really preventive, the idea being that the overthrow of Saddam Hussein would keep him from developing nuclear weapons and would somehow create a less permissive environment for the future growth and sustenance of terrorist networks. There is little need to detail the costly failure of this preventive campaign, beyond noting that today the U.S. military is out of Iraq, al Qaeda is back, and that tortured land has become a hothouse environment for the growth of violent extremism.¶ With deterrence on life support, and preventive war fully discredited, preemption is the world's last, best hope for security. While it is a concept that proved poorly suited to strategies for the use of weapons of mass destruction, an era of "mass disruption" caused by small terrorist cells and hacker networks cries out for preemption. A raid on a terrorist training camp or safe house, a cyberstrike on a malicious, hacker-controlled robot network, these are the ways in which preemption can be used to reduce the threats that so imperil our world.

### Judicial Action Link

#### Now is a key time to determine future role of the judiciary in regulating terrorism- increased restrictions open the floodgates

Wittes 2008 [Benjamin Wittes is a senior fellow in Governance Studies at The Brookings Institution. He co-founded and is the editor-in-chief of the Lawfare blog, which is devoted to sober and serious discussion of "Hard National Security Choices," and is a member of the Hoover Institution's Task Force on National Security and Law 2008 “LAW AND THE ¶ LONG WAR ¶ THE FUTURE OF JUSTICE ¶ IN THE AGE OF TERROR” Chapter 4 “The Necessity and ¶ Impossibility of Judicial ¶ Review” Penguin Press https://webspace.utexas.edu/rmc2289/National%20Security%20and%20the%20Courts/Law%20and%20the%20Long%20War%20%20Chapter%204.pdf]

Before turning to competing visions of what judicial review in this area ¶ ought to look like, let us step back for a moment and contemplate its reality to ¶ date - a reality that, more than six years after the September 11 attacks, has ¶ answered virtually none of the fundamental questions this conflict poses ¶ yet, in the very act of not answering those questions, has made the justices ¶ central players in counterterrorism policy. There is a yawning, though little understood, chasm between the practical impact of the Supreme Court's decisions in this area so far and the potential implications of those decisions in the ¶ future -perhaps the near future - to justify more extensive judicial supervision of war making. Taken on their own, the Court's pronouncements to date ¶ have been something less than dramatic. At the same time, they contain doctrinal seeds of a far more aggressive judicial posture -one that several of the ¶ justices clearly regard as desirable. The Court, in other words, has loaded and ¶ cocked its gun, positioning itself for a veritable sea change in the relationship ¶ between the federal branches in wartime. Yet it has skillfully done so without ¶ closing of f any policy options for either the executive branch or the legislature ¶ in the short term. It has not actually pulled the trigger. ¶

#### Assertion of judicial power over the executive collapses the war on terror

Wittes 2008 [Benjamin Wittes is a senior fellow in Governance Studies at The Brookings Institution. He co-founded and is the editor-in-chief of the Lawfare blog, which is devoted to sober and serious discussion of "Hard National Security Choices," and is a member of the Hoover Institution's Task Force on National Security and Law 2008 “LAW AND THE ¶ LONG WAR ¶ THE FUTURE OF JUSTICE ¶ IN THE AGE OF TERROR” Chapter 4 “The Necessity and ¶ Impossibility of Judicial ¶ Review” Penguin Press https://webspace.utexas.edu/rmc2289/National%20Security%20and%20the%20Courts/Law%20and%20the%20Long%20War%20%20Chapter%204.pdf]

But then there's the tectonic level, where the impact of the decisions is akin ¶ to the persistent grinding of plates deep within the San Andreas fault; the ¶ plates haven't slipped yet" but they're threatening to. Indeed, the Court's ¶ deepest impact to date has not lain in the substance of anything it has done ¶ but in its insistence on its own predominant role - the insistence tha t it has ¶ the final say. The decisions seem to threaten a completely different judicial ¶ posture in the war on terrorism, one tha t is a kind of mi r ror image of the executive power model the administration has adopted. Call it the judicial power ¶ model. Under this vision, which clearly attracts the Court's more liberal justices, the Court asserts the inherent authority to review executive military actions. I t sets its own jurisdiction for such review without regard to the wishes ¶ of the two political branches or to the historical limits of judicial power. In the \_ ¶ absence of clear substantive law to apply using tha t jurisdiction, the justices ¶ mold substantive rights for detainees out of international humanitarian-law ¶ principles the Uni t ed States has either never embraced at all or never clearly ¶ implemented in its domestic statutes. And they claim tha t this power of review follows the American military wherever it goes a round the world. This ¶ specter is not a pa r anoid conservative fantasy. I t is one very plausible endpoint of the road on which the justices set off in Rasul. I t would represent a ¶ tremendous shift in the balance of power among the branches of government ¶ during wa r t ime - and a disaster for the institution of the presidency against ¶ which any reasonable executive-branch lawyer would t ry to protect his client. ¶ At this most speculative level of analysis, Rasul and Hamdan por t end a rebuke ¶ even more extreme than the top-level beating the press understood.

### Terrorism Acquisition

#### Mueller is wrong

Allison 2007 Graham Allison, Director – Belfer Center for Science and International Affairs, Professor of Government, and Faculty Chair of the Dubai Initiative – Harvard University’s Kennedy School of Government, “Symposium: Apocalypse When?”, The National Interest, November / December 2007, Lexis

MUELLER IS entitled to his opinion that the threat of nuclear proliferation and nuclear terrorism is "exaggerated" and "overwrought." But analysts of various political persuasions, in and out of government, are virtually unanimous in their judgment to the contrary. As the national-security community learned during the Cold War, risk = likelihood x consequences. Thus, even when the likelihood of nuclear Armageddon was small, the consequences were so catastrophic that prudent policymakers felt a categorical imperative to do everything that feasibly could be done to prevent that war. Today, a single nuclear bomb exploding in just one city would change our world. Given such consequences, differences between a 1 percent and a 20 percent likelihood of such an attack are relatively insignificant when considering how we should respond to the threat. Richard Garwin, a designer of the hydrogen bomb who Enrico Fermi once called "the only true genius I had ever met", told Congress in March that he estimated a "20 percent per year probability [of a nuclear explosion-not just a contaminated, dirty bomb-a nuclear explosion] with American cities and European cities included." My Harvard colleague Matthew Bunn has created a model in the Annals of the American Academy of Political and Social Science that estimates the probability of a nuclear terrorist attack over a ten-year period to be 29 percent-identical to the average estimate from a poll of security experts commissioned by Senator Richard Lugar in 2005. My book, Nuclear Terrorism, states my own best judgment that, on the current trend line, the chances of a nuclear terrorist attack in the next decade are greater than 50 percent. Former Secretary of Defense William Perry has expressed his own view that my work may even underestimate the risk. Warren Buffet, the world's most successful investor and legendary odds-maker in pricing insurance policies for unlikely but catastrophic events, concluded that nuclear terrorism is "inevitable." He stated, "I don't see any way that it won't happen." To assess the threat one must answer five core questions: who, what, where, when and how? Who could be planning a nuclear terrorist attack? Al-Qaeda remains the leading candidate. According to the most recent National Intelligence Estimate (NIE), Al-Qaeda has been substantially reconstituted-but with its leadership having moved from a medieval Afghanistan to Pakistan-a nation that actually has nuclear weapons. As former CIA Director George J. Tenet's memoir reports, Al-Qaeda's leadership has remained "singularly focused on acquiring WMDs" and that "the main threat is the nuclear one." Tenet concluded, "I am convinced that this is where [Osama bin Laden] and his operatives want to go." What nuclear weapons could terrorists use? A ready-made weapon from the arsenal of one of the nuclear-weapons states or an elementary nuclear bomb constructed from highly enriched uranium made by a state remain most likely. As John Foster, a leading U.S. bomb-maker and former director of the Lawrence Livermore National Laboratory, wrote a quarter of a century ago, "If the essential nuclear materials are at hand, it is possible to make an atomic bomb using information that is available in the open literature." Where could terrorists acquire a nuclear bomb? If a nuclear attack occurs, Russia will be the most likely source of the weapon or material. A close second, however, is North Korea, which now has ten bombs worth of plutonium, or Pakistan with sixty nuclear bombs. Finally, research reactors in forty developing and transitional countries still hold the essential ingredient for nuclear weapons. When could terrorists launch the first nuclear attack? If terrorists bought or stole a nuclear weapon in good working condition, they could explode it today. If terrorists acquired one hundred pounds of highly enriched uranium, they could make a working elementary nuclear bomb in less than a year. How could terrorists deliver a nuclear weapon to its target? In the same way that illegal items come to our cities every day. As one of my former colleagues has quipped, if you have any doubt about the ability of terrorists to deliver a weapon to an American target, remember: They could hide it in a bale of marijuana.

#### Nuclear terror is inevitable

Jaspal 2012 (Zafar Nawaz Jaspal, Associate Professor at the School of Politics and International Relations, Quaid-i-Azam University, Islamabad, Pakistan “Nuclear/Radiological Terrorism: Myth or Reality?”, Journal of Political Studies, Vol. 19, Issue - 1, 2012, 91:111)

The misperception, miscalculation and above all ignorance of the ruling elite about security puzzles are perilous for the national security of a state. Indeed, in an age of transnational terrorism and unprecedented dissemination of dualuse nuclear technology, ignoring nuclear terrorism threat is an imprudent policy choice. The incapability of terrorist organizations to engineer fissile material does noteliminate completely the possibility of nuclear terrorism. At the same time, the absence of an example or precedent of a nuclear/ radiological terrorism does not qualify the assertion that the nuclear/radiological terrorism ought to be remained a myth. Farsighted rationality obligates that one should not miscalculate transnational terrorist groups — whose behavior suggests that they have a death wish — of acquiring nuclear, radiological, chemical and biological material producing capabilities. In addition, one could be sensible about the published information that huge amount of nuclear material is spread around the globe. According to estimate it is enough to build more than 120,000 Hiroshima-sized nuclear bombs (Fissile Material Working Group, 2010, April 1). The alarming fact is that a few storage sites of nuclear/radiological materials are inadequately secured and continue to be accumulated in unstable regions (Sambaiew, 2010, February). Attempts at stealing fissile material had already been discovered (Din & Zhiwei, 2003: 18). Numerous evidences confirm that terrorist groups had aspired to acquire fissile material for their terrorist acts. Late Osama bin Laden, the founder of al Qaeda stated that acquiring nuclear weapons was a“religious duty” (Yusufzai, 1999, January 11). The IAEA also reported that “al-Qaeda was actively seeking an atomic bomb.” Jamal Ahmad al-Fadl, a dissenter of Al Qaeda, in his trial testimony had “revealed his extensive but unsuccessful efforts to acquire enriched uranium for al-Qaeda” (Allison, 2010, January: 11). On November 9, 2001, Osama bin Laden claimed that “we have chemical and nuclear weapons as a deterrent and if America used them against us we reserve the right to use them (Mir, 2001, November 10).” On May 28, 2010, Sultan Bashiruddin Mahmood, a Pakistani nuclear scientist confessed that he met Osama bin Laden. He claimed that “I met Osama bin Laden before 9/11 not to give him nuclear know-how, but to seek funds for establishing a technical college in Kabul (Syed, 2010, May 29).” He was arrested in 2003 and after extensive interrogation by American and Pakistani intelligence agencies he was released (Syed, 2010, May 29). Agreed, Mr. Mahmood did not share nuclear know-how with Al Qaeda, but his meeting with Osama establishes the fact that the terrorist organization was in contact with nuclear scientists. Second, the terrorist group has sympathizers in the nuclear scientific bureaucracies. It also authenticates bin Laden’s Deputy Ayman Zawahiri’s claim which he made in December 2001: “If you have $30 million, go to the black market in the central Asia, contact any disgruntled Soviet scientist and a lot of dozens of smart briefcase bombs are available (Allison, 2010, January: 2).” The covert meetings between nuclear scientists and al Qaeda members could not be interpreted as idle threats and thereby the threat of nuclear/radiological terrorism is real. The 33Defense Secretary Robert Gates admitted in 2008 that “what keeps every senior government leader awake at night is the thought of a terrorist ending up with a weapon of mass destruction, especially nuclear (Mueller, 2011, August 2).” Indeed, the nuclear deterrence strategy cannot deter the transnational terrorist syndicate from nuclear/radiological terrorist attacks. Daniel Whiteneck pointed out: “Evidence suggests, for example, that al Qaeda might not only use WMD simply to demonstrate the magnitude of its capability but that it might actually welcome the escalation of a strong U.S. response, especially if it included catalytic effects on governments and societies in the Muslim world. An adversary that prefers escalation regardless of the consequences cannot be deterred” (Whiteneck, 2005, Summer: 187) Since taking office, President Obama has been reiterating that “nuclear weapons represent the ‘gravest threat’ to United States and international security.” While realizing that the US could not prevent nuclear/radiological terrorist attacks singlehandedly, he launched 47an international campaign to convince the international community about the increasing threat of nuclear/ radiological terrorism. He stated on April 5, 2009: “Black market trade in nuclear secrets and nuclear materials abound. The technology to build a bomb has spread. Terrorists are determined to buy, build or steal one. Our efforts to contain these dangers are centered on a global non-proliferation regime, but as more people and nations break the rules, we could reach the point where the center cannot hold (Remarks by President Barack Obama, 2009, April 5).” He added: “One terrorist with one nuclear weapon could unleash massive destruction. Al Qaeda has said it seeks a bomb and that it would have no problem with using it. And we know that there is unsecured nuclear material across the globe” (Remarks by President Barack Obama, 2009, April 5). In July 2009, at the G-8 Summit, President Obama announced the convening of a Nuclear Security Summit in 2010 to deliberate on the mechanism to “secure nuclear materials, combat nuclear smuggling, and prevent nuclear terrorism” (Luongo, 2009, November 10). President Obama’s nuclear/radiological threat perceptions were also accentuated by the United Nations Security Council (UNSC) Resolution 1887 (2009). The UNSC expressed its grave concern regarding ‘the threat of nuclear terrorism.” It also recognized the need for all States “to take effective measures to prevent nuclear material or technical assistance becoming available to terrorists.” The UNSC Resolution called “for universal adherence to the Convention on Physical Protection of Nuclear Materials and its 2005 Amendment, and the Convention for the Suppression of Acts of Nuclear Terrorism.” (UNSC Resolution, 2009) The United States Nuclear Posture Review (NPR) document revealed on April 6, 2010 declared that “terrorism and proliferation are far greater threats to the United States and international stability.” (Security of Defence, 2010, April 6: i). The United States declared that it reserved the right to“hold fully accountable” any state or group “that supports or enables terrorist efforts to obtain or use weapons of mass destruction, whether by facilitating, financing, or providing expertise or safe haven for such efforts (Nuclear Posture Review Report, 2010, April: 12)”. This declaration underscores the possibility that terrorist groups could acquire fissile material from the rogue states**.**

# SOP

### Bioweaps

#### Delivery is impossible – most likely methods ensure only a 5% risk

Stimson Center 2005 (Henry L. Stimson Center, Frequently Asked Questions: Likelihood of Terrorists Acquiring and Using Chemical or Biological Weapons, http://www.stimson.org/cwc/terror.htm)

Terrorists cannot count on just filling the delivery system with agent, pointing the device, and flipping the switch to activate it. Facets that must be deciphered include the concentration of agent in the delivery system, the ways in which the delivery system degrades the potency of the agent, and the right dosage to incapacitate or kill human or animal targets. For open-air delivery, the meteorological conditions must be taken into account. Biological agents have extreme sensitivity to sunlight, humidity, pollutants in the atmosphere, temperature, and even exposure to oxygen, all of which can kill the microbes. Biological agents can be dispersed in either dry or wet forms. Using a dry agent can boost effectiveness because drying and milling the agent can make the particles very fine, a key factor since particles must range between 1 to 10 ten microns, ideally to 1 to 5, to be breathed into the lungs. Drying an agent, however, is done through a complex and challenging process that requires a sophistication of equipment and know-how that terrorist organizations are unlikely to possess. The alternative is to develop a wet slurry, which is much easier to produce but a great deal harder to disperse effectively. Wet slurries can clog sprayers and undergo mechanical stresses that can kill 95 percent or more of the microorganisms.

#### History is on our side - 96% of the time it only kills 3 or less people

Stimson Center 2005 (Henry L. Stimson Center, Frequently Asked Questions: Likelihood of Terrorists Acquiring and Using Chemical or Biological Weapons, http://www.stimson.org/cwc/terror.htm)

The Japanese cult Aum Shinrikyo was brimming with highly educated scientists, yet the cult's biological weapons program turned out to be a lemon. While its poison gas program certainly made more headway, it was rife with life-threatening production and dissemination accidents. After all of Aum's extensive financial and intellectual investment, the Tokyo subway attack killed a dozen people, seriously injured just over fifty more, and mildly injured just under 1,000. In 96 percent of the cases worldwide where chemical or biological substances have been used since 1975, three or fewer people were injured or killed.

#### Simple environmental factors ensure an attack fails

Laqueur 1999 (Walter- Cochairman, International Research Council, The Center for Strategic and International Studies, The New Terrorism, pg. 244)

Ironically, the major factor retarding the use of gases and germs by states and terrorists is not revulsion or moral constraints but technical difficulties. "Ideal" conditions for an attack seldom if ever exist, and the possibility of things going wrong is almost unlimited: aerosols may not function, the wind may blow in the wrong direction, missiles carrying a deadly load may land in the wrong place or neutralize the germs on impact. In the course of time these technical difficulties may be overcome, but it is still very likely that roughly nine out of ten of the early attempts by terrorists to wage chemical or biological warfare will fail. But they will not pass unnoticed; the authorities and the public will be alerted, and the element of surprise lost. The search for the perpetrators may begin even before the first successful attack. And what has just been said with regard to terrorists may also be true with regard to state terrorism.

### ME War

#### Prefer our literature base – theirs overinflates threats about the outbreak of conflict

Edward Luttwak (CSIS senior associate and has served as a consultant to the Office of the Secretary of Defense, the National Security Council, the U.S. Department of State, the U.S. Army, Navy, and Air Force, and a number of allied governments as well as international corporations and financial institutions) May 2007 “The middle of nowhere” http://www.prospectmagazine.co.uk/2007/05/themiddleofnowhere/

Why are middle east experts so unfailingly wrong? The lesson of history is that men never learn from history, but middle east experts, like the rest of us, should at least learn from their past mistakes. Instead, they just keep repeating them. The first mistake is “five minutes to midnight” catastrophism. The late King Hussein of Jordan was the undisputed master of this genre. Wearing his gravest aspect, he would warn us that with patience finally exhausted the Arab-Israeli conflict was about to explode, that all past conflicts would be dwarfed by what was about to happen unless, unless… And then came the remedy—usually something rather tame when compared with the immense catastrophe predicted, such as resuming this or that stalled negotiation, or getting an American envoy to the scene to make the usual promises to the Palestinians and apply the usual pressures on Israel. We read versions of the standard King Hussein speech in countless newspaper columns, hear identical invocations in the grindingly repetitive radio and television appearances of the usual middle east experts, and are now faced with Hussein’s son Abdullah periodically repeating his father’s speech almost verbatim. What actually happens at each of these “moments of truth”—and we may be approaching another one—is nothing much; only the same old cyclical conflict which always restarts when peace is about to break out, and always dampens down when the violence becomes intense enough. The ease of filming and reporting out of safe and comfortable Israeli hotels inflates the media coverage of every minor affray. But humanitarians should note that the dead from Jewish-Palestinian fighting since 1921 amount to fewer than 100,000—about as many as are killed in a season of conflict in Darfur.

# Legit

### Warming

#### Local solutions solve better than international agreements

Walsh 2011 [Bryan Walsh Nov. 29, 2011 “Another Year, Another U.N. Climate-Change Summit: Expect Big Talk in Durban, and Few Results” http://content.time.com/time/health/article/0,8599,2100430,00.html]

So if not the U.N. system, then what should we do? More of what's actually been working: climate action from the bottom up. From California's recent move to establish its own cap-and-trade system to China's generous investments in renewable energy, individual states, regions and countries have been busy taking their own steps on climate change. In the face of intense domestic opposition, Australia recently passed a carbon tax, while Germany has kept its support of renewable energy going in the face of financial crisis. Last year, global investment in renewable energy hit $187 billion, passing investment in fossil fuels — $157 billion — for the first time ever. The world isn't standing still on climate and energy, even as international negotiations flounder.

#### Treaties are not key to solve warming- countries are solving it on their own

Economist 2013 [The Economist 1-19-2013 “Beginning at home” http://www.economist.com/news/international/21569691-domestic-laws-not-global-treaty-are-way-fight-global-warming-beginning-home]

GOVERNMENTS like to cite external constraints—such as meeting the conditions for an international bail-out—when pushing through unpopular policies. But with measures to deal with climate change, the opposite prevails. Each round of intergovernmental talks on cutting emissions and compensating victims seems to achieve less than the one before. Meanwhile, according to a new study of 33 countries for GLOBE, a group of legislators from round the world, the number of new domestic environmental laws rose from ten a year in the early 2000s to 20 in 2012.¶ That figure is lower than the 30-odd laws recorded in 2009 and 2010, but the overall trend is a strong increase in legal activism. Last year Mexico passed a flagship law to guide all its climate-change policies: 31 of the 33 countries now have a basic greenery law. South Korea passed legislation setting up an emissions-trading scheme in 2015. Japan introduced a carbon tax and a new law to encourage denser, more energy-efficient cities. The study reckons that half the 33 countries made “substantial progress” in environmental legislation in 2012. In 2000 Western countries did more than poor ones. But in 2012 developing countries passed twice as many green laws as rich ones did.¶ Disclaimers and scepticism are in order. Defining what counts as a climate law is hard when so much affects the environment. The number of laws alone is not the crucial measure: some are comprehensive and others specific. Rules set by other layers of government may matter more than the national kind. And just because a law passes does not mean it will do any good.¶ Yet Sam Fankhauser of the London School of Economics, who helped write the study, says the rise in national legislation helps rebut the sceptics’ claim that it is self-defeating for a country to act alone on climate change. He also points out that many big countries still have a way to go. In so far as China and India, for example, still regulate emissions at all, they do it through the central-planning system (though the first draft of China’s flagship environmental law is due this month).¶ The study reveals the weak link between global action and domestic change. Holding a big climate conference prompts a flurry of laws a couple of years later (one reason why Mexico passed its new law). But by and large voters appear more willing to accept domestic environmental laws than international ones. If true, that is an indictment of years of green activism that has pushed for a global treaty first.

### MPX D

**No credible state based threats**

Doug **Bandow** (senior fellow at the Cato Institute. He is a former special assistant to President Reagan) January **2010** “Military Spending — For What?” http://www.cato.org/pub\_display.php?pub\_id=11143

**The United States dominates the globe militarily. The threats facing America pale compared to its capabilities**. Why, then, is Washington spending so much on the military? In 2010 the U.S. will spend roughly $700 billion on the military. This is an increase of 2 percent (after inflation) from the Obama administration's original nonwar defense budget of $534 billion. Despite initial plans for zero growth in defense spending in coming years, there are rumors that the Department of Defense will receive a 2 percent increase in real outlays through 2015. Still, some conservatives want to enshrine a military buildup in a law mandating fixed outlays at 4, 5 or even 6 percent of gross domestic product. Hawks focus on the percentage of GDP going to the military — currently about 4.4 percent — since that figure has fallen over the years. America spends more inflation- adjusted dollars on the military today than at any time since the end of World War II. Figured in 2000 dollars, the U.S. devoted $774.6 billion to the military in 1945, the final year of World War II. In 1953, the final year of the Korean War, military outlay ran to $416.1 billion. Expenditure during the Vietnam War peaked at $421.3 billion in 1968. By contrast, in 2010 — even before the Afghan surge and other unplanned expenditure — the administration expected to spend $517.8 billion. That's more than during the lengthy, but often warm, Cold War. Expenditure as a percentage of GDP has fallen because the U.S. economy has grown. GDP in 2010 (in 2000 dollars) will run to about $11.7 trillion. That is almost twice as much as in 1986, more than three times as much as in 1968, and nearly six times as much as in 1953. **Military outlay should be tied to threats, not economic growth**. Can anyone credibly claim the military threat facing America is two, three, or six times as great today as during those years? **Today the U.S. does not face a significant military threat**. As Colin Powell famously declared in 1991 when chairman of the Joint Chiefs of Staff: "I'm running out of enemies. I'm down to Castro and Kim Il Sung." **The U.S. has no great power enemies. Relations with China and Russia are at times uneasy, but not confrontational, let alone warlike. Washington is allied with every other industrialized state. America possesses the most sophisticated nuclear arsenal and the most powerful conventional force**. Washington's reach exceeds that of Rome and Britain at their respective peaks. Other nations, most notably China, are stirring, but it will take years before they match, let alone overtake, the U.S. Even subtracting the costs of the Afghanistan and Iraq wars leaves American military outlay around five times that of China and 10 times that of Russia. **Combine a gaggle of adversaries, enemies and rogues** — Burma, Cuba, Iran, North Korea, Syria — **and the U.S. spends perhaps 25 times as much**. The United States is not alone. The European Union has 10 times the GDP and three times the population of Russia. Military outlay by the U.S. plus its NATO allies accounts for about 70 percent of world military spending. **Add in America's other allies and friends**, such as South Korea, **and the total share of global military outlay hits 80 percent**. In short, Washington spends what it spends not to defend America but to maintain the ability to overpower other nations. But it will become increasingly expensive for America to preserve the ability to attack countries like China. Terrorism remains a pressing security threat. However, terrorist attacks, though horrid, do not pose an existential danger. Al-Qaida is no replacement for Nazism and Communism, nuclear-topped ICBMs and armored divisions. Nor is traditional military force the best way to combat terrorism. Indeed, foreign intervention often promotes terrorism, like swatting a hornet's nest. America's military spending is determined by its foreign policy. America's commitments are a matter of choice. They don't make sense today. Engagement is good, but military force is not the only form of engagement. And any international involvement must balance costs and benefits. Adjusting commitments would allow a vastly different, and less expensive, force structure. The U.S. could make significant cuts and still maintain the globe's strongest and most sophisticated military — one well able to defend Americans.

# 1NR

### Add-On

#### The Aff is neither necessary nor sufficient--- some court involvement is inevitable the plan doesn’t implicate the economy--- their evidence is very generic--- no way the plan is enough to save the economy if it’s collapsing now nor enough to collapse it if it’s high now

#### Court independence is extremely resilient

Gibson 2012 (James L. Gibson, Sidney W. Souers Professor of Government, Department of Political Science, Professor of African and African American Studies, Director, Program on Citizenship and Democratic Values Weidenbaum Center on the Economy, Government, and Public Policy, Washington University in STL, February 27, 2012, Countermajoritarian Conference, University of Texas Law School, pdf)

Political scientists and legal scholars continue to be obsessed with the so-called countermajoritarian dilemma created by the United States Supreme Court’s lack of accountability, particularly when coupled with its immense policy-making powers. Especially when the Supreme Court makes decisions that seem to fly in the face of public preferences—as in Kelo v. New London1 and Citizens United v. Federal Election Commission2—concerns about the function of the institution within American democracy sharpen. Indeed, some seem to believe that by making policies opposed by the majority of the American people the Court undermines its fundamental legitimacy, its most valuable political capital.¶ The underlying assumption of these worries about the Supreme Court’s legitimacy is that dissatisfaction with the Court’s decisions leads to the withdrawal, or at least diminution, of support for the institution. So when the Court decides a high profile case like Citizens United in a widely unpopular direction, it is logical to assume that the Court’s legitimacy suffers. Again, the assumption is that legitimacy flows from pleasing decisions, but it is undermined by displeasing decisions.¶ At least some empirical evidence directly contradicts this assumption. In what is perhaps the most salient and politically significant decision of the last few decades, the Supreme Court’s decision in Bush v. Gore3 effectively awarded the presidency to George W. Bush. One might have expected that this decision would undermine the Court’s legitimacy, at least with Democrats and probably with African-Americans as well. Yet several empirical research projects have indicated that, if anything, the Court’s legitimacy was boosted by this decision, even among Democrats and African-Americans.4 Bush v. Gore had great potential to chip away at the Court’s legitimacy—it was a deeply divided 5-4 decision; divided by the justices’ partisanships as well; it extended the Court’s authority into an area of law in which the Court had generally deferred to the states; the decision was severely criticized by some, with many in the legal academy describing the decision as a “self-inflicted wound”;5 and, of course, it was a decision of immense political importance. If Bush v. Gore did not subtract from the Court’s institutional legitimacy, it is difficult to imagine less momentous decisions undermining judicial legitimacy.¶ Political scientists have been studying the legitimacy of the Supreme Court for decades¶ now, and several well-established empirical findings have emerged. The findings relevant to the countermajoritarian dilemma can be summarized in a series of nutshells:¶ ● The Supreme Court is the most legitimate political institution within the contemporary United States. Numerous studies have shown that the American mass public extends great legitimacy to the Court; typically, Congress is depicted as being dramatically less legitimate than the Supreme Court. Indeed, some have gone so far as to describe the Supreme Court as “bullet- proof,” and therefore able to get away with just about any ruling, no matter how unpopular. And indeed, the United States Supreme Court may be one of the most legitimate high courts in the world.¶ ● The degree of legitimacy of political institutions is extremely consequential. For better or for worse, the decisions of legitimate institutions tend to “stick”—to draw the acquiescence of citizens, even those citizens who disagree with the institution’s policy decisions. No political institution could succeed were it dependent upon always pleasing its constituents with its policy decisions. For courts—tasked with a countermajoritarian function in the American political system—displeasing the majority is a regular occurrence. The Supreme Court’s current level of legitimacy contributes mightily to making the Court truly the court of last resort on the policy issues it decides.¶ ● Some threats to the legitimacy of the Supreme Court do exist. Some members of Congress routinely introduce “court-curbing” legislation, often focusing on the Court’s soft underbelly, its dependence on Congress for its case jurisdiction. Yet such efforts typically draw the support of only the most radical members of Congress and legislation of this ilk is rarely even brought to the floor for debate. Generally, with the possible exception of the failure to raise the salaries of federal judges, few serious threats to the institutional integrity of the Supreme Court have surfaced. And there is no evidence that such proposals by gadflies have any degree of support among the American people.¶ ● This is not, of course, to say that the Court’s decisions are pleasing to all, or that they are always pleasing. Many of the rulings of the Court are unpopular with its constituents, as for instance in the Court’s ruling in Kelo on takings and its decision on campaign finance in Citizens United. The puzzle, however, is that dissatisfaction with the policy decisions has not morphed into threats to the legitimacy of the institution itself. One lesson from the research on institutional legitimacy is that policy dissatisfaction with the Court’s rulings does not necessarily or even ordinarily translate into threats to the legitimacy of the institution.¶ ● More generally, it appears that the Supreme Court does not suffer from the partisan and ideological polarization that characterizes so much of contemporary American politics. Democrats and Republicans love the Supreme Court at roughly equal levels, as do liberals and conservatives. Partisan and ideological differences do indeed characterize policy positions on many issues, but faith in and loyalty to the Supreme Court seems to be distributed across the ideological and partisan boards.¶ ● Moreover, despite a relatively turbulent period in American politics, support for the Supreme Court has been obdurate. Very small peaks and valleys can be found, although they are both quite shallow, and they are not necessarily as might be expected (e.g., the Court’s ruling in Bush v. Gore actually elevated popular support for the institution). Even strong ideological divisions on the Court seem not to have subtracted from the institution’s legitimacy. Some wonder whether anything the Court might do would imperil its basic support among the American people.

### A2 PDB

Morrison ev = mutually exclusive bc OLC isn’t binding if the courts get involved

#### Perm links to circumvention CP does not

Harvard Law Review 2012 (Unsigned)

Presidential Power and the Office of Legal Counsel, 125 Harv. L. Rev. 2090

The President relies on OLC to issue written opinions that explain the bounds of his constitutional authority and help him to fulfill his duty to faithfully execute the laws. The threat to national security posed by the war on terror in the past decade has led to increased pressure on OLC to give the President the tools that he needs in order to protect the country. Each of the examples discussed in this Part reveals the need for OLC not only to adhere to its own internal guidelines but also to strengthen them in order to protect its independence and legitimacy. This approach would ensure that the White House receives the best possible legal advice on controversial subjects and would give the President the option to use its opinions as a form of executive self-binding. Given the apparent atrophy of external constraints from the other branches, an internal constraint of this kind may offer the best chance of meaningfully containing executive power. Such a constraint, however, requires the influence of public opinion, as in the case of signing statements, and only time will tell whether public opinion will have a similar impact in the context of OLC.

#### CP alone is key to executive constitutionalism

Cornelia Pillard Feb 2005 Supreme Court Inst, G-town U Law, former DOJ Deputy Asst Att Gen

<http://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=1190&context=facpub>

Michigan Law Review, 103.4, “The Unfulfilled Promise of the Constitution in Executive Hands”, 103 Mich. L. Rev. 676-758

V. ENABLING EXECUTIVE CONSTITUTIONALISM The courts indisputably do not and cannot fully assure our enjoyment of our constitutional rights, and it is equally clear that the federal executive has an independent constitutional duty to fulfill the Constitution's promise. Executive constitutionalism seems ripe with promise. Yet, it is striking how limited and court-centered the executive's normative and institutional approaches to constitutional questions remain. One conceivable way to avoid the pitfalls of court-centric executive lawyering on one hand and constitutional decisions warped by political expedience on the other would be to make the Solicitor General and Office of Legal Counsel - or perhaps the entire Department of Justice - as structurally independent as an independent counsel or independent agency.207 Making the SG and OLC independent in order to insulate them from politics presumably would alleviate the "majoritarian difficulty" resulting from their service to elected clients. Promoting fuller independence in that sense does not, however, appear to be clearly normatively attractive, constitutionally permissible, nor particularly feasible. In all the criticism of our current constitutionalism, there is little call for an SG or OLC that would act, in effect, as a fully insulated and jurisprudentially autonomous constitutional court within the executive branch, operating with even less transparency and accountability than the Supreme Court. Moreover, as a practical matter it would be complex and problematic to increase the independence of the SG and OLC. The federal government faces Article II obstacles to formally insulating executive lawyers from politics and institutional pressures, and the president and his administration likely would be less amenable to guidance from such unaccountable lawyers.208 The challenge, rather, is to draw forth from the executive a constitutional consciousness and practice that helps the government actively to seek to fulfill the commitments of the Constitution and its Bill of Rights, interpreted by the executive as guiding principles for government. Adjustments to executive branch constitutional process and culture should be favored if they encourage the executive to use its experience and capacities to fulfill its distinctive role in effectuating constitutional guarantees. There is transformative potential in measures that break ingrained executive branch habits of looking to the Constitution only as it is mediated through the courts, and of reflexively seeking, where there is no clear doctrinal answer, to minimize constitutional constraint. It is difficult fully to imagine what kinds of changes would best prompt executive lawyers and officials to pick up constitutional analysis where the courts leave off, and to rely on the Constitution as an affirmative, guiding mandate for government action; what follows are not worked-out proposals, but are meant to be merely suggestive. A. Correcting the Bias Against Constitutional Constraint As we have seen, the SG's and OLC's default interpretive approach to individual rights and other forms of constitutional constraints on government is to follow what clear judicial precedents there are and, where precedents are not squarely to the contrary, to favor interpretations that minimize constitutional rights or other constitutional obligations on federal actors. Those court-centered and narrowly self-serving executive traditions produce a systematic skew against individual rights. 1. Encourage Express Presidential Articulation of Commitment to Constitutional Rights To the extent that a president articulates his own rights-protective constitutional vision with any specificity, he ameliorates the tension his constitutional lawyers otherwise face between advancing individual rights and serving their boss's presumed interest in maximum governing flexibility. Case or controversy requirements and restrictions against courts issuing advisory opinions do not, of course, apply to the executive's internal constitutional decisionmaking, and presidents can better serve individual rights to the extent that they expressly stake out their constitutional commitments in general and in advance of any concrete controversy."° When the president takes a stand for advancing abortion rights, property rights, disability rights, "charitable choice," a right to bear arms, or full remediation of race and sex discrimination, he signals to his lawyers that they should, in those areas, set aside their default bias in favor of preserving executive prerogative, even if it requires extra executive effort or restraint to do so. If presented in a concrete setting with a choice between interpreting and applying the Constitution in fully rights-protective ways or sparing themselves the effort where Supreme Court precedent can be read not to require it, government officials typically default to the latter course without considering whether they might thereby be giving short shrift to a constitutional duty. A president's stated commitment to protection of particular rights, however, flips the default position with respect to those rights, acting as a spur to executive-branch lawyers and other personnel to work to give effect to constitutional rights even where, for a range of institutional reasons, the courts would not. A president is thus uniquely situated to facilitate full executive-branch constitutional compliance by precommitting himself to a rights-protective constitutional vision, and thereby making clear that respect for constitutional rights is part of the executive's interest, not counter to it.

### 2NC Compliance

#### Presidential pledge assures compliance

Harvard Law Review 2012 (Unsigned)

Presidential Power and the Office of Legal Counsel, 125 Harv. L. Rev. 2090

As Professor Richard Pildes points out in his critique of their book, though, "willingness to follow OLC interpretations would seem to be the quintessential kind of executive self-binding constraint that Posner and Vermeule otherwise advocate as critical to presidential credibility." n61 Indeed, the President could self-interestedly announce that, because an independent OLC would provide him with a relatively unbiased view of the law, he is pledging to follow its advice in the vast majority of cases. Legally, the President would remain free to weigh OLC's opinion against the advice provided by the White House Counsel or cabinet officials, and he would retain the power to reject any OLC opinion with which he disagreed or which he believed would [\*2100] harm national security or other vital interests if followed. Informally, however, he would face political and reputational costs if he decided to go back on his pledge and substitute his own judgment for that of OLC, n62 costs made even more substantial as a result of the White House's reliance on OLC's reputation to legitimate some of its key legal positions. The stigma attached to disregarding OLC's advice n63 would thus constitute a meaningful limit on the President, particularly if public opinion plays a role in constraining the President, n64 because he would be discouraged from deviating from OLC's view unless he were willing to spend a significant amount of political capital. Thus, if OLC's internal safeguards work correctly, the President will have a strong incentive to follow a (relatively) impartial view of the law while nevertheless retaining the flexibility, in times of need, to determine the meaning of the law for himself.

#### Disclosure checks the advantages

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<http://digitalcommons.pepperdine.edu/cgi/viewcontent.cgi?article=1370&context=plr> Pepperdine Law Review, Volume 39, Issue 4, Article 1, “Reforming Lawyers into Irrelevance?: Reconciling Crisis and Constraint at the Office of Legal Counsel”,)

1. Disclosure Disclosure is an important deliberative safeguard. From an ex ante perspective, disclosure protects against fringe views, since the author of an opinion knows that outside audiences will “kick the tires” and quickly discover and critique views that distort the relevant law.242 Disclosure also helps ex post, by allowing Congress, professional peers, and the public to see distortions as they emerge and campaign to correct them.243 Disclosure also works hand in hand with efforts by the President to secure ratification of an unorthodox view that responds to exigent circumstances; disclosure, at least to Congress, is a necessary incident of ratification.244 Certain opinions may contain sensitive information that makes immediate disclosure inappropriate.245 However, Congress could well require as part of its oversight that OLC engage in a deliberative process, including making express findings that become part of an opinion, when such circumstances prevail.

#### The CP includes the SG – united fronts solve

Cornelia Pillard Feb 2005 Supreme Court Inst, G-town U Law, former DOJ Deputy Asst Att Gen

<http://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=1190&context=facpub>

Michigan Law Review, 103.4, “The Unfulfilled Promise of the Constitution in Executive Hands”, 103 Mich. L. Rev. 676-758

One such difference is that all of the OLC deputies are politically appointed, whereas in the SG's Office, three out of the four deputies are career employees. A more politically led office seems less likely to make impartial, arms-length constitutional decisions, but the political pedigree of OLC's leadership may give it credibility with the political leadership of client entities by helping them to trust that OLC will not use constitutional objections as a back-door way to stop or limit policies with which it simply disagrees. Only when clients are willing to abide by its advice can OLC play a client-checking role. Another difference between the two offices is that, whereas only one deputy reviews each matter in the SG's office, OLC customarily follows a "two-deputy rule," permitting advice on behalf of the office only after review and approval by two deputies. Without the immediate threat of an adverse court judgment against an agency that fails to follow its advice, OLC's clout depends more on support from other sources. Presenting a "united front," rather than lone authors more readily questioned as idiosyncratic, may enhance OLC's authority with its clients.125

#### WHCO assures compliance – best actual check on the president

Maryanne Borrelli 2k - Connecticut College IR Professor (International Relations)

Also Karen Hult, Nancy Kassop, “The White House Counsel’s Office”, http://whitehousetransitionproject.org/files/counsel/Counsel-OD.PDF

The White House Counsel’s Office is at the hub of all presidential activity. Its mandate is to be watchful for and attentive to legal issues that may arise in policy and political contexts in which the president plays a role. To fulfill this responsibility, it monitors and coordinates the presidency’s interactions with other players in and out of government. Often called “the president’s lawyer,” the Counsel’s Office serves, more accurately, as the “presidency’s lawyer,” with tasks that extend well beyond exclusively legal ones. These have developed over time, depending on the needs of different presidents, on the relationship between a president and a Counsel, and on contemporary political conditions. The Office carries out many routine tasks, such as vetting all presidential appointments and advising on the application of ethics regulations to White House staff and executive branch officials, but it also operates as a “command center” when crises or scandals erupt. Thus, the more sharply polarized political atmosphere in recent years has led to greater responsibility and demands, as well as heightened political pressure and visibility, on the traditionally low-profile Counsel’s Office. The high-stakes quality of its work has led to a common sentiment among Counsels and their staff that there is “zero tolerance” for error in this office. In sum, the Counsel’s Office might be characterized as a monitor, a coordinator, a negotiator, a recommender, and a translator: it monitors ethics matters, it coordinates the president’s message and agenda with other executive branch units, it negotiates with a whole host of actors on the president’s behalf (not the least of which is Congress), it recommends myriad actions to the president, and it translates or interprets the law (whether it is the Constitution, federal rules and regulations, treaties or legislation) for all executive branch officials. Past Counsels have lamented that there is no job description for this office, while the opening quote from Peter Wallison makes clear that even if there was, it would be all-consuming and all-inclusive of everything that goes in and out of the president’s office. In simple terms, the Counsel’s Office performs five basic categories of functions: (1) advising on the exercise of presidential powers and defending the president’s constitutional prerogatives; (2) overseeing presidential nominations and appointments to the executive and judicial branches; (3) advising on presidential actions relating to the legislative process; (4) educating White House staffers about ethics rules and records management and monitoring adherence; and (5) handling department, agency and White House staff contacts with the Department of Justice (see Functions section). In undertaking these responsibilities, the Counsel’s Office interacts regularly with, among others, the president, the Chief of Staff, the White House Office of Personnel, the Press Secretary, the White House Office of Legislative Affairs, the Attorney General, the Office of Management and Budget (on the legislative process), the General Counsels of the departments and agencies, and most especially, the Office of Legal Counsel in the Department of Justice (see Relationships section). In addition to the Counsel, the Office usually consists of one or two Deputy Counsels, a varying number of Associate and Assistant Counsels, a Special Counsel when scandals arise, a Senior Counsel in some administrations, and support staff. Tasks are apportioned to these positions in various ways, depending on the Counsel’s choices, though most Counsels expect all Office members to share the ongoing vetting for presidential appointments (see Organization and Operations section). Certain responsibilities within the Office are central at the very start of an administration (e.g., vetting for initial nominations and shepherding the appointment process through the Senate), while others have a cyclical nature to them (e.g., the annual budget, the State of the Union message), and still others follow an electoral cycle (e.g., determining whether presidential travel and other activities are partisan/electoral/campaign or governmental ones) (see Organization and Operations). There is, of course, the always unpredictable (but almost inevitable) flurry of scandals and crises, in which all eyes turn to the Counsel’s Office for guidance and answers. Watergate, Iran-contra, Whitewater, the Clinton impeachment, and the FBI files and White House Travel Office matters were all managed from the Counsel’s Office, in settings that usually separated scandal management from the routine work of the Office, so as to permit ongoing operations to continue with minimal distraction. Among the more regular tasks that occur throughout an administration are such jobs as directing the judicial nomination process, reviewing legislative proposals (the president’s, those from departments and agencies, and bills Congress has passed that need the Counsel’s recommendation for presidential signature or veto), editing and clearing presidential statements and speeches, writing executive orders, and determining the application of executive privilege (see both Relationships and Organization and Operations sections). Perhaps, the most challenging task for the Counsel is being the one who has the duty to tell the president “no,” especially when it comes to defending the constitutional powers and prerogatives of the presidency. Lloyd Cutler, Counsel for both Presidents Carter and Clinton, noted that, in return for being “on the cutting edge of problems,” the Counsel needs to be someone who has his own established reputation…someone who is willing to stand up to the President, to say, “No, Mr. President, you shouldn’t do that for these reasons.” There is a great tendency among all presidential staffs to be very sycophantic, very sycophantic. It’s almost impossible to avoid, “This man is the President of the United States and you want to stay in his good graces,” even when he is about to do something dumb; you don’t tell him that. You find some way to put it in a very diplomatic manner. (Cutler interview, pp. 3-4) LAW, POLITICS AND POLICY A helpful way to understand the Counsel’s Office is to see it as sitting at the intersection of law, politics and policy. Consequently, it confronts the difficult and delicate task of trying to reconcile all three of these without sacrificing too much of any one. It is the distinctive challenge of the Counsel’s Office to advise the president to take actions that are both legally sound and politically astute. A 1994 article in Legal Times warned of the pitfalls: Because a sound legal decision can be a political disaster, the presidential counsel constantly sacrifices legal ground for political advantage. (Bendavid, 1994, p. 13) For example, A.B. Culvahouse recalled his experience upon arriving at the White House as counsel and having to implement President Reagan’s earlier decision to turn over his personal diaries to investigators during the Iran-contra scandal. Ronald Reagan’s decision to turn over his diary - that sits at the core of the presidency. …You’re setting up precedents and ceding a little power. But politically, President Reagan wanted to get it behind him. (Bendavid, 1994, p. 13) Nonetheless, Culvahouse added, the Counsel is “the last and in some cases the only protector of the President’s constitutional privileges. Almost everyone else is willing to give those away in part inch by inch and bit by bit in order to win the issue of the day, to achieve compromise on today’s thorny issue. So a lot of what I did was stand in the way of that process...” (Culvahouse interview, p. 28) Because of this blend of legal, political and policy elements, the most essential function a Counsel can perform for a president is to act as an “early warning system” for potential legal trouble spots before (and, ultimately, after) they erupt. For this role, a Counsel must keep his or her “antennae” constantly attuned. Being at the right meetings at the right time and knowing which people have information and/or the necessary technical knowledge and expertise in specific policy or legal areas are the keys to insuring the best service in this part of the position. C. Boyden Gray, Counsel for President Bush, commented: “As Culvahouse said -- I used to say that the meetings I was invited to, I shouldn’t go to. …It’s the meetings I wasn’t invited to that I’d go to.” (Gray interview, p. 26) Lloyd Cutler noted that ….the White House Counsel will learn by going to the staff meetings, et cetera, that something is about to be done that has buried within it a legal issue which the people who are advocating it either haven’t recognized or push under the rug. He says, “Wait a minute. We’ve got to check this out,” and goes to the Office of Legal Counsel and alerts them and gets their opinion. But for the existence of the White House Counsel, the Office of Legal Counsel would never have learned about the problem until it was too late. (Cutler interview, p. 4) One other crucial part of the job where the legal overlaps with the policy and the political -- and which can spell disaster for Counsels who disregard this -- is knowing when to go to the Office of Legal Counsel for guidance on prevailing legal interpretations and opinions on the scope of presidential authority. It is then up to the White House Counsel to sift through these legal opinions, and to bring into play the operative policy and political considerations in order to offer the president his or her best recommendation on a course of presidential action. Lloyd Cutler described how this process works:

### Courts Key Dog

#### The CP garners the benefits of Congressional & Judicial involvement while avoiding the DA’s – keeping authority with the president is the key

James Baker, 2007 - Former Special Assistant to the President & Legal Advisor to NSC

Chief Judge, United States Court of Appeals for the Armed Forces IN THE COMMON DEFENSE: NATIONAL SECURITY LAW FOR PERILOUS TIMES, p. 25-27

Understanding process also entails an appreciation as to how to effectively engage the constitutional process between branches. Unilateral executive action has advantages in surprise, speed, and secrecy. In context, it is also functionally imperative. As discussed in Chapter 8, for example, military command could hardly function if it were subject to interagency, let alone, interbranch application. Unilateral decision and action have other advantages. Advantage comes in part from the absence of objection or dissent and in the avoidance of partisan political obstruction. In the view of some experts, during the past fifteen years, “party and ideology routinely trump institutional interests and responsibilities” in the Congress.6 These years coincide with the emergence of the jihadist threat. However, there are also security benefits that derive from the operation of external constitutional appraisal. These include the foreknowledge of objection and the improvements in policy or execution that dissent might influence. Chances are, if the executive cannot sell a policy to members of Congress, or persuade the courts that executive actions are lawful, the executive will not be able to convince the American public or the international community. A sustained and indefinite conflict will involve difficult public policy trade-offs that will require sustained public support; that means support from a majority of the population, not just a president’s political base or party. Such support is found in the effective operation of all the constitutional branches operating with transparency. Where members of Congress of both parties review and validate a policy, it is more likely to win public support. Likewise, where the government’s legal arguments and facts are validated through independent judicial review, they are more likely to garner sustained public support. Thus, where there is more than one legal and effective way to accomplish the mission, as a matter of legal policy, the president and his national security lawyers should espouse the inclusive argument that is more likely to persuade more people for a longer period of time. The extreme and divisive argument should be reserved for the extraordinary circumstance. In short, congressional and judicial review, not necessarily decision, offers a source of independent policy and legal validation that is not found in the executive branch alone. Further, while the president alone has the authority to wield the tools of national security and the bureaucratic efficiencies to do so effectively, that is not to say the president does not benefit from maximizing his authority through the involvement and validation of the other branches of government. Whatever can be said of the president’s independent authority to act, as the Jacksonian paradigm recognizes, when the president acts with the express or implied authorization of the Congress in addition to his own inherent authority, he acts at the zenith of his powers. Therefore, those who believe in the necessity of executive action to preempt and respond to the terrorist threat, as I do, should favor legal arguments that maximize presidential authority. In context, this means the meaningful and transparent participation of the Congress and the courts.

#### Executive action solves best – nations respond to behavior not legal standards

Roberts 13 (Kristin, When the Whole World Has Drones, National Journal, 21 March 2013, http://www.nationaljournal.com/magazine/when-the-whole-world-has-drones-20130321, da 8-1-13) PC

But even without raising standards, tightening up drone-specific restrictions in the standing control regime, or creating a new control agreement (which is never easy to pull off absent a bad-state actor threatening attack), just the process of lining up U.S. policy with U.S. practice would go a long way toward establishing the kind of precedent on use of this technology that America—in five, 10, or 15 years—might find helpful in arguing against another’s actions.¶ A not-insignificant faction of U.S. defense and intelligence experts, Dennis Blair among them, thinks norms play little to no role in global security. And they have evidence in support. The missile-technology regime, for example, might be credited with slowing some program development, but it certainly has not stopped non-signatories—North Korea and Iran—from buying, building, and selling missile systems. But norms established by technology-leading countries, even when not written into legal agreements among nations, have shown success in containing the use and spread of some weapons, including land mines, blinding lasers, and nuclear bombs.¶ Arguably more significant than spotty legal regimes, however, is the behavior of the United States. “History shows that how states adopt and use new military capabilities is often influenced by how other states have—or have not—used them in the past,” Zenko argued. Despite the legal and policy complexity of this issue, it is something the American people have, if slowly, come to care about. Given the attention that Rand Paul’s filibuster garnered, it is not inconceivable that public pressure on drone operations could force the kind of unforeseen change to U.S. policy that it did most recently on “enhanced interrogation” of terrorists.¶ The case against open, transparent rule-making is that it might only hamstring American options while doing little good elsewhere—as if other countries aren’t closely watching this debate and taking notes for their own future policymaking. But the White House’s refusal to answer questions about its drone use with anything but “no comment” ensures that the rest of the world is free to fill in the blanks where and when it chooses. And the United States will have already surrendered the moment in which it could have provided not just a technical operations manual for other nations but a legal and moral one as well.

#### Executive constitutionalism solves the aff, key to robust democracy

Pillard 2005 – JD from Harvard, Faculty Director of Supreme Court Institute at Georgetown University Law Center, former Deputy Assistant Attorney General in the DOJ (February, Cornelia T., Michigan Law Review, 103.4, “The Unfulfilled Promise of the Constitution in Executive Hands”, 103 Mich. L. Rev. 676-758, http://scholarship.law.georgetown.edu/facpub/189/)

\*NOTE: SG = Solicitor General; OLC = Office of Legal Counsel

The executive, in my view, has failed fully to meet the challenges of interpreting and applying the Constitution on its own. My focus here is on questions of individual rights that evade judicial review. As the Office of Legal Counsel's "torture memos" illustrate, there are substantial risks associated with executive decisionmaking on fundamental questions of executive power and individual rights.' My basic analysis is also relevant to the executive's approach to federalism and separation of powers, but the principal focus here is on how the executive understands and fulfills its constitutional obligations with respect to individuals.2 This Article builds on two bodies of literature that, thus far, have not significantly engaged one another: writings about executive-branch legal processes, and about the Department of Justice's Solicitor General ("SG") and Office of Legal Counsel ("OLC") in particular (the institutional literature), and a recent round of theoretical scholarship about extrajudicial constitutionalism (the theoretical literature). The institutional literature typically projects confidence that the SG and OLC provide the highest quality legal advice and representation to the executive, and that they scrupulously protect the Constitution against executive officials distorting the law to advance personal, partisan, or institutionally parochial agendas. These writings routinely point to the special character and traditions of those offices in representing not only the president and the executive branch, but also the United States and its people. The descriptions seem at first blush to support the enthusiasm of the extrajudicial constitutionalists, inasmuch as they highlight offices within the executive branch dedicated to high-quality constitutional analysis. Meanwhile, the theoretical literature on extrajudicial constitutionalism suggests that the political branches have the capacity to effectuate the Constitution in ways quite distinct from the familiar, judicial version, and that, in part because of that distinctiveness, extrajudicial constitutionalism provides a normatively attractive supplement to or substitute for judicial doctrines. Scholars have pinned on the political branches hopes for a more democratic, less crabbed and formalistic constitutionalism, and one that reflects the political branches' distinctive capacities. Larry Sager, for example, sees the gap between the Constitution's normative commands and their judicial enforcement as enabling "robust participation by popular political institutions in the constitutional project of identifying and implementing the elements of political justice."3 Robin West identifies congressional constitutionalism as potentially enabling the "the democratization - long overdue - of the Constitution itself," and as promising a less legalistic approach Robert Post and Reva Siegel contend that "[q]uestions of constitutional law involve profound issues of national identity that cannot be resolved merely by judicial decree," and that, therefore, "a legitimate and vibrant system of constitutional law requires institutional structures that will ground it in the constitutional culture of the nation."5 Larry Kramer unearths an American historical tradition of popular constitutionalism that embraces "the democratic pedigree and superior evaluative capacities of the political branches" and that is resistant to the notion that the Constitution is mere ordinary law, formalistic and legalized to such an extent that only courts can be trusted with it.6 Bruce Peabody believes "a deeper consensus" could result from greater engagement by nonjudicial actors in constitutional interpretation Mark Tushnet champions a "populist constitutional law," wrested from the courts' unduly formalistic reliance on text, structure and history, and interpreted instead in light of "all-things-considered, more practical judgment."' As Christopher Eisgruber has explained, "[e]xperience and responsibility are invaluable teachers in the art of governance, and there may be times when Congress or the Executive, by virtue of their connection to the people or their knowledge of what government can do, have the best insight into how the Constitution balances competing principles."9 Certain features stand out as normatively attractive to proponents of political-branch constitutionalism. As applied to the executive, the theoretical literature highlights the importance of democratic responsiveness and distinctive institutional capacities (e.g., the executive's ability to investigate facts and take positive action) in shaping a constitutionalism that differs substantially from what the courts devise. Also central for those theorists, although often implicit, is a commitment to constitutional - as distinct from merely political - guidance for decisions left to political actors. The Constitution in the executive's hands could be a counterweight both to a monopoly over constitutional meaning in the hands of judicial elites that is stunted by the courts' limited practical capacities, and to a politics of raw competition among self-promoting interests divorced from the public-regarding underpinning our fundamental law provides. Viewed in this way, executive constitutionalism holds untapped potential as a more democratically engaged and institutionally versatile way of keeping the American polity true to its best self.

#### Extinction & linear access to all impacts

G John Ikenberry 1999 U Penn Political Science Prof

“Why Export Democracy” Wilson Quarterly, Spring

We led the struggle for democracy because the larger the pool of democracies, the greater our own security and prosperity. Democracies, we know, are less likely to make war on us or on other nations. They tend not to abuse the rights of their people. They make for more reliable trading partners. And each new democracy is a potential ally in the struggle against the challenges of our time-containing ethnic and religious conflict; reducing the nuclear threat; combating terrorism and organized crime; overcoming environmental degradation.

# 2NR

#### Latest IAEA assessment concludes the risk is underestimated

Sturdee 2013 (Simon Sturdee, AFP reporter, July 1, 2013, “UN atomic agency sounds warning on 'nuclear terrorism',” Fox News, http://www.foxnews.com/world/2013/07/01/un-atomic-agency-sounds-warning-on-nuclear-terrorism/#ixzz2dsmqwOk3)

The head of the UN atomic agency warned Monday against complacency in preventing "nuclear terrorism", saying progress in recent years should not lull the world into a false sense of security.¶ "Much has been achieved in the past decade," Yukiya Amano of the International Atomic Energy Agency told a gathering in Vienna of some 1,200 delegates from around 110 states including 35 ministers to review progress on the issue.¶ "Many countries have taken effective measures to prevent theft, sabotage, unauthorised access, illegal transfer, or other malicious acts involving nuclear or other radioactive material. Security has been improved at many facilities containing such material."¶ Partly as a result, he said, "there has not been a terrorist attack involving nuclear or other radioactive material."¶ "But this must not lull us into a false sense of security. If a 'dirty bomb' is detonated in a major city, or sabotage occurs at a nuclear facility, the consequences could be devastating.¶ "Nuclear terrorism" comprises three main risks: an atomic bomb, a "dirty bomb" -- conventional explosion spreading radioactive material -- and an attack on a nuclear plant.¶ The first, using weapons-grade uranium or plutonium, is generally seen as "low probability, high consequence" -- very difficult to pull off but for a determined group of extremists, not impossible.¶ There are hundreds of tonnes of weapons-usable plutonium and uranium -- a grapefruit-sized amount is enough for a crude nuclear weapon that would fit in a van -- around the world.¶ A "dirty bomb" -- a "radiological dispersal device" or RDD -- is much easier but would be hugely less lethal. But it might still cause mass panic.¶ "If the Boston marathon bombing (in April this year) had been an RDD, the trauma would be lasting a whole lot longer," Sharon Squassoni from the Center for Strategic and International Studies (CSIS) told AFP.¶ Last year alone, the IAEA recorded 17 cases of illegal possession and attempts to sell nuclear materials and 24 incidents of theft or loss. And it says this is the "tip of the iceberg".¶ Many cases have involved former parts of the Soviet Union, for example Chechnya, Georgia and Moldova -- where in 2011 several people were arrested trying to sell weapons-grade uranium -- but not only.¶ Nuclear materials that could be used in a "dirty bomb" are also used in hospitals, factories and university campuses and are therefore seen as easy to steal.¶ Major international efforts have been made since the end of the Soviet Union in 1991 and the September 11, 2001 attacks in the United States to prevent nuclear material falling into the wrong hands.¶ US President Barack Obama hosted a summit in 2010 on the subject which was followed by another one in Seoul last year. A third is planned in The Hague in March.¶ A report issued in Vienna on Monday to coincide with the start of the meeting by the Arms Control Association and the Partnership for Global Security said decent progress had been made but that "significant" work remained.¶ Ten countries have eliminated their entire stockpiles of weapons-grade uranium, many reactors producing nuclear medicines were using less risky materials and smuggling nuclear materials across borders, for example from Pakistan, is harder, it said.¶ But some countries still do not have armed guards at nuclear power plants, security surrounding nuclear materials in civilian settings is often inadequate and there is a woeful lack of international cooperation and binding global rules.¶ "We are still a long way from having a unified regime, a unified understanding of the threat and a way to address it," Michelle Cann, co-author of the report, told AFP.

# Rd 6 v Wayne JS

# 1NC

### Off

#### Restrictions impose limits on action- regulations merely manage practices associated

Schackleford 17 J. is a justice of the Supreme Court of Florida. “Atlantic Coast Line Railroad Company, a corporation, et al., Plaintiff in Error, v. The State of Florida, Defendant in Error,” 73 Fla. 609; 74 So. 595; 1917 Fla., Lexis

There would seem to be no occasion to discuss whether or not the Railroad Commissioners had the power and authority to make the order, requiring the three specified railroads running into the City of Tampa to erect a union passenger station in such city, which is set out in the declaration in the instant case and which we have copied above. [\*\*\*29] It is sufficient to say that under the reasoning and the authorities cited in State v. Atlantic Coast Line R. Co., 67 Fla. 441, 458, 63 South. Rep. 729, 65 South. Rep. 654, and State v. Jacksonville Terminal [\*631] Co., supra, it would seem that HN14the Commissioners had power and authority. The point which we are required to determine is whether or not the Commissioners were given the authority to impose the fine or penalty upon the three railroads for the recovery of which this action is brought. In order to decide this question we must examine Section 2908 of the General Statutes of 1906, which we have copied above, in the light of the authorities which we have cited and from some of which we have quoted. It will be observed that the declaration alleges that the penalty imposed upon the three railroads was for the violation of what is designated as "Order No. 282," which is set out and which required such railroads to erect and complete a union depot at Tampa within a certain specified time. If the Commissioners had the authority to make such order, it necessarily follows that they could enforce a compliance with the same by appropriate proceedings in the courts, but [\*\*\*30] it does not necessarily follow that they had the power and authority to penalize the roads for a failure to comply therewith. That is a different matter. HN15Section 2908 of the General Statutes of 1906, which originally formed Section 12 of Chapter 4700 of the Laws of Florida, (Acts of 1899, p. 86), expressly authorizes the imposition of a penalty by the Commissioners upon "any railroad, railroad company or other common carrier doing business in this State," for "a violation or disregard of any rate, schedule, rule or regulation, provided or prescribed by said commission," or for failure "to make any report required to be made under the provisions of this Chapter," or for the violation of "any provision of this Chapter." It will be observed that the word "Order" is not mentioned in such section. Are the other words used therein sufficiently comprehensive to embrace an order made by the Commissioners, such as the one now under consideration? [\*632] It could not successfully be contended, nor is such contention attempted, that this order is covered by or embraced within the words "rate," "schedule" or "any report,' therefore we may dismiss these terms from our consideration and [\*\*\*31] direct our attention to the words "rule or regulation." As is frankly stated in the brief filed by the defendant in error: "It is admitted that an order for the erection of a depot is not a 'rate' or 'schedule' and if it is not a 'rule' or 'regulation' then there is no power in the Commissioners to enforce it by the imposition of a penalty." It is earnestly insisted that the words "rule or regulation" are sufficiently comprehensive to embrace such an order and to authorize the penalty imposed, and in support of this contention the following authorities are cited: Black's Law Dictionary, defining regulation and order; Rapalje & Lawrence's Law Dictionary, defining rule; Abbott's Law Dictionary, defining rule; Bouvier's Law Dictionary, defining order and rule [\*\*602] of court; Webster's New International Dictionary, defining regulation; Curry v. Marvin, 2 Fla. 411, text 515; In re Leasing of State Lands, 18 Colo. 359, 32 Pac. Rep. 986; Betts v. Commissioners of the Land Office, 27 Okl. 64, 110 Pac. Rep. 766; Carter V. Louisiana Purchase Exposition Co., 124 Mo. App. 530, 102 S.W. Rep. 6, text 9; 34 Cyc. 1031. We have examined all of these authorities, as well as those cited by the [\*\*\*32] plaintiffs in error and a number of others, but shall not undertake an analysis and discussion of all of them. While it is undoubtedly true that the words, rule, regulation and order are frequently used as synonyms, as the dictionaries, both English and law, and the dictionaries of synonyms, such as Soule's show, it does not follow that these words always mean the same thing or are interchangeable at will. It is well known that the same word used in different contexts may mean a different thing by virtue of the coloring which the word [\*633] takes on both from what precedes it in the context and what follows after. Thus in discussing the proper constructions to be placed upon the words "restrictions and regulations" as used in the Constitution of this State, then in force, Chap. 4, Sec. 2, No. 1, of Thompson's Digest, page 50, this court in Curry v. Marvin, 2 Fla. 411, text 415, which case is cited to us and relied upon by both the parties litigant, makes the following statement: "The word restriction is defined by the best lexicographers to mean limitation, confinement within bounds, and would seem, as used in the constitution, to apply to the amount and to the time [\*\*\*33] within which an appeal might to be taken, or a writ of error sued out. The word regulation has a different signification -- it means method, and is defined by Webster in his Dictionary, folio 31, page 929, to be 'a rule or order prescribed by a superior for the management of some business, or for the government of a company or society.' This more properly perhaps applies to the mode and form of proceeding in taking and prosecuting appeals and writs of error. By the use of both of those terms, we think that something more was intended than merely regulating the mode and form of proceedings in such cases." Thus, in Carter v. Louisiana Purchase Exposition Co., 124 Mo. App. 530, text 538, 102 S.W. Rep. 6, text 9, it is said, "The definition of a rule or order, which are synonymous terms, include commands to lower courts or court officials to do ministerial acts." In support of this proposition is cited 24 Amer. & Eng. Ency. of Law 1016, which is evidently an erroneous citation, whether the first or second edition is meant. See the definition of regulate and rule, 24 amer. & Eng. Ency. of Law (2nd Ed.) pages 243 to 246 and 1010, and it will be seen that the two words are not always [\*\*\*34] synonymous, much necessarily depending upon the context and the sense in which the words are used. Also see the discussion [\*634] of the word regulation in 34 Cyc. 1031. We would call especial attention to Morris v. Board of Pilot Commissioners, 7 Del. chan. 136, 30 Atl. Rep. 667, text 669, wherein the following statement is made by the court: "These words 'rule' and the 'order,' when used in a statute, have a definite signification. They are different in their nature and extent. A rule, to be valid, must be general in its scope, and undiscriminating in its application; an order is specific and not limited in its application. The function of an order relates more particularly to the execution or enforcement of a rule previously made." Also see 7 Words & Phrases 6271 and 6272, and 4 Words & Phrases (2nd Ser.) 419, 420. As we held in City of Los Angeles v. Gager, 10 Cal. App. 378, 102 Pac. Rep. 17, "The meaning of the word 'rules' is of wide and varied significance, depending upon the context; in a legal sense it is synonymous with 'laws.'" If Section 2908 had contained the word order, or had authorized the Commissioners to impose a penalty for the violation of any order [\*\*\*35] made by them, there would be no room for construction. The Georgia statute, Acts of 1905, p. 120, generally known as the "Steed Bill," entitled "An act to further extend the powers of the Railroad Commission of this State, and to confer upon the commission the power to regulate the time and manner within which the several railroads in this State shall receive, receipt for, forward and deliver to its destination all freight of every character, which may be tendered or received by them for transportation; to provide a penalty for non-compliance with any and all reasonable rules, regulations and orders prescribed by the said commission in the execution of these powers, and for other purposes," expressly authorized the Railroad Commissioners "to provide a penalty for non-compliance with any and all reasonable rules, regulations and orders prescribed by the said Commision." [\*635] See Pennington v. Douglas, A. & G. Ry. Co., 3 Ga. App. 665, 60 S.E. Rep. 485, which we cited with approval in State v. Atlantic Coast Line R. Co., 56 fla. 617, text 651, 47 South. Rep. 969, 32 L.R.A. (N.S.) 639. Under the reasoning in the cited authorities, especially State v. Atlantic Coast Line R. Co., [\*\*\*36] supra, and Morris v. Board of Pilot Commissioners, we are constrained to hold that the fourth and eighth grounds of the demurrer are well founded and that HN16the Railroad Commissioners were not empowered or authorized to impose a penalty upon the three railroads for failure to comply with the order for the erection of a union depot.

#### Vote negative-

#### Limits- there are infinite ways the Congress could implement oversight policies over the areas of the topic- the permutations of the composition of the drone court etc are enormous and prevent negative preparation

#### Bidirectionality- allowing oversight affs allows actual increases in executive action in topical areas- for example the aff could argue that the drone court actually would increase the number of acceptable targets for targeted killing

#### Precision-Lexicography is key to understanding the resolution

Dash No Date [Nilardi Sekhar Dash Linguistic Research Unit, Indian Statistical Institute, worked in the area of corpus linguistics and language technology for more than 15 years No Date “Linguistics- The Art of Lexicography” Encyclopedia of Life Support Systems http://www.eolss.net/Sample-Chapters/C04/E6-91-16.pdf]

Lexicography also studies lexicon but from a different angle. While lexicology concentrate on the general properties and features that can be viewed as systematic, lexicography typically deals with the individuality of each lexical unit (Zgusta 1973: 14). Lexicography is thus defined as the art of writing a dictionary or the science of compiling a dictionary. While lexicology studies words as elements of a system, lexicography approaches words as individual units with respect to their meaning and usage. We use a dictionary in order to learn about words in the process of language learning, comprehending a text in a better way or checking correct spellings and pronunciations of words, etc.

### Off

#### The United States Congress should require a declaration of war that is consistent with jus ad bellum principles of self-defense under international law for any decision to use or deploy conventional military forces against a nation-state in circumstances likely to lead to an armed attack.

#### Congress should define “armed attack” as: The use of force of a magnitude that is likely to produce serious consequences, epitomized by territorial intrusions, human casualties, or considerable destruction of property.

#### Congress should allow an exception in the event of an armed attack against the United States, or its allies, or other such national security emergency making prior approval impractical. Congress should require immediate notice of such a determination, and shall require approval within 14 days.

#### The CP is a PIC out of nuclear armed forces the net benefit is primacy

#### Nuclear primacy now

Lieber and Press 2013 [Keir A. Lieber¶ ¶ Associate Professor, Edmund A. Walsh School¶ ¶ of Foreign Service, Georgetown University¶ ¶ Daryl G. Press¶ ¶ Associate Professor of Government, Dartmouth College¶ ¶ Coordinator of War and Peace Studies at the John Sloan ¶ ¶ Dickey Center Spring 2013 Strategic Studies Quarterly “The New Era of Nuclear Weapons, Deterrence, and Conflict” http://www.au.af.mil/au/ssq/digital/pdf/spring\_13/lieber.pdf]

Since 2006, we have discussed these issues with many nuclear analysts, ¶ US government officials, and military officers involved with the nuclear ¶ mission. Almost everything we learned reinforced our views about the counterforce revolution and suggests our earlier work understated the ¶ leap in US counterforce capabilities—with one exception. We previously ¶ argued that US “nuclear primacy”—the ability to use nuclear weapons ¶ to destroy the strategic forces of any other country—appeared to be an ¶ intentional goal of US policymakers. We noted that even as the United ¶ States greatly reduced its nuclear arsenal, it retained, and in some cases ¶ improved, those nuclear forces that were ideally suited to the counterforce mission. Based on what we have subsequently learned, we would ¶ recast and sharpen this part of our argument to contend that the United ¶ States is intentionally pursuing “strategic primacy”—meaning that Washington seeks the ability to defeat enemy nuclear forces (as well as other ¶ WMD)—but that US nuclear weapons are but one dimension of that ¶ effort. In fact, the effort to neutralize adversary strategic forces—that ¶ is, achieve strategic primacy—spans nearly every realm of warfare: for ¶ example, ballistic missile defense, antisubmarine warfare, intelligence surveillance-and-reconnaissance systems, offensive cyber warfare, conventional precision strike, and long-range precision strike, in addition ¶ to nuclear strike capabilities.

#### Congressional oversight is bad for nuclear primacy- lack of experience means they would be poorly suited to decide what happens in a conflict

Schwartz 2008 [Stephen I. Schwartz Monterey Institute of International Studies Oct. 1, 2008 “Congressional Oversight of U.S. Nuclear Weapons” NTI http://www.nti.org/analysis/articles/congressional-oversight-nuclear-weapons/]

Even as members of Congress continue to recognize their oversight shortcomings, little has changed.[15] There are a number of reasons for this.¶ Except for the occasional crisis or scandal, there is little public or media concern to motivate members to devote greater attention to nuclear issues. Apart from members whose constituents work at nuclear facilities, there is little career incentive to get involved in a sustained way. Unlike even ten or fifteen years ago, there are only a handful of members in both the House and Senate who are considered experts on nuclear issues. As Amy Woolf, an analyst at the Congressional Research Services, wrote recently:¶ The issue simply has not been considered "hot" enough to attract the level of interest or attention needed to sustain [a broad] debate. If anything, nuclear weapons policy and programs are relatively low priorities for most members of Congress. . . . The budget outlays are not that significant when compared with other portions of the defense budget, and for most members it is hard to see a connection between U.S. nuclear weapons and the threats we face today. Those members who do focus on national security issues are far more likely to spend their time reviewing U.S. policy in Iraq and the war on terrorism and becoming expert in the weapons and operations needed to sustain those efforts. Even if a new committee on nuclear weapons policy could attract enough members to serve, it is difficult to ensure that the members, or the Congress as a whole, would be able to devote enough time and resources to the issues to gather the level of expertise needed to both participate in and sustain a comprehensive debate.[16]¶ In addition, as we have seen many members feel they lack the knowledge necessary to understand these programs (the abolition of the congressional Office of Technology Assessment in 1994 by the newly-elected Republican majority did not help matters). The secrecy surrounding many nuclear programs also serves as a formidable barrier to acquiring knowledge from the often reluctant executive branch, conducting oversight, or engaging in discussions with colleagues or constituents. With so many more pressing matters on their agenda, and with few places to turn for on the job training, members gravitate to issues they know. Personal and committee staff resources are also limited, so that staffers typically cover several broad issues areas, constraining their ability to focus in a sustained and effective way on nuclear weapons.¶ And finally, the organizational structure of Congress divides jurisdiction for nuclear weapons issues among dozens of committees and subcommittees, preventing anyone from being able to see the big picture. The annual budget authorization and appropriation process also ensures that most of the attention will be on the proposed budget and what it will buy and not on the policies use to justify the spending programs in those budgets.

#### Inevitable conventional conflicts are coming with nuclear armed adversaries- nuclear primacy is key to contain those conflicts

Lieber and Press 2013 [Keir A. Lieber¶ ¶ Associate Professor, Edmund A. Walsh School¶ ¶ of Foreign Service, Georgetown University¶ ¶ Daryl G. Press¶ ¶ Associate Professor of Government, Dartmouth College¶ ¶ Coordinator of War and Peace Studies at the John Sloan ¶ ¶ Dickey Center Spring 2013 Strategic Studies Quarterly “The New Era of Nuclear Weapons, Deterrence, and Conflict” http://www.au.af.mil/au/ssq/digital/pdf/spring\_13/lieber.pdf]

A second set of arguments stems from the problem of nuclear escalation and the future of the US nuclear arsenal. Our main claim is that deterring nuclear conflict will be much more difficult in the coming decades ¶ than many analysts realize. As nuclear weapons proliferate, it becomes ¶ increasingly likely that the United States will find itself in conventional conflicts with nuclear-armed adversaries. Those adversaries understand ¶ the consequences of losing a war to the United States—prison or death ¶ typically awaits enemy leaders.¶ 7¶ Coercive nuclear escalation as a means ¶ of creating stalemate and remaining in power is one of the only trump ¶ cards available to countries fighting the United States.¶ Some analysts might scoff at the notion that a rational leader would ¶ use nuclear weapons against a superpower like the United States. But ¶ that retort conflates the logic of peacetime deterrence with the logic ¶ of war, and it ignores history. During peacetime, almost any course of ¶ action is better than starting a nuclear war against a superpower. But ¶ during war—when that superpower’s planes are bombing command and ¶ leadership sites, and when its tanks are seizing territory—the greatest ¶ danger may be to refrain from escalation and let the war run its course. ¶ Leaders of weaker states—those unlikely to prevail on the conventional ¶ battlefield—face life-and-death pressures to compel a stalemate. And ¶ nuclear weapons provide a better means of coercive escalation than ¶ virtually any other.¶ The notion of countries escalating conflict to avoid conventional defeat may sound far-fetched, but it is well grounded in history. When ¶ nuclear-armed states face overwhelming conventional threats—or worry ¶ about the possibility of catastrophic conventional defeat—they often ¶ adopt coercive escalatory doctrines to deter war or stalemate a conflict ¶ that erupts. Pakistan openly intends to use nuclear weapons to counter ¶ an overwhelming conventional Indian invasion. Russia claims it needs ¶ theater nuclear weapons to counter NATO’s conventional advantages. ¶ Israel expects to win its conventional wars but retains the capability for ¶ nuclear escalation to prevent conquest in case its conventional forces ¶ suffer a catastrophic defeat. ¶ The discussion of coercive nuclear escalation should sound familiar ¶ to Western analysts, as it was NATO’s strategy for three decades. From ¶ the mid 1960s until the end of the Cold War, NATO planned to deter ¶ war, and stalemate it if necessary, through coercive nuclear escalation. ¶ NATO understood that—by the mid 1960s—it could no longer win a ¶ nuclear war against the Soviet Union, but it still based its national security ¶ strategy on coercive escalation because it believed Warsaw Pact conventional forces were overwhelming.¶ In short, the escalatory dynamics that existed during the Cold War exist ¶ today—and they are just as powerful. States still face the same critical ¶ national security problem they faced during the Cold War and throughout history: namely, how to prevent stronger countries from conquering them. The high-stakes poker game of international politics has not ¶ ended; the players and the cards dealt have merely changed. Those who ¶ were weak during the Cold War are now strong, and another set of ¶ militarily “weak” countries—such as North Korea, Iran, Pakistan, and ¶ even China and Russia—now clutch or seek nuclear weapons to defend ¶ themselves from overwhelming military might, just as NATO once did.¶ What can the United States do to mitigate the problem of escalation? ¶ Ideally, it should avoid wars against nuclear-armed enemies. But that ¶ option may not be possible given current US foreign policy and alliances. War may erupt on the Korean Peninsula, ensnaring the United ¶ States in a battle against a desperate nuclear-armed foe. In the future, ¶ Washington may fight a nuclear-armed Iran over sea lanes in the Persian ¶ Gulf. And the United States could someday be dragged into war by a ¶ clash between Chinese and Japanese naval forces near disputed islands. ¶ Alternatively, the United States could seek to develop conventional ¶ war plans designed to wage limited war without triggering enemy escalation. Development of alternative plans is sensible, but history shows ¶ that wars are difficult to contain, and modern conventional warfare is ¶ inherently escalatory. ¶ A third option to mitigate these dangers is to retain, and improve, ¶ US nuclear and nonnuclear counterforce capabilities. Fielding powerful ¶ counterforce weapons may help deter adversary escalation during war—¶ by convincing enemy leaders to choose a “golden parachute” rather than ¶ escalation—and would give US leaders better response options if deterrence failed. In particular, the United States should retain and develop ¶ nuclear weapons that bring together three key characteristics of counterforce: high accuracy, flexible yield, and prompt delivery.¶ To be clear, sharpening US counterforce capabilities is not a “solution” ¶ to the problem of adversary nuclear weapons. Although, ceteris paribus, ¶ it would be better to have excellent counterforce capabilities than to lack ¶ them, given enough time and motivation, many countries could greatly ¶ increase the survivability of their forces. But given the plausible prospect ¶ that the United States will find itself waging war against nuclear-armed ¶ states, and given the powerful incentives of US adversaries to brandish ¶ or use nuclear weapons, it would be reckless to proceed without a full ¶ suite of modern nuclear and nonnuclear counterforce capabilities.

### Off

#### Obama’s pressuring the GOP with a strong display of Presidential strength and staying on message – the GOP will cave

**Dovere, 10/1/13** (Edward, Politico, “Government shutdown: President Obama holds the line”

<http://www.politico.com/story/2013/10/government-shutdown-president-obama-holds-the-line-97646.html?hp=f3>)

President Barack Obama started September in an agonizing, extended display of how little sway he had in Congress. He ended the month with a display of resolve and strength that could redefine his presidency. All it took was a government shutdown. This was less a White House strategy than simply staying in the corner the House GOP had painted them into — to the White House’s surprise, Obama was forced to do what he so rarely has as president: he said no, and he didn’t stop saying no. For two weeks ahead of Monday night’s deadline, Obama and aides rebuffed the efforts to kill Obamacare with the kind of firm, narrow sales pitch they struggled with in three years of trying to convince people the law should exist in the first place. There was no litany of doomsday scenarios that didn’t quite come true, like in the run-up to the fiscal cliff and the sequester. No leaked plans or musings in front of the cameras about Democratic priorities he might sacrifice to score a deal. After five years of what’s often seen as Obama’s desperation to negotiate — to the fury of his liberal base and the frustration of party leaders who argue that he negotiates against himself. Even his signature health care law came with significant compromises in Congress. Instead, over and over and over again, Obama delivered the simple line: Republicans want to repeal a law that was passed and upheld by the Supreme Court — to give people health insurance — or they’ll do something that everyone outside the GOP caucus meetings, including Wall Street bankers, seems to agree would be a ridiculous risk. “If we lock these Americans out of affordable health care for one more year,” Obama said Monday afternoon as he listed examples of people who would enjoy better treatment under Obamacare, “if we sacrifice the health care of millions of Americans — then they’ll fund the government for a couple more months. Does anybody truly believe that we won’t have this fight again in a couple more months? Even at Christmas?” The president and his advisers weren’t expecting this level of Republican melee, a White House official said. Only during Sen. Ted Cruz’s (R-Texas) 21-hour floor speech last week did the realization roll through the West Wing that they wouldn’t be negotiating because they couldn’t figure out anymore whom to negotiate with. And even then, they didn’t believe the shutdown was really going to happen until Saturday night, when the House voted again to strip Obamacare funding. This wasn’t a credible position, Obama said again Monday afternoon, but rather, bowing to “extraneous and controversial demands” which are “all to save face after making some impossible promises to the extreme right wing of their political party.” Obama and aides have said repeatedly that they’re not thinking about the shutdown in terms of political gain, but the situation’s is taking shape for them. Congress’s approval on dealing with the shutdown was at 10 percent even before the shutters started coming down on Monday according to a new CNN/ORC poll, with 69 percent of people saying the House Republicans are acting like “spoiled children.” “The Republicans are making themselves so radioactive that the president and Democrats can win this debate in the court of public opinion” by waiting them out, said Jim Manley, a Democratic strategist and former aide to Senate Majority Leader Harry Reid who has previously been critical of Obama’s tactics. Democratic pollster Stan Greenberg said the Obama White House learned from the 2011 debt ceiling standoff, when it demoralized fellow Democrats, deflated Obama’s approval ratings and got nothing substantive from the negotiations. “They didn’t gain anything from that approach,” Greenberg said. “I think that there’s a lot they learned from what happened the last time they ran up against the debt ceiling.” While the Republicans have been at war with each other, the White House has proceeded calmly — a breakthrough phone call with Iranian President Hassan Rouhani Friday that showed him getting things done (with the conveniently implied juxtaposition that Tehran is easier to negotiate with than the GOP conference), his regular golf game Saturday and a cordial meeting Monday with his old sparring partner Israeli Prime Minister Benjamin Netanyahu. White House press secretary Jay Carney said Monday that the shutdown wasn’t really affecting much of anything. “It’s busy, but it’s always busy here,” Carney said. “It’s busy for most of you covering this White House, any White House. We’re very much focused on making sure that the implementation of the Affordable Care Act continues.” Obama called all four congressional leaders Monday evening — including Boehner, whose staff spent Friday needling reporters to point out that the president hadn’t called for a week. According to both the White House and Boehner’s office, the call was an exchange of well-worn talking points, and changed nothing. Manley advised Obama to make sure people continue to see Boehner and the House Republicans as the problem and not rush into any more negotiations until public outrage forces them to bend. “He may want to do a little outreach, but not until the House drives the country over the cliff,” Manley said Monday, before the shutdown. “Once the House has driven the country over the cliff and failed to fund the government, then it might be time to make a move.” The White House believes Obama will take less than half the blame for a shutdown – with the rest heaped on congressional Republicans. The divide is clear in a Gallup poll also out Monday: over 70 percent of self-identifying Republicans and Democrats each say their guys are the ones acting responsibly, while just 9 percent for both say the other side is. If Obama is able to turn public opinion against Republicans, the GOP won’t be able to turn the blame back on Obama, Greenberg said. “Things only get worse once things begin to move in a particular direction,” he said. “They don’t suddenly start going the other way as people rethink this.”

#### Having to defend authority derails the current agenda

Kriner 10 Douglas L. Kriner (assistant professor of political science at Boston University) “After the Rubicon: Congress, Presidents, and the Politics of Waging War”, University of Chicago Press, Dec 1, 2010, page 68-69.

While congressional support leaves the president’s reserve of political capital intact, congressional criticism saps energy from other initiatives on the home front by forcing the president to expend energy and effort defending his international agenda. Political capital spent shoring up support for a president’s foreign policies is capital that is unavailable for his future policy initiatives. Moreover, any weakening in the president’s political clout may have immediate ramifications for his reelection prospects, as well as indirect consequences for congressional races.59 Indeed, Democratic efforts to tie congressional Republican incumbents to President George W. Bush and his war policies paid immediate political dividends in the 2006 midterms, particularly in states, districts, and counties that had suffered the highest casualty rates in the Iraq War. 60 In addition to boding ill for the president’s perceived political capital and reputation, such partisan losses in Congress only further imperil his programmatic agenda, both international and domestic. Scholars have long noted that President Lyndon Johnson’s dream of a Great Society also perished in the rice paddies of Vietnam. Lacking the requisite funds in a war-depleted treasury and the political capital needed to sustain his legislative vision, Johnson gradually let his domestic goals slip away as he hunkered down in an effort first to win and then to end the Vietnam War. In the same way, many of President Bush’s highest second-term domestic proprieties, such as Social Security and immigration reform, failed perhaps in large part because the administration had to expend so much energy and effort waging a rear-guard action against congressional critics of the war in Iraq.61 When making their cost-benefit calculations, presidents surely consider these wider political costs of congressional opposition to their military policies. If congressional opposition in the military arena stands to derail other elements of his agenda, all else being equal, the president will be more likely to judge the benefits of military action insufficient to its costs than if Congress stood behind him in the international arena.

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

Davidson 9/10

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

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

#### Econ collapse = extinction

Kemp 10 Geoffrey Kemp, Director of Regional Strategic Programs at The Nixon Center, served in the White House under Ronald Reagan, special assistant to the president for national security affairs and senior director for Near East and South Asian affairs on the National Security Council Staff, Former Director, Middle East Arms Control Project at the Carnegie Endowment for International Peace, 2010, The East Moves West: India, China, and Asia’s Growing Presence in the Middle East, p. 233-4

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

### Off

#### The affirmatives drive to make US warfighting more credible is a strategic pathology that turns the aff- ensures serial policy failure

**Fettweis 2010** (Christopher J. Fettweis, assistant professor of national security affairs at the U.S. Naval War College, Ph.D. University of Maryland's Department of Government and Politics, University of Notre Dame, 2010 “Threat and Anxiety in US Foreign Policy” April 2010 Survival, 52:2, 59 – 82)

For individuals as well as states, pathologies – mistaken or incorrect beliefs that inspire irrational action – create their own reality and drive behaviour accordingly. In individuals, pathologies reside in the mind, while state-level pathologies exist as shared irrational beliefs among leaders and the public. Strategic pathologies, then, are incorrect beliefs that drive destructive, or at least counterproductive, state behaviour. The United States suffers from several. The credibility imperative is a clear example, one that continues to have a particularly strong influence upon the United States. 7 Credibility, when used in policy debates, is a code word for the prestige and reputation of a state; it is, in Henry Kissinger’s words, ‘the coin with which we conduct our foreign policy’, an intangible asset that helps states influence the actions of others. 8 In periods of high credibility, policymakers believe, a state can deter and compel behaviour and accomplish goals short of war. When credibility is low, sceptical adversaries and allies may be tempted to ignore threats and promises. To national leaders, therefore, healthy credibility seems to be the equivalent of many armed divisions, and is worth protecting at almost any cost. This belief rests on a shaky foundation, to put it mildly. Decades of scholarship have been unable to produce much evidence that high credibility helps a state achieve its goals, or that low credibility makes rivals or allies act any differently. 9 Although study after study has refuted the basic assumptions of the credibility imperative, the pathology continues to affect policymaking in the new century, inspiring new instances of irrational, unnecessary action. The imperative, like many foreign-policy pathologies, typically inspires belligerence in those under its spell. 10 Credibility is always maintained through action, usually military action, no matter how small the issue or large the odds.

#### The alternative is to reject the aff’s drive for credibility- their methodological justification shapes implementation of the aff in ways that gut solvency and justify violence

**Fettweis 2004** (Christopher J. Fettweis, assistant professor of national security affairs at the U.S. Naval War College, Ph.D. University of Maryland's Department of Government and Politics, University of Notre Dame, December 2004, “Resolute Eagle or Paper Tiger?,” http://goo.gl/xcXou)

A policy recommendation follows fairly logically from the propositions outlined above: Policymakers are wise to fight the natural temptation to look beyond the current crisis when deciding on action. Both theoretical logic and empirical evidence suggest that actions taken in the present will likely not have a predictable effect on the crises of the future, for better or for worse. The almost overwhelming tendency to try to send messages through national actions will increase the odds of policy mishaps and outright folly. On a strategic level, looking toward future can tie the hands of the present – sometimes bluff and concession can be quite useful in achieving national goals, but those focused on credibility will tend to do neither, in the belief that such strategies will make the next crisis more difficult to handle. When the credibility imperative drives policy, states fearful of hyperbolic future consequences are likely to follow hawkish recommendations in order to send messages that other states are unlikely to receive. Mercer argued that reputations are not worth fighting for; this paper takes that a step further, counseling decision makers to focus on the present, and let the future take care of itself. Doing otherwise will likely prove fruitless at best, and counterproductive at worst.

### 1

#### Observation 1-

#### Congress cant check use of force

Douglas Kriner, Assistant Profess of Political Science at Boston University, 2010, After the Rubicon: Congress, Presidents, and the Politics of Waging War, p. 6-8

The role that Congress plays in deciding whether a war is continued or concluded is of intrinsic interest to academics, policymakers, and casual observers of contemporary American politics alike. Yet the belief that Congress retains some capacity to shape the conduct of military affairs after a venture is launched is also a critically important and untested proposition underlying most theories **asserting** congressional influence over the initiation of military action. Why, according to this emerging literature, do presidents facing a strong opposition party in Congress use force less frequently than do their peers with strong partisan majorities in Congress? The most commonly offered answer is that presidents anticipate Congress's likely reaction to a prospective use of force and respond accordingly.14 Presidents who confront an opposition-led Congress anticipate that it is more willing and able to challenge the administration's conduct of military action than a Congress controlled by their partisan allies. Therefore, the frequency with which presidents use force abroad covaries with the strength of their party in Congress. However, this anticipatory logic requires that Congress has the ability to raise the costs of military action for the president, once that action has begun. If Congress lacks this capacity, presidents have little reason to adjust their willingness to initiate the use of force in anticipation of an adverse congressional response." As a result, determining whether and how Congress can influence the scope and duration of ongoing military operations is critically important even to evaluating prior research that asserts congressional influence over the initiation of military actions. Without it, such analyses rest on shaky ground. Unfortunately, because the dynamics change dramatically once American troops are deployed abroad, simply drawing lessons from existing studies of interbranch dynamics in military policymaking at the conflict initiation phase and applying them to the conflict conduct phase is unlikely to offer much insight." The decision-making environment at the conflict conduct phase differs from that at the conflict initiation phase along at least three key dimensions: the incentives and constraints governing congressional willingness to challenge presidential discretion; the relative institutional capacities of the executive and legislative branches to affect military policymaking; and finally, the ability of unfolding conflict events to change further the political and strategic environment in which the two branches vie for power. With regard to the political constraints that limit would-be adversaries in Congress, the president may **be in an even stronger position** after American troops are deployed in the field. Ordering troops abroad is akin to other unilateral presidential actions; by seizing his office's capacity for independent action, a president can dramatically **change the status quo** and fundamentally alter the political playing field on which Congress and other actors must act to challenge his policies.17 Once the troops are overseas, the political stakes for any congressional challenge to the president's policies are inexorably raised; any such effort is subject to potentially ruinous charges of failing to support the troops. Georgia Senator Richard Russell's conversion from opposition to U.S. intervention in Vietnam in the early 196os to stalwart support for staying the course after Lyndon Johnson's escalation of the American commitment there illustrates this change: "We are there now, and the time for debate has passed. Our flag is committed, and—more importantly—American boys are under fire."" Russell's sentiment was loudly echoed forty years later in the allegations by the Bush administration and its partisan allies in Congress that any legislative efforts to curtail the war in Iraq undermined the troops. As a result of these potentially **intense political costs**, there are reasons to question whether Congress can mount an effective challenge to the policies of the commander in chief. If it cannot, this would compel a reassessment of prior theories asserting congressional influence over the initiation of military actions through the logic of anticipated response. Certainly, more empirical analysis is needed to answer this question.

#### Groupthink theory is wrong

Anthony Hempell 4, User Experience Consulting Senior Information Architect, “Groupthink: An introduction to Janis' theory of concurrence-seeking tendencies in group work., <http://www.anthonyhempell.com/papers/groupthink/>, March 3

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

**Observation 3-**

**No impact - Other nations will still cooperate with the U.S. even if it’s unpopular**

**Kagan 2006** (Robert, The Washington Post, 1/15, http://www.carnegieendowment.org/publications/index.cfm?fa=view&id=17894&prog=zgp&proj=zusr

The striking thing about the present international situation is the degree to which America remains what Bill Clinton once called "the indispensable nation." Despite global opinion polls registering broad hostility to George W. Bush's United States, **the behavior of governments and political leaders suggests America's position in the world is not all that different from what it was before** Sept. 11 and **the Iraq war. The** much-anticipated global **effort to balance** against **American hegemony** -- which the realists have been anticipating for more than 15 years now -- **has simply not occurred.** On the contrary, **in Europe the idea has** all but **vanished**. European Union defense budgets continue their steady decline, and even the project of creating a common foreign and defense policy has slowed if not stalled. Both trends are primarily the result of internal European politics. But if they really feared American power, Europeans would be taking more urgent steps to strengthen the European Union's hand to check it. Nor are Europeans refusing to cooperate, even with an administration they allegedly despise. Western Europe will not be a strategic partner as it was during the Cold War, because Western Europeans no longer feel threatened and therefore do not seek American protection. Nevertheless, **the current trend is toward closer cooperation.** Germany's new government, while still dissenting from U.S. policy in Iraq, is working hard and ostentatiously to improve relations

#### International system resilient – no conflict

Christopher Preble (director of foreign policy studies at the Cato Institute) August 2010 “U.S. Military Power: Preeminence for What Purpose?” http://www.cato-at-liberty.org/u-s-military-power-preeminence-for-what-purpose/

Most in Washington still embraces the notion that America is, and forever will be, the world’s indispensable nation. Some scholars, however, questioned the logic of hegemonic stability theory from the very beginning. A number continue to do so today. They advance arguments diametrically at odds with the primacist consensus. Trade routes need not be policed by a single dominant power; the international economy is complex and resilient. Supply disruptions are likely to be temporary, and the costs of mitigating their effects should be borne by those who stand to lose — or gain — the most. Islamic extremists are scary, but hardly comparable to the threat posed by a globe-straddling Soviet Union armed with thousands of nuclear weapons. It is frankly absurd that we spend more today to fight Osama bin Laden and his tiny band of murderous thugs than we spent to face down Joseph Stalin and Chairman Mao. Many factors have contributed to the dramatic decline in the number of wars between nation-states; it is unrealistic to expect that a new spasm of global conflict would erupt if the United States were to modestly refocus its efforts, draw down

 its military power, and call on other countries to play a larger role in their own defense, and in the security of their respective regions. But while there are credible alternatives to the United States serving in its current dual role as world policeman / armed social worker, the foreign policy establishment in Washington has no interest in exploring them. The people here have grown accustomed to living at the center of the earth, and indeed, of the universe. The tangible benefits of all this military spending flow disproportionately to this tiny corner of the United States while the schlubs in fly-over country pick up the tab.

**Empirically proven**

Christopher J. **Fettweis** (Professor of national security affairs @ U.S. Naval War College) **2010** “Threat and Anxiety in US Foreign Policy,” Survival, Volume 52, Issue 2 April 2010 , pages 59 – 82

**One** potential **explanation for the growth of global peace can be dismissed** fairly quickly: **US actions do not seem to have contributed much.** The limited evidence suggests that **there is little reason to believe in the stabilising power of the US hegemon, and that there is no relation between the relative level of American activism and international stability. During the 1990s, the United States cut back on its defence spending** fairly **substantially**. By 1998, the United States was spending $100 billion less on defence in real terms than it had in 1990, a 25% reduction.29 To internationalists, defence hawks and other believers in hegemonic stability, this irresponsible 'peace dividend' endangered both national and global security**. 'No serious analyst of American military capabilities', argued** neo-conservatives William **Kristol and** Robert **Kagan** in 1996, **'doubts that the defense budget has been cut much too far to meet America's responsibilities to itself and to world peace'**.30 **And yet the verdict from the 1990s is fairly plain: the world grew more peaceful while the United States cut its forces. No state seemed to believe that its security was endangered by a less-capable US military**, or at least none took any action that would suggest such a belief. **No militaries were enhanced to address power vacuums; no security dilemmas drove insecurity or arms races; no regional balancing occurred once the stabilis-ing presence of the US military was diminished. The rest of the world acted as if the threat of international war was not a pressing concern, despite the reduction in US military capabilities**. Most of all, the United States was no less safe. The incidence and magnitude of global conflict declined while the United States cut its military spending under President Bill Clinton, and kept declining as the George W. Bush administration ramped the spending back up. Complex statistical analysis is unnecessary to reach the conclusion that world peace and US military expenditure are unrelated.

#### The commons won’t break down

Preble, 10 (8/3/10 Christopher Preble, director of foreign policy studies at the Cato Institute, taught history at St. Cloud State University and Temple University, was a commissioned officer in the U.S. Navy, Ph.D. in history from Temple University. “U.S. Military Power: Preeminence for What Purpose?” 8/3/10) http://www.cato-at-liberty.org/u-s-military-power-preeminence-for-what-purpose/

Most in Washington still embraces the notion that America is, and forever will be, the world’s indispensable nation. Some scholars, however, questioned the logic of hegemonic stability theory from the very beginning. A number continue to do so today. They advance arguments diametrically at odds with the primacist consensus. Trade routes need not be policed by a single dominant power; the international economy is complex and resilient. Supply disruptions are likely to be temporary, and the costs of mitigating their effects should be borne by those who stand to lose — or gain — the most. Islamic extremists are scary, but hardly comparable to the threat posed by a globe-straddling Soviet Union armed with thousands of nuclear weapons. It is frankly absurd that we spend more today to fight Osama bin Laden and his tiny band of murderous thugs than we spent to face down Joseph Stalin and Chairman Mao. Many factors have contributed to the dramatic decline in the number of wars between nation-states; it is unrealisticto expect that a new spasm of global conflict would erupt if the United States were to modestly refocus its efforts, draw down its military power, and call on other countries to play a larger role in their own defense, and in the security of their respective regions.

#### Their laundry list of vague impacts is academic junk – conflicts can’t just emerge

Fettweis, 11

Christopher J. Fettweis, Department of Political Science, Tulane University, 9/26/11, Free Riding or Restraint? Examining European Grand Strategy, Comparative Strategy, 30:316–332, EBSCO

Assertions that without the combination of U.S. capabilities, presence and commitments instability would return to Europe and the Pacific Rim are usually rendered in rather vague language. If the United States were to decrease its commitments abroad, argued Robert Art, “the world will become a more dangerous place and, sooner or later, that will redound to America’s detriment.”53 From where would this danger arise? Who precisely would do the fighting, and over what issues? Without the United States, would Europe really descend into Hobbesian anarchy? Would the Japanese attack mainland China again, to see if they could fare better this time around? Would the Germans and French have another go at it? In other words, where exactly is hegemony is keeping the peace? With one exception, these questions are rarely addressed.

That exception is in the Pacific Rim. Some analysts fear that a de facto surrender of U.S. hegemony would lead to a rise of Chinese influence. Bradley Thayer worries that Chinese would become “the language of diplomacy, trade and commerce, transportation and navigation, the internet, world sport, and global culture,” and that Beijing would come to “dominate science and technology, in all its forms” to the extent that soon the world would witness a Chinese astronaut who not only travels to the Moon, but “plants the communist flag on Mars, and perhaps other planets in the future.”54 Indeed China is the only other major power that has increased its military spending since the end of the Cold War, even if it still is only about 2 percent of its GDP. Such levels of effort do not suggest a desire to compete with, much less supplant, the United States. The much-ballyhooed, decade-long military buildup has brought Chinese spending up to somewhere between one-tenth and one-fifth of the U.S. level. It is hardly clear that a restrained United States would invite Chinese regional, must less global, political expansion. Fortunately one need not ponder for too long the horrible specter of a red flag on Venus, since on the planet Earth, where war is no longer the dominant form of conflict resolution, the threats posed by even a rising China would not be terribly dire. The dangers contained in the terrestrial security environment are less severe than ever before.

Believers in the pacifying power of hegemony ought to keep in mind a rather basic tenet: When it comes to policymaking, specific threats are more significant than vague, unnamed dangers. Without specific risks, it is just as plausible to interpret U.S. presence as redundant, as overseeing a peace that has already arrived. Strategy should not be based upon vague images emerging from the dark reaches of the neoconservative imagination.

Overestimating Our Importance

One of the most basic insights of cognitive psychology provides the final reason to doubt the power of hegemonic stability: Rarely are our actions as consequential upon their behavior as we perceive them to be. A great deal of experimental evidence exists to support the notion that people (and therefore states) tend to overrate the degree to which their behavior is responsible for the actions of others. Robert Jervis has argued that two processes account for this overestimation, both of which would seem to be especially relevant in the U.S. case.55 First, believing that we are responsible for their actions gratifies our national ego (which is not small to begin with; the United States is exceptional in its exceptionalism). The hubris of the United States, long appreciated and noted, has only grown with the collapse of the Soviet Union.56 U.S. policymakers famously have comparatively little knowledge of—or interest in—events that occur outside of their own borders. If there is any state vulnerable to the overestimation of its importance due to the fundamental misunderstanding of the motivation of others, it would have to be the United States. Second, policymakers in the United States are far more familiar with our actions than they are with the decision-making processes of our allies. Try as we might, it is not possible to fully understand the threats, challenges, and opportunities that our allies see from their perspective. The European great powers have domestic politics as complex as ours, and they also have competent, capable strategists to chart their way forward. They react to many international forces, of which U.S. behavior is only one. Therefore, for any actor trying to make sense of the action of others, Jervis notes, “in the absence of strong evidence to the contrary, the most obvious and parsimonious explanation is that he was responsible.”57

It is natural, therefore, for U.S. policymakers and strategists to believe that the behavior of our allies (and rivals) is shaped largely by what Washington does. Presumably Americans are at least as susceptible to the overestimation of their ability as any other people, and perhaps more so. At the very least, political psychologists tell us, we are probably not as important to them as we think. The importance of U.S. hegemony in contributing to international stability is therefore almost certainly overrated.

In the end, one can never be sure why our major allies have not gone to, and do not even plan for, war. Like deterrence, the hegemonic stability theory rests on faith; it can only be falsified, never proven. It does not seem likely, however, that hegemony could fully account for twenty years of strategic decisions made in allied capitals if the international system were not already a remarkably peaceful place. Perhaps these states have no intention of fighting one another to begin with, and our commitments are redundant. European great powers may well have chosen strategic restraint because they feel that their security is all but assured, with or without the United States.

### 2

#### Imperial presidency isn’t unprecedented- no escalation now

Keating 2013 [Joshua Keating associate editor at Foreign Policy and editor of the War of Ideas blog. He has worked as a researcher, editorial assistant, and deputy Web editor since joining the FP staff in 2007. May 9, 2013 Foreign Policy “Actually, U.S. presidents have been going to war without Congress since the beginning” http://ideas.foreignpolicy.com/posts/2013/05/09/actually\_us\_presidents\_have\_been\_going\_to\_war\_without\_congress\_since\_the\_beginning]

In the modern era, it's become increasingly common for presidents to send troops into battle without authorization from Congress -- a practice many argue is unconstitutional. During the 2011 intervention in Libya for intance, Yale law professor Bruce Ackerman wrote that "Barack Obama's administration is breaking new ground in its construction of an imperial presidency -- an executive who increasingly acts independently of Congress at home and abroad." It may be unconstitutional, but how unprecedented is it?¶ There's a general consensus that the imperial presidency model of warfighting began with Theodore Roosevelt and expanded dramatically after World War II -- the last time Congress formally declared war. The War Powers Resolution of 1973 was meant to check the president's ability to do this, but several administration's have skirted it. A paper by William D. Adler in Presidential Studies Quarterly analyzes the "small wars" of early U.S. history and found that the tradition of the president acting as "generalissimo of the nation" as the pseudonymous "Cato" put it in the Anti-Federalist Papers, goes back much further than we think. ¶ America's two largest pre-civil war conflicts -- the War of 1812 and the Mexican American War -- were both organized by Congress, though James Polk played a major hand in instigating the second one. But there were dozens of other conflicts, sometimes involving thousands of combatants. These included at least 10 major conflicts with Indian tribes between the 1790s and 1850s as well as " the Quasi-War with France during the late 1790s; the conflict with the Barbary pirates during the 1800s (which had been an ongoing problem since Washington's presidency); General Andrew Jackson's repeated invasions of Spanish Florida; naval skirmishes in Sumatra during the 1830s; the so-called Patriot War from 1839 through 1841 on the northern border; "bleeding Kansas" during the 1850s; and the Mormon war in Utah later that decade."¶ Adler argues that in all these conflicts, Congress -- if involved at all -- generally simply delegated warmaking powers to the executive branch and only excercised oversight after the fact. This was particularly this case in conflicts with Indian tribes, which were generally overseen by the War Department in cooperation with state governments without Congressional deliberations. ¶ In a scenario familiar from the Iraq War era, Congress often didn't realize quite how much power it was granting to the president. Adler recounts what happened in 1792 when Congress agreed to George Washington's request for 5,000 additional troops to fight Indian tribes in the Ohio Territory: ¶ During the conflict, Congress does not seem to have comprehended just how much power ¶ it had delegated to the executive branch. As Richard Kohn explains, when St. Clair asked for permission to call up the militia, Congress authorized it, but "only later, after Washington cited the amendment as authorization for Harmar's campaign, did Congress understand fully that it had given the President permission to wage war on his own authority." Similarly, when Congress appropriated $1 million to fund the ongoing operations, this was taken by the administration as an implicit authorization to continue the fighting; at no time did anyone think of asking for a formal resolution allowing the war to progress.¶ Early American presidents also had a habit of going to war first and asking permission later, such as when James Madison authorized the Army to seize territory in West Florida in 1810. As a general, Andrew Jackson invaded Florida three different times without asking permission from the president -- not to mention Congress. As president, Jackson continued to follow the imperial model, interpreting the Indian Removal Act of 1830 as carte blanche to use military force against Indian tribes who refused to relocate, an event now known as the Trail of Tears. This included the forced removal of the Florida Seminoles, which the largest U.S. military engagement since the War of 1812, with nearly 9,000 soldiers involved.

**We wont start wars just because we can**

**Brooks 12**, Stephen, Associate Professor of Government at Dartmouth College, John Ikenberry is the Albert G. Milbank Professor of Politics and International Affairs at Princeton University in the Department of Politics and the Woodrow Wilson School of Public and International Affairs, William C. Wohlforth is the Daniel Webster Professor in the Department of Government at Dartmouth College “Don’t Come Home America: The Case Against Retrenchment,” International Security, Vol. 37, No. 3 (Winter 2012/13), pp. 7–51

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.

#### Recent examples and global trends prove

**Fettweis 2004** (Christopher J. Fettweis, assistant professor of national security affairs at the U.S. Naval War College, Ph.D. University of Maryland's Department of Government and Politics, University of Notre Dame, August 2010, “The Remnants of Honor: Pathology, Credibility and U.S. Foreign Policy,” conference paper for the 2010 American Political Science Association meeting, online)

Credibility has not proven to be much more useful in addressing post-Cold War concerns than it did with the Soviets. Contagion or rapidly spreading disorder has not been a problem in the post-Cold War era, despite the many times that hawks have warned of lost U.S. credibility on one issue or another. Levels of ethnic conflict, civil wars, coups, and overall spillover effects have declined steadily for decades, and show no correlation with any peacekeeping or peace enforcement attempts.84 In those few isolated instances where thugs and rogues seem to have learned lessons of U.S. irresolution, the effects were temporary and minimal. In Port-au-Prince in September 1993, shortly after the battle in Mogadishu, anti-American demonstrators were reported to have chanted “We are going to turn this into another Somalia!”85 Putting aside for a moment the fairly low likelihood of this awkward phrase actually being chanted by a crowd and the high likelihood that this demonstration was orchestrated by the military junta, it is worth noting that popular unrest in Haiti did not begin after the United States had withdrawn and “lost credibility” in Somalia. The coup was a result of political dynamics peculiar to Haiti, and the tragic history of endemic instability that has haunted its half of Hispaniola. When a group of thugs prevented the landing of U.S. troops in October 1993, critics like James Baker predictably accused the Clinton administration of “debas[ing] the currency of U.S. credibility.”86 Senator Tom Harkin worried that “if we can’t stand up for democracy and human rights in our own hemisphere, then what do the Serbs have to fear? What do the Chinese have to fear?”87 Despite concerns of critics, in September of the following year a multinational force led by U.S. marines enforced a negotiated a peaceful resolution to the crisis, without losing a single American life. No perceptible change in the behavior of any other states occurred despite what Dick Cheney called the “abject national embarrassment” at the docks of Port-au-Prince.88

#### Their authors overstate the necessity of credibility

**Fettweis 2008** (Christopher J. Fettweis, assistant professor of national security affairs at the U.S. Naval War College, Ph.D. University of Maryland's Department of Government and Politics, University of Notre Dame, “Credibility and the War on Terror,” Political Science Quarterly, EBSCO Host)

The second observation on the use of the credibility imperative in policy debate is perhaps related to the first: the imperative often produces astonishing hyperbole, even in otherwise sober analysts. If the United States were to lose credibility, the floodgates would open to a variety of catastrophes, setting off dominoes that would eventually not only threaten vital interests and make war necessary, but perhaps even lead to the end of the Republic itself. The credibility imperative warns that momentum toward disaster can begin with the smallest demonstration of irresolution, thus sustaining the vision of an interdependent system in which there are no inconsequential events. In the words of Dale Copeland, "It is easier to stop a snowball before it begins to roll downhill than to intervene only after it has started to gain momentum."" Therefore, even the smallest of slips can lead to large-scale disaster.

# 2NC

### 2NC Perm do the CP

#### Competition for this is a slam dunk the way they defined armed attack in the 1ac means that they would obviously prohibit nuclear usage

***use of force of a magnitude that is likely to produce serious consequences, epitomized by territorial intrusions, human casualties, or considerable destruction of property.***

#### Armed forces include nuclear

Quester 2006 (George H. Quester, Visiting Professor of International Affairs at the George Washington University's Elliott School of Government, “Nuclear First Strike: Consequences of a Broken Taboo,” gbooks)

Weapons systems of various sorts are proliferating worldwide, and much may depend on what kinds of systems, offensive or defensive, have already been deployed by the time nuclear weapons have been used. A great number of relevant possibilities have to be introduced here. By the time of a such a nuclear escalation, the United States may already have effective missile defenses and resuscitated air defenses, or it may not, despite vast expenditures on such systems; and there may or may not have been a widespread proliferation of chemical and biological weapons in the world.¶ As in all the wars and war plans of the past, much will depend on what kinds of targets are hit. Nuclear weapons are most often thought of as a “countervalue” weapon ¶ , capable of destroying entire cities, as at Hiroshima and Nagasaki; but contingencies have existed, ever since the onset of the Cold War, for much more strictly countermilitary or counterforce uses of nuclear weapons. Again, there may be a great variation in the results achieved such a more specific attack. If important military goals were achieved in the escalation, very different responses might emerge than if the nuclear escalation proved relatively fruitless. Who the actor is would play a critical role in the perception of the event. The next power to use a nuclear weapon in combat could be a state hostile to the United States; to the extent that Americans have been thinking about this problem at all, this is the scenario that naturally captures most attention. But the user could instead be a power which is neither hostile nor friendly to the United States, the use being part of a conflict in which it would be difficult for Americans to identify with either side. The nuclear escalator might even be an ally of the United States. Finally, as noted, the scenarios for the next use of nuclear weapons must also include those involving such action by United States armed forces.

### Primacy NB Overview

#### US nuclear primacy prevents crises from escalating or happening in the first place

Keir A. **Lieber**, the author of War and the Engineers: The Primacy of Politics Over Technology, is Assistant Professor of Political Science at the University of Notre Dame. Daryl G. **Press**, the author of Calculating Credibility: How Leaders Assess Military Threats, is Associate Professor of Political Science at the University of Pennsylvania July August **2007** “Superiority Complex” The Atlantic http://www.theatlantic.com/doc/print/200707/china-nukes

How do America’s growing counterforce capabilities affect this scenario? First, American nuclear primacy may prevent such a war in the first place. China’s leaders understand that their military now has little hope of defeating U.S. air and naval forces. If they also recognize that their nuclear arsenal is vulnerable—and that placing it on alert might trigger a preemptive strike—the leaders may conclude that war is a no-win proposition. Second, if a war over Taiwan started anyway, U.S. nuclear primacy might help contain the fighting at the conventional level. Early in the crisis, Washington could quietly convey to Beijing that the United States would act decisively if China put its vulnerable nuclear arsenal on alert.

#### Allows wars to stay at the conventional level even if they start

Keir A. **Lieber**, the author of War and the Engineers: The Primacy of Politics Over Technology, is Assistant Professor of Political Science at the University of Notre Dame. Daryl G. **Press**, the author of Calculating Credibility: How Leaders Assess Military Threats, is Associate Professor of Political Science at the University of Pennsylvania China Security, Winter **2007**, pp.66 - 89 2007 World Security Institute http://www.chinasecurity.us/index.php?option=com\_content&view=article&id=189

Third, the growth of U.S. nuclear counterforce capabilities may give U.S. leaders valuable coercive leverage during future crises and wars, including conflicts with China. The United States strongly prefers that its future wars be waged exclusively with conventional weapons; in fact, one of the great quandaries currently confronting U.S. strategists is how to fight conventional wars against nuclear-armed adversaries without triggering escalation. Nuclear primacy may provide one solution: allowing Washington to credibly warn adversaries not to alert their nuclear forces or issue nuclear threats during a conflict. In other words, U.S. nuclear primacy may allow the United States to force its enemies to keep their nuclear forces on the sideline and keep their conflicts with the United States at the conventional level.

### Turns Case

#### Nuclear primacy is key to grand strategic primacy-allows coercive leverage

David S. McDonough is a PhD candidate in political science and a Doctoral Fellow at the Centre for Foreign Policy Studies at Dalhousie University, as well as a recipient of the SSHRC Canadian Graduate Scholarship and an Honourary Killam Scholarship for 2008/2009. He was Chair of the CIC Study Group on Nuclear Strategy “Tailored Deterrence: The ‘New Triad’ and the Tailoring of Nuclear Superiority” March 2009 Canadian International Council Strategic Datalink No. 8

The Bush administration’s nuclear revisions are being tailored to maximize its ability to undertake military interventions against rogue states. The tailoring of nuclear superiority against these states is therefore even more ambitious than a simple deterrence-by-denial strategy, in so far as the US could potentially utilize such denial capabilities in the midst of a regime change campaign. Strategic stability, given the more feasible possibility of conventional conflict, is simply not a salient issue for US nuclear war planners in these scenarios. New Triad capabilities represent an intervention enabler against asymmetrical adversaries. But nuclear superiority is not simply a concern for rogue states.The envisioned capabilities offer a potential first-strike advantage against established nuclear powers such as Russia and China. Conventional strategic weapons could be used for “nonnuclear counterforce coercion”, whereby the US could threaten to conventionally degrade an adversary’s “long-range nuclear strike forces”.10 The high-yield and more accurate hard-target kill capabilities of the existing legacy systems, while perhaps disproportional for a tactical bunker-busting strike against rogue states, could be useful for a strategic disarming attack against the hardened silos in Russian and, in the future, Chinese territory. Counterproliferation missions may be specifically directed at rogue states, but these specialized counterforce weapons would also have utility as a tool of coercion against both Russia and China.These nuclear powers have significant HDBTs for their respective command and control centres. Mobile missile launchers, while only hypothetical and long-term possibility amongst rogue states, have been a significant problem for US nuclear planners against Russian targets for many years, and will likely be increasingly problematic with the solid-fuelled (and mobile capable) missiles that China is gradually developing.These capabilities will not enable any American military adventurism in these cases; the strategic capabilities of both Russia and China are substantial enough to negate the credibility of such an option, and the mature relationships make the need for such a campaign non-existent. It would, however, give the United States a potential first-strike advantage against both countries, especially considering the declining state of the Russian arsenal and the relatively small size of China’s. A first-strike capability might be a moot point in the current strategic threat environment, where the dangers of a bolt-out-of-the-blue attack is simply not credible and a serious nuclear crisis with either country appears highly unlikely – the only possible exception being a confrontation with China in theTaiwan Strait. But it does complement the current American drive towards maintaining and extending grand strategic “primacy”, while providing a useful coercive hedge in the event that more serious geostrategic competition does indeed return to the international system.11

#### Nuclear primacy is the only effective method of deterrence

Keir A. **Lieber**, the author of War and the Engineers: The Primacy of Politics Over Technology, is Assistant Professor of Political Science at the University of Notre Dame. Daryl G. **Press**, the author of Calculating Credibility: How Leaders Assess Military Threats, is Associate Professor of Political Science at the University of Pennsylvania Correspondence The Short Shadow of U.S. Primacy? International Security 31.3 (**2007**) 174-193

More research on the threshold for nuclear deterrence is needed,15 but a substantial body of evidence—from the prenuclear and nuclear eras—calls into question the view that minimal nuclear forces are sufficient for robust deterrence, and that countries will not risk losing a single city to achieve ambitious foreign policy goals. The beginning of both world wars saw several countries accept staggering risks. By invading France in 1914, German leaders gambled much more than the loss of a single city. By war's end, more than 2 million Germans were dead, their political system was in turmoil, and the nation had been saddled with enormous reparations. But Germany was not the only country to take an enormous gamble: Russia and Britain could have opted out of the war when Germany invaded France, but they elected to fight. Britain suffered more than 3 million casualties, Russia more than 9 million, as well as a revolution and civil war. The beginning of World War II teaches the same worrisome lesson. Germany abandoned caution by attacking Poland and France, and its subsequent invasion of the Soviet Union was perhaps the most enormous military gamble of all time. By the end of the war, many German cities were in ruins; a generation of German men was dead; and the country was occupied and divided. But the Nazis were not the only risk takers in the 1940s: the British gambled by refusing to make peace with the Germans after the French had been knocked out of the war, and they suffered through the Blitz as a result. [End Page 189] The Americans gambled by abandoning a strong offshore position to enter the fight against Germany on the European continent.16 Japan attacked the United States—a country with several times its gross domestic product and population. That gamble cost Japan dearly; by the end of the war, it had lost all of its overseas possessions, and the United States had firebombed more than sixty Japanese cities, dropped atomic bombs on Hiroshima and Nagasaki, and occupied the country. Evidence from the nuclear age also should undermine faith in the "minimalist school" of deterrence. During the only prior period of nuclear primacy (during the 1950s), the U.S. strategy of massive retaliation called for an enormous nuclear attack on the entire Communist bloc if a Soviet invasion of Europe appeared imminent. This was no bluff; the strategy was debated and approved at the highest level. The nuclear weapons and delivery systems for the mission were built and deployed, and military personnel were trained accordingly. Although U.S. leaders believed that the United States could probably win the war without suffering nuclear retaliation against the U.S. homeland, they were never certain. Nevertheless, they stuck to this strategy and accepted the risk of nuclear retaliation until U.S. primacy eroded. War plans changed not because of the fear that a single bomb or two could possibly hit the United States, but when U.S. leaders concluded that a portion of the Soviet force was expected to survive and destroy several U.S. cities in response.17

### UQ 2NC

#### Nuclear primacy now- insiders confirm

Lieber and Press 2013 [Keir A. Lieber¶ ¶ Associate Professor, Edmund A. Walsh School¶ ¶ of Foreign Service, Georgetown University¶ ¶ Daryl G. Press¶ ¶ Associate Professor of Government, Dartmouth College¶ ¶ Coordinator of War and Peace Studies at the John Sloan ¶ ¶ Dickey Center Spring 2013 Strategic Studies Quarterly “The New Era of Nuclear Weapons, Deterrence, and Conflict” http://www.au.af.mil/au/ssq/digital/pdf/spring\_13/lieber.pdf]

Some critics argue that the United States is not seeking strategic primacy. They reject any intent behind the emergence of US nuclear primacy and downplay the effort to neutralize adversary deterrent forces in ¶ US military strategy. Instead of the United States bolstering its counterforce capabilities, critics emphasize how it is minimizing the role of nuclear ¶ weapons in national security strategy—as only this is consistent with ¶ international arms control and nonproliferation efforts aimed at convincing other states to forego strategic weapons, reduce existing arsenals, ¶ or cancel modernization programs. The implication is that we have mistakenly imputed sinister motives to US defense programs and planning.¶ Disavowal of the US pursuit of strategic primacy comes most frequently from those who work inside or outside the government on arms ¶ control and nonproliferation policy. Yet, those who work on US regional ¶ war plans and counterproliferation policy typically see nothing controversial in our claim that the United States seeks the ability to neutralize ¶ adversary strategic weapons. In fact, this effort appears to be official US ¶ policy. As a simple Internet search shows, the US government does not ¶ hide the wide range of research and planning efforts underway that fall ¶ under the rubric of “defeat WMD” or “combatting WMD.” And the ¶ underlying logic behind those efforts is simple: deterrence may fail, especially during conventional wars, and therefore the United States needs ¶ the ability to defend US forces, allies, and the US homeland from enemy ¶ WMD using, depending on the circumstances, conventional strikes, ¶ missile defenses, special operations, offensive cyber attacks, and in extreme cases nuclear strikes. In short, “defeating WMD” and “seeking ¶ strategic primacy” are essentially synonymous: protecting oneself from ¶ others’ strategic weapons (which sounds reasonable) and neutralizing ¶ others’ strategic deterrent forces (which sounds more malicious) are ¶ simply two phrases describing the same behavior.

#### Even though we have had cuts the trend has kept our strategic arsenal strong

Huessy 2013 [Peter Huessy is President of GeoStrategic Analysis of Potomac, Maryland , a defense and national security consulting firm February 13, 2013 “Nuclear Deterrence: The Search for Nuclear Stability or Nuclear Primacy?” http://www.familysecuritymatters.org/publications/detail/nuclear-deterrence-the-search-for-nuclear-stability-or-nuclear-primacy]

There is a grave danger in trying to support deterrence "on the cheap" or "casually". The 67 years of the nuclear age included one key trend--the number of US nuclear SNDVs went up as a percentage of our adversaries warheads as we moved toward lower levels of weapons starting with the INF (Intermediate Range Nuclear Forces) treaty and the START I treaty under Presidents Reagan and Bush.¶ This was continued under the Moscow Treaty, and under New Start that trend was held steady. If the new proposals now being discussed materialize, especially where a significant number of Minuteman missiles are eliminated, we will have begun to abandon the thirty plus year search for greater strategic stability. Under one proposed scenario, we will have cut in half the ratio of US platforms to Russian warheads. Put differently, for every US submarine, ICBM and bomber, the Russians would have seven strategic deployed warheads, compared to three today. Other proposals such as that put forward by Global Zero, are even worse, with 10 US targets compared to 950 Russian warheads, a 95 to 1 ratio.¶ In conclusion, in our pursuit of lower levels of nuclear weapons, we should not heighten instability to such an extent that we make the use of nuclear weapons more likely in a crisis, or because the strategic environment has become imbalanced, heighten the chances that reckless behavior on the part of a nuclear armed power becomes more rather than less likely.

### Link 2NC

#### The aff is NFU!

Ullman 1972 (Richard Ullman, July 1972, Professor of International Relations @ Princeton University, Foreign Affairs, Vol. 50 Issue 4, “NO FIRST USE OF NUCLEAR WEAPONS,” Ebsco)

An alternative to a fiat "no-first-use" declaration, at least for the United States, might come through congressional legislation stipulating that the President, as Commander in Chief of the armed forces, may not initiate the use of nuclear weapons without receiving prior congressional authorization. Congress now has before it so-called War Powers legislation stipulating that in the absence of a formal declaration of war the President may not engage the armed forces in military operations for more than 30 days without specific congressional authorization. This draft legislation is premised upon the assumption that the "collective judgment" of Congress and the President should apply to the “initiation" and the "continuation" of hostilities. Senator Fulhright, Congressman Dellums, and others (including the Federation of American Scientists, one of the most active lobbying groups in the arms-control area) have pointed out that just as Congress should be concerned to limit the power of the President to sustain hostilities without its approval, so it should also limit his power to escalate them across the threshold from conventional to nuclear weapons. They are seeking to amend the War Powers legislation to that effect."In many respects the effects of this proposed legislation would be similar to those of an orthodox commitment to "no first use."Nuclear threats would be inappropriate. Force deployments might reflect the assumption that the United States would not initiate the use of nuclear weapons. Just as in the case of a "no first-use" commitment, U.S. ability to respond to a nuclear attack, and therefore the efficacy of the U.S. nuclear deterrent, would be undiminished. The granting of congressional authorization, should it take place, would be equivalent to a formal announcement rescinding a prior "no-first-use" commitment, unilateral or multilateral. Such authorization (or the rescinding of a prior “no-first-use" commitment) would, in fact, constitute in itself an important diplomatic instrument. It would convey to an adversary the seriousness with which Washington viewed a threat, and its willingness to risk nuclear war in response. In this respect congressional authorization (or the public rescinding of "no first use") would be akin to the "demonstration use" which figures in some war-fighting scenarios, when one party to a conflict explodes a nuclear weapon in a manner which inflicts no damage but nevertheless conveys resolve.

#### First use is key to coercive primacy

Thayer 2012 [Bradley A. Thayer served as a consultant to the Department of Defense and is professor of political science at Baylor University. February 17, 2012 Washington Times “Preserving our nuclear deterrence” http://www.washingtontimes.com/news/2012/feb/17/preserving-our-nuclear-deterrence/]

Nuclear weapons aid Uncle Sam’s ability to coerce opponents as well for three reasons. First, in a crisis situation, nuclear weapons help persuade a challenger not to escalate to a higher level of violence or move up a rung on the escalation ladder. Second, although laden with risks, they also provide the possibility of attacking first to limit the damage the United States or its allies would receive. Whether the U.S. would do so is another matter. But possessing the capability provides the nation with coercive capabilities in crisis situations or war. Third, nuclear weapons give the United States the ability to threaten nuclear first-use to stop a conventional attack or limited nuclear attack and to signal the risk of escalating violence to a higher level.

### A2: Ineffective

#### Nuclear weapons are key- conventional weapons cannot solve

Lieber and Press 2013 [Keir A. Lieber¶ ¶ Associate Professor, Edmund A. Walsh School¶ ¶ of Foreign Service, Georgetown University¶ ¶ Daryl G. Press¶ ¶ Associate Professor of Government, Dartmouth College¶ ¶ Coordinator of War and Peace Studies at the John Sloan ¶ ¶ Dickey Center Spring 2013 Strategic Studies Quarterly “The New Era of Nuclear Weapons, Deterrence, and Conflict” http://www.au.af.mil/au/ssq/digital/pdf/spring\_13/lieber.pdf]

A second criticism is that retaining (or improving) specific US nuclear ¶ weapons for the counterforce mission is unnecessary. The idea is that ¶ modern delivery systems are now so accurate that even conventional ¶ weapons can reliably destroy hardened targets. The key, according to ¶ this argument, is simply knowing the location of the target: if you know ¶ where it is, you can kill it with conventional weapons; if you do not, ¶ even nuclear weapons will not help. The implication is that even though ¶ counterforce capabilities are crucial, nuclear weapons are not needed for ¶ this mission.¶ This criticism is wrong, because there is a substantial difference between ¶ the expected effectiveness of conventional strikes and the expected effectiveness of nuclear strikes against a range of plausible counterforce ¶ targets. Even the most powerful conventional weapons—for example, ¶ the GBU-57 “Massive Ordnance Penetrator”—have an explosive power ¶ comparable to “only” 3–5 tons of TNT. By comparison, the leastpowerful (according to open sources) nuclear weapon in the US arsenal ¶ explodes with the equivalent power of roughly 300 tons of TNT.¶ 10¶ The ¶ higher yield of nuclear weapons translates to greater destructive radius ¶ and higher likelihood of target destruction.¶ 11¶ Against ordinary targets, ¶ the accuracy and destructive power of conventional weapons is sufficient. Against nuclear targets—if success is defined by the ability to ¶ destroy every weapon targeted—the much greater destructive radius of ¶ nuclear weapons provides a critical margin of error. ¶ Furthermore, in real-world circumstances delivery systems may not ¶ achieve their usual levels of accuracy. Jammers that degrade the effectiveness of guidance systems and active defenses that impede aircraft crews or ¶ deflect incoming missiles can undermine accuracy. Even mundane things like bad weather can degrade wartime accuracy. Against hardened targets, conventional weapons must score a direct hit, whereas close is good ¶ enough when it comes to nuclear weapons. Lastly, many key counterforce targets are mobile. In those cases, nuclear weapons allow for greater ¶ “target location uncertainty” (when the target has moved since being observed) compared to their conventional counterparts.¶ 12¶ It is true that modern guidance systems have given conventional weapons ¶ far greater counterforce capabilities than ever before, but there is still a ¶ sizable gap between what nuclear and conventional weapons can accomplish.

### Key to Coercive Leverage

#### Nuclear primacy increases coercive leverage- strengthens resolve- history proves

Kroenig 2013 [Matthew Kroenig is Assistant Professor of Government at Georgetown University “Nuclear Superiority and the Balance of Resolve: Explaining Nuclear Crisis Outcomes” International Organization / Volume 67 / Issue 01 / January 2013, pp 141-171]

Indeed, there is evidence to suggest that nuclear superiority has encouraged policymakers to escalate nuclear crises in historical cases. By the beginning of the Cuban Missile Crisis in 1962, the Soviet Union had acquired the ability to inflict unacceptable damage on the United States in the event of a nuclear war, but Washington retained nuclear superiority over Moscow.49 U.S. leaders were cognizant of their advantage and the favorable nuclear balance appears to have increased the resolve of key U.S. policymakers. For example, during the Cuban Missile Crisis, General Maxwell Taylor, Chairman of the Joint Chiefs of Staff, wrote in a memo to Secretary of Defense Robert McNamara, “we have the strategic advantage in our general war capabilities … this is no time to run scared.”50 Similarly, Secretary of State Dean Rusk argued to the members of the executive committee of the National Security Council, a special body of senior government officials convened to advise President John F. Kennedy during the Cuban Missile Crisis, “One thing Mr. Khrushchev may have in mind is that … he knows that we have a substantial nuclear superiority … he also knows that we don't really live under fear of his nuclear weapons to the extent … that he has to live under ours.”51 Finally, when asked whether he would have been comfortable navigating the Cuban Missile Crisis from a position of nuclear inferiority, a senior U.S. official replied simply, “Hell no.”52¶ There is less information about the decision-making process of Soviet officials during the Cuban Missile Crisis, but the available evidence suggests that Soviet leaders were cognizant of their nuclear inferiority and that this may have encouraged them to withdraw

the missiles from Cuba. Following the crisis, Vasili Kuznetzov, first deputy minister of foreign affairs, said, referring to the balance of nuclear forces that was shifting in Moscow's favor, “You Americans will never be able to do this to us again.”53 Similarly, Fidel Castro implies that the Soviet Union instructed him that nuclear inferiority forced Moscow to back down in the Cuban Missile Crisis.54 In short, according to Betts, when explaining the outcome of the Cuban Missile Crisis, “it is hard to avoid the conclusion that the imbalance of nuclear power—U.S. superiority—was an influence.”55¶ There is also suggestive evidence from other nuclear crises that nuclear superior states enjoy a coercive advantage in a crisis. In the 1999 Kargil crisis, for example, Pakistan gave in to Indian demands to withdraw its irregular forces from Indian-controlled Kashmir. Although both countries possessed nuclear weapons, India enjoyed nuclear superiority, possessing nearly three times as many nuclear warheads as Pakistan. Indian officials believed that this strategic advantage induced caution in Pakistan's leaders. As Indian Defense Minister George Fernandes pointed out, in the event of a nuclear exchange, “We may have lost part of our population,” but “Pakistan may have been completely wiped out.”56¶ In sum, a formal theoretical model of nuclear brinkmanship and illustrative historical evidence suggest that nuclear superior states would incur fewer costs in the event of a nuclear disaster, increasing their effective levels of resolve, and improving their prospects of victory in a crisis. This logic brings us to our first hypothesis.

### Alliances

#### Primacy is key to extended deterrence credibility

**Ross**, Douglas Alan professor of political science at Simon Fraser University “Nuclear weapons and American grand strategy” International Journal, Autumn **2008** http://findarticles.com/p/search/?qa=Ross,%20Douglas%20Alan&tag=content;col1

American nuclear hawks see such questions as Utopian. For them, only a grand strategy of primacy - built in part on strategic nuclear primacy - has any real hope of assuring US national security. The world is too unpredictable and violent, with access to WMD instruments steadily widening and collective security systems unreliable. But should future administrations persist in seeking a double primacy in both grand strategy and nuclear strategy, the US would effectively be telling the world community that the retention of nuclear weapons ought to continue indefinitely. The Bush administration argued that an enhanced, revitalized nuclear weapons manufacturing base is essential for maintaining deterrent credibility and to undertake deep cuts of fewer than 2000 operationally deployed warheads. Without a credible US nuclear umbrella, key US allies might also feel compelled to develop their own nuclear weapons capability. Extended deterrence must continue to be guaranteed to other vulnerable allies to constrain the spread of nuclear weapons. For the same reason, it is argued that a growing system of internationally networked ABM defences is essential to backstop such offensive nuclear strike capacity.

#### Alliances and intel sharing are permanent

NYT, 1/30/’13

(“Drone Strike Prompts Suit, Raising Fears for U.S. Allies”)

The issue is more complex than drone-strike foes suggest, the current and former officials said, and is based on decades of cooperation rather than a shadowy pact for the United States to do the world’s dirty work. The arrangements for intensive intelligence sharing by Western allies go back to World War II, said Richard Aldrich, professor of international security at the University of Warwick, when the United States, Canada, Britain, Australia and New Zealand agreed to continue to collaborate. “There’s a very high volume of intelligence shared, some of which is collected automatically, so it’s impossible to track what every piece is potentially used for,” said Mr. Aldrich, who is also the author of a history of the Government Communications Headquarters, the British signal-intelligence agency. Britain’s history and expertise in South Asia means that the intelligence it gathers in Pakistan, Afghanistan and the tribal areas in between is in high demand, Mr. Aldrich said. The arrangement has been focused recently by a chill in relations between the United States and Pakistan, and by the shared war in Afghanistan. Other nations, too, intercept communications in the region that are shared broadly with the United States, he said. In Afghanistan, for example, German and Dutch forces run aggressive electronic interception operations, he said, because their rules on collaborating with local interpreters are less stringent than those of the United States. A spokesman for the coalition forces in Afghanistan, Lt. Col. Lester Carroll, declined to give details about intelligence sharing, saying agreements were classified. But he confirmed that American military forces “do share information with other U.S. government organizations on a need-to-know basis.” Few argue against the notion that European nations, many of which have been attacked by terrorists, have benefited from the drone killing, however controversial, of many of the most hardened Islamic extremist leaders.

### I-Law No Solve

#### Realism means I-law doesn’t matter

William Bradford Associate Professor of Law Indiana University School of Law Arizona State Law Journal Winter, 2004 “In the Minds of Men\*: A Theory of Compliance with the Laws of War” 36 Ariz. St. L.J. 1243 lexis

Realism assumes that the international system is immutably anarchic, that states will always be the sole relevant actors, and that a perpetual struggle for power obligates states, if they wish to preserve their territory and their existence, to maximize their relative power. 44 Realists assert that international cooperation is possible only inasmuch as it reinforces the interests of states in maximizing their power and prospects for survival. 45 Because state behavior is determined solely by structural factors - i.e., the relative balance of power - states will not pursue cooperation on the basis of normative commitments. The role of norms is, therefore, much abridged in an account that purports to explain all state behaviors as caused by transformation in the relative power distribution, and many realist scholars treat norms as entirely epiphenomenal. Neither the role of the individuals that exercise command of the foreign policy apparatus of states nor their unique psychologies are of any theoretical interest to realism: even if they were not unknowable, motives and preferences would exert no causal influence on the behavior of decisionmakers who are presumed rational calculators of the relationship between state decisions and national power and committed to the singular [\*1252] pursuit of the latter. 46 Moreover, regardless of their idiosyncrasies, all decisionmakers choose identically, or nearly so, in response to external stimuli, and changes in the international system account for variations in foreign policy decisionmaking. 47 Predictably, the role of international law is narrowly circumscribed in realist accounts of international relations. Although states may create international law as a pretext for decisions that in actuality serve their relentless pursuit of power 48 or the subordination of weaker states, 49 there are no norms capable of inducing states to voluntarily abridge their sovereign prerogatives, and those legal agreements into which states enter will be carefully and purposefully limited to peripheral matters

that do not implicate their power or meaningfully limit their autonomy. 50 Moreover, for realists, compliance with international law is to a large degree a function of power: the more powerful a state, the less likely it will suffer punishment from other states for its legal transgressions and the less likely it is, therefore, to comply with law or to agree in the first instance to be bound. Furthermore, because state survival is the superordinate value in the international system, realism predicts that compliance will correlate inversely with the degree to which the substantive rules place the territorial integrity, and thus the survival, of states at risk. 51 Finally, realism maintains that should state self-interest ever militate in favor of breaching legal obligations - in other words, should state self-interest ever cease to coincide with governing norms - states, which, as realists remind us, are nothing [\*1253] more than "legally sovereign units in a tenuous net of breakable obligations," 52 will invariably violate the law. For realists, the strength of the general proposition that law exerts no independent causal influence on international relations 53 is at a zenith in the context of IHL. Realism predicts that states will voluntarily accept only those constraints on their freedom to employ force that either enhance their relative power or that they intend to violate deliberately to their advantage. 54 IHL is inimical to self-preservation to the extent that it imposes restrictions on the methods and means states may employ in prosecuting their interests, particularly when rules distribute burdens asymmetrically or deny certain weapons or tactics that are likely to ensure survival, and to the degree that it limits the lawfulness of the resort to force in the first instance, especially when only the resort to force is likely to prevent political extinction at the hand of a stronger state. 55 In sum, for realists it is axiomatic that armed conflict is a decidedly unfruitful arena in which to foster normative cooperation, and IHL cannot surmount the fact that it is an aspirational regime tangential at best to explanations of state behavior. Strong states do what they can, and weak states accept what they must. If law has a role in regulating armed conflict, it is through the extension of the domestic law of a powerful state, and this act itself is the assertion of power rather than of the power of a universal norm.

# 1NR

### A2 W/M

#### We meet:

#### Requiring congressional approval restricts

Zeidenstein ’78, HARVEY G. ZEIDENSTEIN is professor of political science at Illinois State University. He is the¶ author of Direct Election of the President and articles on the presidency, nominations, and elections. Political Science Quarterly Volume 93 Number 3 Fall 1978, The Reassertiono f Congressional¶ Power: New Curbs on the President, Lexis, jj

Through a variety of measures, Congress has increased its ability to restrict presidential actions and to hold the president and the executive branch more¶ accountable to itself by allowing for formal congressional disapproval in some instances, requiring to be provided with critical information in others, and¶ mandating that certain presidential initiatives cease automatically in other cases¶ in the absence of congressional action to affirmatively approve those initiatives.

#### Restrict presidential actions not the same as restricting his authority--- Congress could “restrict” his actions by mandating intervention--- their “congressional disapproval” which illustrates that it could forces his hand by disapproving of his non-use of his authority

1. This illustrates their imprecise use of the term--- “restrict” is used interchangeably in the literature with regulation--- links to our precision DA

#### And, it’s a prohibition

Center for Constitutional Rights 2009, not credence, Restore. Protect. Expand. Amend the War Powers Resolution, <http://ccrjustice.org/files/CCR_White_WarPowers.pdf>, jj

The War Powers Resolution should explicitly prohibit executive acts of war without previous ¶ Congressional authorization. The only exception should be the executive’s power in an emergency ¶ to use short-term force to repel sudden attacks on US territories, troops or citizens.

1. It’s not a prohibition--- their evidence says it “prohibits” if he doesn’t have Congressional authorization--- that caveat demonstrates that they don’t truly restrict

### A2 C/I

#### Counter-interp:

#### Restriction means a limit and includes conditions on action

CAA 8,COURT OF APPEALS OF ARIZONA, DIVISION ONE, DEPARTMENT A, STATE OF ARIZONA, Appellee, v. JEREMY RAY WAGNER, Appellant., 2008 Ariz. App. Unpub. LEXIS 613

P10 The term "restriction" is not defined by the Legislature for the purposes of the DUI statutes. See generally A.R.S. § 28-1301 (2004) (providing the "[d]efinitions" section of the DUI statutes). In the absence of a statutory definition of a term, we look to ordinary dictionary definitions and do not construe the word as being a term of art. Lee v. State, 215 Ariz. 540, 544, ¶ 15, 161 P.3d 583, 587 (App. 2007) ("When a statutory term is not explicitly defined, we assume, unless otherwise stated, that the Legislature intended to accord the word its natural and obvious meaning, which may be discerned from its dictionary definition.").

P11 The dictionary definition of "restriction" is "[a] limitation or qualification." Black's Law Dictionary 1341 (8th ed. 1999). In fact, "limited" and "restricted" are considered synonyms. See Webster's II New Collegiate Dictionary 946 (2001). Under these commonly accepted definitions, Wagner's driving privileges were "restrict[ed]" when they were "limited" by the ignition interlock requirement. Wagner was not only [\*7] statutorily required to install an ignition interlock device on all of the vehicles he operated, A.R.S. § 28-1461(A)(1)(b), but he was also prohibited from driving any vehicle that was not equipped with such a device, regardless whether he owned the vehicle or was under the influence of intoxicants, A.R.S. § 28-1464(H). These limitations constituted a restriction on Wagner's privilege to drive, for he was unable to drive in circumstances which were otherwise available to the general driving population. Thus, the rules of statutory construction dictate that the term "restriction" includes the ignition interlock device limitation.

The top of their C/I card says: In the absence of a statutory definition of a term, we look to ordinary dictionary definitions and **do not construe the word as being a term of art**.

We are impact turning this--- Restrict IS a term of art.

### 2NC Precision Impact

#### Precision Impacts Outweigh

Stanley Fish, dean of the College of Liberal Arts and Sciences at the University of Illinois at Chicago, June 21, 2002. “Say It Ain't So,” THE CHRONICLE, http://chronicle.com/article/Say-It-Ain-t-So/46137

Well, actually everyone knows what's going on. The art of speaking and writing precisely and with attention to grammatical form is more and more a lost one. Just listen to National Public Radio for 15 minutes or read a section of The New York Times and you will be able to start your own collection of howlers, from the (now ubiquitous) confusion of "disinterested" and "uninterested" (which sometimes takes the form of a parallel confusion of "disinvite" and "uninvite," the latter not an English verb form); to the disastrous and often comical substitution of "enervate" for "energize"; to the attribution of reticence to persons who are merely reluctant; to participles with no subjects or too many; to errors of pomposity ("between you and I," dubbed by a former colleague the "Cornell nominative"); to pronouns without referents or as many referents as there are nouns in the previous five sentences; to singular subjects with plural verbs (and the reverse); to dependent clauses attached to nothing; to mismatched tenses attached to the same action; to logical redundancies like, "The reason is because ..." ( I'm afraid I've been guilty of that one myself); not to mention inelegant repetitions and errors of diction made by persons who seem to be writing a language they first encountered yesterday. What has brought us to this sorry pass? Basically, two things. First the belief, devoutly held and endlessly rehearsed, that the purpose of writing is self-expression. The convenience of this belief, for those who profess it, is that they need never accept correction; for if it is their precious little selves they are expressing, the language of expression is answerable only to the internal judgment of those same selves, and any challenge from the outside can be met simply by saying, (as students often do) "I know what I mean," or, more precisely, "I know what I mean." Students who say and believe this will never confront an important truth: Language has its own structure (not unchanging, to be sure, but fixed enough at any one moment to serve as both a constraint and a resource). If you do not submit yourself to the conventional meanings of words and to the grammatical forms that specify the relationships between the objects words refer to, the prose you produce will say something -- language, not you or I, means -- but it will not say what you wanted to say. That's only because your readers will not be inside your head where they might ask the self-seeking expression what it had in mind, but will instead be on the outside processing the formal patterns of your written language and reaching the conclusions dictated and generated by those patterns.

#### Causes conflation in policy—“infringement”, “limitation” and “denial” all become topical—prevents analysis of war powers

Eric Heinze 3 (Senior Lecturer in Law, University of London, Queen Mary. He has held fellowships from the Fulbright Foundation and the French and German governments. He teaches Legal Theory, Constitutional Law, Human Rights and Public International Law. JD Harvard) “The Logic of Liberal Rights A study in the formal analysis of legal discourse” http://mey.homelinux.org/companions/Eric%20Heinze/The%20Logic%20of%20Liberal%20Rights\_%20A%20Study%20in%20%20%28839%29/The%20Logic%20of%20Liberal%20Rights\_%20A%20Study%20in%20%20-%20Eric%20Heinze.pdf

Variety of ‘restrictions’

The term ‘restriction’, defined so broadly, embraces any number of familiar concepts: ‘deprivation’, ‘denial’, ‘encroachment’, ‘incursion’, ‘infringement’, ‘interference’, ‘limitation’, ‘regulation’. Those terms commonly comport differences in meaning or nuance, and are not all interchangeable in standard legal usage. For example, a ‘deprivation’ may be distinguished from a ‘limitation’ or ‘regulation’ in order to denote a full denial of a right (e.g. where private property is wholly appropriated by the state 16 Agents without compensation) as opposed to a partial constraint (e.g. where discrete restrictions are imposed on the use of property which nonetheless remains profitably usable). Similarly, distinctions between acts and omissions can leave the blanket term ‘restriction’ sounding inapposite when applied to an omission: if a state is accused of not doing enough to give effect to a right, we would not colloquially refer to such inaction as a ‘restriction’. Moreover, in a case of extreme abuse, such as extrajudicial killing or torture, it might sound banal to speak merely of a ‘restriction’ on the corresponding right. However, the term ‘restriction’ will be used to include all of those circumstances, in so far as they all comport a purpose or effect of extinguishing or diminishing the right-seeker’s enjoyment of an asserted right. (The only significant distinction which will be drawn will be between that concept of ‘restriction’ and the concept of ‘breach’ or ‘violation’. The terms ‘breach’ or ‘violation’ will be used to denote a judicial determination about the legality of the restriction.6) Such an axiom may seem unwelcome, in so far as it obliterates subtleties which one would have thought to be useful in law. It must be stressed that we are seeking to eliminate that variety of terms not for all purposes, but only for the very narrow purposes of a formal model, for which any distinctions among them are irrelevant.

#### Lexicography key to standardization

Nweke No Date [JOSHUA AZUBUIKE NWEKE, Ph.D.¶ Department of Linguistics and African Languages¶ University of Benin,¶ Benin City. “Lexicography: An Indispensable Document for Language Standardization” http://www.wesoeduonline.com/journals/the%20intuition/Lexicography%20An%20Indispensable%20Document%20for%20Language.pdf]

Since this paper has discussed in details the usefulness of dictionary not only as ¶ a language material for teaching and learning in schools, but also as a linguistic ¶ document for language standardization, It is hence recommended that all language ¶ learners wishing to gain mastery in learning of any language must development interest ¶ in the use of dictionary as reference material. Language teachers in primary and ¶ secondary school must expose their scholars to the use of dictionary. Learning in ¶ lexicography should be introduced as a compulsory-elective course in the university at ¶ least, for a semester so as to encourage application of lexicography in any field of study ¶ in the university system.¶

### 2NC Limits DA

#### Tons of ways for Congress to oversee the executive

Triebwasser No Date [Dr. Marc A Triebwasser, a Political Science Professor at Central Connecticut University No Date “Congressional Oversight” http://www.polisci.ccsu.edu/trieb/Cong-8.html]

In order to gain some control over the operations of the various agencies which had been established within the Executive Branch, Congress in 1946 began to develop a series of structures and procedures designed to oversee the Bureaucracy. This process generally came to be known as congressional oversight. Although no pun was probably intended in the coining of this phrase, its secondary meaning certainly comes to mind when one examines how this process has actually tended to operate. There are several methods through which congressional oversight operations take place: the committee process, congressional administrative offices, casework, as well as a number of administrative techniques. ¶ Oversight Through Committees¶ There are three types of committees through which congressional oversight functions take place: authorizations committees, appropriations committees, and governmental operations committees. ¶ Authorization Committees. The first type of committee is the substantive committee which originally establishes or authorizes the program or agency. In the case of a military program, this would be the Armed Services Committees in both chambers. In the case of an urban program, this would be the Banking, Finance and Urban Affairs Committee in the House and the Banking, Housing and Urban Affairs Committee in the Senate. Similarly, each program area within the Federal Bureaucracy is related to at least one specific substantive standing committee in each chamber of Congress.¶ In attempting to pursue oversight activities through these authorization committees, a number of problems are often encountered. One of these results from the fact that a particular governmental agency may fall within the jurisdiction of several different substantive committees or subcommittees. As a result, the agency may play one committee or subcommittee against the other in order to achieve those results in Congress which tend to benefit the agency the most. Another problem is that a committee which establishes a program is often too involved with the outcome of its own efforts to be willing to investigate adequately the operations of the program it has initiated. ¶ Appropriations Committees. One of the most significant places where a measure of oversight activity takes place is in the appropriations process. The budget for an agency must be approved anew each year. One might assume that this yearly appropriations process would lead to a careful annual inspection of the budgets of all the various governmental agencies. This, however, is not the case. The federal budget is so large and complex that it is impossible to consider carefully the budget of each agency and program on a year-to-year basis. What happens instead is that budgets are often routinely approved from year to year with general reviews only occurring periodically. In addition, many agencies develop quite close relationships with the subcommittees of the Appropriations Committees which specifically deal with their agency. These agencies are therefore often able to extract some special favors from these particular appropriations subcommittees. ¶ Government Operations Committees. The Senate Committee on Governmental Affairs and the House Committee on Governmental Reform were originally established to coordinate congressional concern over governmental operations. Thus, many see these committees as an ideal place for maintaining congressional surveillance over the activities of the vast Bureaucracy located within the Executive Branch. However, because of jurisdictional disputes and because of the reluctance of most representatives and senators to provide for adequate independent oversight activities, the efforts of these governmental operations committees have been quite limited. ¶ Oversight Through Congressional Offices¶ The three administrative offices within Congress are used to some extent in the congressional oversight process. ¶ The General Accounting Office. The GAO has the responsibility, not simply for performing accounting audits, but also for judging how various programs are being administered. In other words, the GAO often performs the task of program evaluation. In this respect, the GAO plays a significant role in congressional oversight. ¶ The Congressional Research Service. While preparing reports and studies to assist members of Congress, the CRS sometimes includes some information on the activities and performance of various governmental agencies. This is another important source of oversight information for members of Congress. ¶ The Congressional Budget Office. As we have seen, it is the job of the Congressional Budget Office to gather information on the budgets of the various governmental agencies and to report on new budgetary requests and suggestions made through the Executive Branch's Office of Management and Budget. Obviously, such budgetary information is an extremely important source of data upon which the various congressional committees can judge the effectiveness of specific governmental programs.¶ Although this information gathered by the CBO may seem to allow for significant congressional oversight, the fact is that it is the agencies that often use this informational link for their own purposes in pursuing their requests for additional funding directly to the congressional committee, instead of channeling all their communications through the OMB. This short circuits the use of the OMB as one of the President's management tools.. ¶ Effectiveness. From an overall perspective, we can see that these three congressional offices--The General Accounting Office, the Congressional Research Services, and the Congressional Budget Office--combined with the staffs of individual congresspersons and senators and the staffs of congressional committees--are able to supply our national legislators with vast amounts of information and evaluations of governmental activities. In fact, the United States Congress has available to it one of the most extensive research staffs of any national legislature in the world. However, the availability of information and analysis alone is not sufficient for effective congressional oversight. The desire to follow through on this available information is another necessary ingredient--and it is this ingredient which is often lacking.¶ Many times congressional oversight is limited by the concerns of various congressional committees and subcommittees over their respective jurisdictions. And in a significant number of instances, the pressures of organized special interests also interfere with the ability or desires of members of Congress to significantly oversee governmental operations. Aside from these problems, there are also the limitations of time. Congresspersons are burdened with extremely heavy schedules. They have a large number of often conflicting responsibilities to perform. Representatives and senators must therefor place priorities on the use of their time. Often oversight activities lose in this shuffle of priorities to legislative activities, to the creation of new programs to deal with current problems, and to casework concerns. ¶ Oversight Through Casework¶ Representatives and senators, themselves, do not usually become directly involved in much casework or constituent services. It is their staff that deals with these matters. However representatives and senators are usually informed by their staffs of many of these problems, and it is through these specific interactions that these legislators often get the most vivid impression as to the effectiveness of many governmental programs. Casework thus provides an important source of direct, specific information which proves very useful in congressional oversight activities. ¶ Some Other Approaches to Oversight¶ Congress has also passed some major reforms and explored a number of major legislative techniques, many of which have had the effect of improving congressional oversight. ¶ Sunshine Laws. During the 1970s, Congress attempted to open up many aspect of governmental operations to the general public. This was done through the Freedom of Information Act and the "Government in Sunshine" Act. By making information more widely available to the public, these acts also increase the amount of information available to Congress. ¶ The Congressional Veto. Very often Congress passes rather broad pieces of legislation. It is then up to specific agencies to fill in the details of these laws, both with regard to the structure of governmental agencies and the procedures which they follow. One might note for example that while Congress passes general tax laws, the details of the regulations regarding the payment of federal taxes is to be found not in the tax law itself but rather in the Internal Revenue Code which is developed by the Internal Revenue Service, an executive agency.

#### Literally doubles the educational benefit

**Arrington 2009** (Rebecca, UVA Today, “Study Finds That Students Benefit From Depth, Rather Than Breadth, in High School Science Courses” March 4)

A recent study reports that high school students who study fewer science topics, but study them in greater depth, have an advantage in college science classes over their peers who study more topics and spend less time on each. Robert Tai, associate professor at the University of Virginia's Curry School of Education, worked with Marc S. Schwartz of the University of Texas at Arlington and Philip M. Sadler and Gerhard Sonnert of the Harvard-Smithsonian Center for Astrophysics to conduct the study and produce the report. "Depth Versus Breadth: How Content Coverage in High School Courses Relates to Later Success in College Science Coursework" relates the amount of content covered on a particular topic in high school classes with students' performance in college-level science classes. The study will appear in the July 2009 print edition of Science Education and is currently available as an online pre-print from the journal. "As a former high school teacher, I always worried about whether it was better to teach less in greater depth or more with no real depth. This study offers evidence that teaching fewer topics in greater depth is a better way to prepare students for success in college science," Tai said. "These results are based on the performance of thousands of college science students from across the United States." The 8,310 students in the study were enrolled in introductory biology, chemistry or physics in randomly selected four-year colleges and universities. Those who spent one month or more studying one major topic in-depth in high school earned higher grades in college science than their peers who studied more topics in the same period of time. The study revealed that students in courses that focused on mastering a particular topic were impacted twice as much as those in courses that touched on every major topic

#### Turns their offense—limits are vital to creativity and innovation

David Intrator (President of The Creative Organization) October 21, 2010 “Thinking Inside the Box,” http://www.trainingmag.com/article/thinking-inside-box

One of the most pernicious myths about creativity, one that seriously inhibits creative thinking and innovation, is the belief that one needs to “think outside the box.” As someone who has worked for decades as a professional creative, nothing could be further from the truth. This a is view shared by the vast majority of creatives, expressed famously by the modernist designer Charles Eames when he wrote, “Design depends largely upon constraints.” The myth of thinking outside the box stems from a fundamental misconception of what creativity is, and what it’s not. In the popular imagination, creativity is something weird and wacky. The creative process is magical, or divinely inspired. But, in fact, creativity is not about divine inspiration or magic. It’s about problem-solving, and by definition a problem is a constraint, a limit, a box. One of the best illustrations of this is the work of photographers. They create by excluding the great mass what’s before them, choosing a small frame in which to work. Within that tiny frame, literally a box, they uncover relationships and establish priorities. What makes creative problem-solving uniquely challenging is that you, as the creator, are the one defining the problem. You’re the one choosing the frame. And you alone determine what’s an effective solution. This can be quite demanding, both intellectually and emotionally. Intellectually, you are required to establish limits, set priorities, and cull patterns and relationships from a great deal of material, much of it fragmentary. More often than not, this is the material you generated during brainstorming sessions. At the end of these sessions, you’re usually left with a big mess of ideas, half-ideas, vague notions, and the like. Now, chances are you’ve had a great time making your mess. You might have gone off-site, enjoyed a “brainstorming camp,” played a number of warm-up games. You feel artistic and empowered. But to be truly creative, you have to clean up your mess, organizing those fragments into something real, something useful, something that actually works. That’s the hard part. It takes a lot of energy, time, and willpower to make sense of the mess you’ve just generated. It also can be emotionally difficult. You’ll need to throw out many ideas you originally thought were great, ideas you’ve become attached to, because they simply don’t fit into the rules you’re creating as you build your box.

### 2NC Reasonability

#### Reasonability is impossible – it’s arbitrary and undermines research and preparation

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(Evan, “Defining Engagement,” Journal of International Affairs, Vol. 54, Iss. 2)

In matters of national security, establishing a clear definition of terms is a precondition for effective policymaking. Decisionmakers who invoke critical terms in an erratic, ad hoc fashion risk alienating their constituencies. They also risk exacerbating misperceptions and hostility among those the policies target. Scholars who commit the same error undercut their ability to conduct valuable empirical research. Hence, if scholars and policymakers fail rigorously to define "engagement," they undermine the ability to build an effective foreign policy.

# Rd 8 Neg v Mich St CZ

### Off

#### Obama’s pressuring the GOP with a strong display of Presidential strength and staying on message – the GOP will cave

**Dovere, 10/1/13** (Edward, Politico, “Government shutdown: President Obama holds the line”

<http://www.politico.com/story/2013/10/government-shutdown-president-obama-holds-the-line-97646.html?hp=f3>)

President Barack Obama started September in an agonizing, extended display of how little sway he had in Congress. He ended the month with a display of resolve and strength that could redefine his presidency. All it took was a government shutdown. This was less a White House strategy than simply staying in the corner the House GOP had painted them into — to the White House’s surprise, Obama was forced to do what he so rarely has as president: he said no, and he didn’t stop saying no. For two weeks ahead of Monday night’s deadline, Obama and aides rebuffed the efforts to kill Obamacare with the kind of firm, narrow sales pitch they struggled with in three years of trying to convince people the law should exist in the first place. There was no litany of doomsday scenarios that didn’t quite come true, like in the run-up to the fiscal cliff and the sequester. No leaked plans or musings in front of the cameras about Democratic priorities he might sacrifice to score a deal. After five years of what’s often seen as Obama’s desperation to negotiate — to the fury of his liberal base and the frustration of party leaders who argue that he negotiates against himself. Even his signature health care law came with significant compromises in Congress. Instead, over and over and over again, Obama delivered the simple line: Republicans want to repeal a law that was passed and upheld by the Supreme Court — to give people health insurance — or they’ll do something that everyone outside the GOP caucus meetings, including Wall Street bankers, seems to agree would be a ridiculous risk. “If we lock these Americans out of affordable health care for one more year,” Obama said Monday afternoon as he listed examples of people who would enjoy better treatment under Obamacare, “if we sacrifice the health care of millions of Americans — then they’ll fund the government for a couple more months. Does anybody truly believe that we won’t have this fight again in a couple more months? Even at Christmas?” The president and his advisers weren’t expecting this level of Republican melee, a White House official said. Only during Sen. Ted Cruz’s (R-Texas) 21-hour floor speech last week did the realization roll through the West Wing that they wouldn’t be negotiating because they couldn’t figure out anymore whom to negotiate with. And even then, they didn’t believe the shutdown was really going to happen until Saturday night, when the House voted again to strip Obamacare funding. This wasn’t a credible position, Obama said again Monday afternoon, but rather, bowing to “extraneous and controversial demands” which are “all to save face after making some impossible promises to the extreme right wing of their political party.” Obama and aides have said repeatedly that they’re not thinking about the shutdown in terms of political gain, but the situation’s is taking shape for them. Congress’s approval on dealing with the shutdown was at 10 percent even before the shutters started coming down on Monday according to a new CNN/ORC poll, with 69 percent of people saying the House Republicans are acting like “spoiled children.” “The Republicans are making themselves so radioactive that the president and Democrats can win this debate in the court of public opinion” by waiting them out, said Jim Manley, a Democratic strategist and former aide to Senate Majority Leader Harry Reid who has previously been critical of Obama’s tactics. Democratic pollster Stan Greenberg said the Obama White House learned from the 2011 debt ceiling standoff, when it demoralized fellow Democrats, deflated Obama’s approval ratings and got nothing substantive from the negotiations. “They didn’t gain anything from that approach,” Greenberg said. “I think that there’s a lot they learned from what happened the last time they ran up against the debt ceiling.” While the Republicans have been at war with each other, the White House has proceeded calmly — a breakthrough phone call with Iranian President Hassan Rouhani Friday that showed him getting things done (with the conveniently implied juxtaposition that Tehran is easier to negotiate with than the GOP conference), his regular golf game Saturday and a cordial meeting Monday with his old sparring partner Israeli Prime Minister Benjamin Netanyahu. White House press secretary Jay Carney said Monday that the shutdown wasn’t really affecting much of anything. “It’s busy, but it’s always busy here,” Carney said. “It’s busy for most of you covering this White House, any White House. We’re very much focused on making sure that the implementation of the Affordable Care Act continues.” Obama called all four congressional leaders Monday evening — including Boehner, whose staff spent Friday needling reporters to point out that the president hadn’t called for a week. According to both the White House and Boehner’s office, the call was an exchange of well-worn talking points, and changed nothing. Manley advised Obama to make sure people continue to see Boehner and the House Republicans as the problem and not rush into any more negotiations until public outrage forces them to bend. “He may want to do a little outreach, but not until the House drives the country over the cliff,” Manley said Monday, before the shutdown. “Once the House has driven the country over the cliff and failed to fund the government, then it might be time to make a move.” The White House believes Obama will take less than half the blame for a shutdown – with the rest heaped on congressional Republicans. The divide is clear in a Gallup poll also out Monday: over 70 percent of self-identifying Republicans and Democrats each say their guys are the ones acting responsibly, while just 9 percent for both say the other side is. If Obama is able to turn public opinion against Republicans, the GOP won’t be able to turn the blame back on Obama, Greenberg said. “Things only get worse once things begin to move in a particular direction,” he said. “They don’t suddenly start going the other way as people rethink this.”

#### Having to defend authority derails the current agenda

Kriner 10 Douglas L. Kriner (assistant professor of political science at Boston University) “After the Rubicon: Congress, Presidents, and the Politics of Waging War”, University of Chicago Press, Dec 1, 2010, page 68-69.

While congressional support leaves the president’s reserve of political capital intact, congressional criticism saps energy from other initiatives on the home front by forcing the president to expend energy and effort defending his international agenda. Political capital spent shoring up support for a president’s foreign policies is capital that is unavailable for his future policy initiatives. Moreover, any weakening in the president’s political clout may have immediate ramifications for his reelection prospects, as well as indirect consequences for congressional races.59 Indeed, Democratic efforts to tie congressional Republican incumbents to President George W. Bush and his war policies paid immediate political dividends in the 2006 midterms, particularly in states, districts, and counties that had suffered the highest casualty rates in the Iraq War. 60 In addition to boding ill for the president’s perceived political capital and reputation, such partisan losses in Congress only further imperil his programmatic agenda, both international and domestic. Scholars have long noted that President Lyndon Johnson’s dream of a Great Society also perished in the rice paddies of Vietnam. Lacking the requisite funds in a war-depleted treasury and the political capital needed to sustain his legislative vision, Johnson gradually let his domestic goals slip away as he hunkered down in an effort first to win and then to end the Vietnam War. In the same way, many of President Bush’s highest second-term domestic proprieties, such as Social Security and immigration reform, failed perhaps in large part because the administration had to expend so much energy and effort waging a rear-guard action against congressional critics of the war in Iraq.61 When making their cost-benefit calculations, presidents surely consider these wider political costs of congressional opposition to their military policies. If congressional opposition in the military arena stands to derail other elements of his agenda, all else being equal, the president will be more likely to judge the benefits of military action insufficient to its costs than if Congress stood behind him in the international arena.

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

Davidson 9/10

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

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

#### Econ collapse = extinction

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

### Off

**By executive order, the President of the United States should commit the Solicitor General & White House Counsel’s Office to advance consultation with the Office of Legal Counsel and require written publication of Office of Legal Counsel opinions over current law regarding the necessity of** legislative authorization prior to initiating offensive military use of force. **The President should publicly pledge to act consistent with these opinions.**

#### The Office of Legal Counsel should opine that the best interpretation of current law requires legislative authorization prior to initiating offensive military use of force, unless to repel attacks on the United States.

**CP competes on ‘authority’ but solves – OLC rulings are binding as settled law, but crafting reduces links to net benefits**

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“STARE DECISIS IN THE OFFICE OF LEGAL COUNSEL,” Columbia Law Review, 110 Colum. L. Rev. 1448.

On the other hand, an OLC that says "yes" too often is not in the client's long-run interest. n49 Virtually all of OLC's clients have their own legal staffs, including the White House Counsel's Office in the White House and the general counsel's offices in other departments and agencies. Those offices are capable of answering many of the day-to-day issues that arise in those components. They typically turn to OLC when the issue is sufficiently controversial or complex (especially on constitutional questions) that some external validation holds special value. n50 For example, when a department confronts a difficult or delicate constitutional question in the course of preparing to embark upon a new program or course of action that raises difficult or politically sensitive legal questions, it has an interest in being able to point to a credible source affirming the [\*1462] legality of its actions. n51 The in-house legal advice of the agency's general counsel is unlikely to carry the same weight. n52 Thus, even though those offices might possess the expertise necessary to answer at least many of the questions they currently send to **OLC**, in some contexts they will not take that course because a "yes" from the in-house legal staff is not as valuable as a "yes" from OLC. But that **value depends on** OLC **maintaining its reputation for serious**, evenhanded analysis, **not mere advocacy**. n53 The risk, however, is that OLC's clients will not internalize the long-run costs of taxing OLC's integrity. This is in part because the full measure of those costs will be spread across all of OLC's clients, not just the client agency now before it. The program whose legality the client wants OLC to review, in contrast, is likely to be something in which the client has an immediate and palpable stake. Moreover, the very fact that the agency has come to OLC for legal advice will often mean it thinks there is [\*1463] at least a plausible argument that the program is lawful. In that circumstance, the agency is unlikely to see any problem in a "yes" from OLC. Still, it would be an overstatement to say that OLC risks losing its client base every time it contemplates saying "no." One reason is custom. In some areas, there is a longstanding tradition - rising to the level of an expectation - that certain executive actions or decisions will not be taken without seeking OLC's advice. One example is OLC's bill comment practice, in which it reviews legislation pending in Congress for potential constitutional concerns. If it finds any serious problems, it writes them up and forwards them to the Office of Management and Budget, which combines OLC's comments with other offices' policy reactions to the legislation and generates a coordinated administration position on the legislation. n54 That position is then typically communicated to Congress, either formally or informally. While no statute or regulation mandates OLC's part in this process, it is a deeply entrenched, broadly accepted practice. Thus, although some within the Executive Branch might find it frustrating when OLC raises constitutional concerns in bills the administration wants to support as a policy matter, and although the precise terms in which OLC's constitutional concerns are passed along to Congress are not entirely in OLC's control, there is no realistic prospect that OLC would ever be cut out of the bill comment process entirely. Entrenched practice, then, provides OLC with some measure of protection from the pressure to please its clients. But there are limits to that protection. Most formal OLC opinions do not arise out of its bill comment practice, which means most are the product of a more truly voluntary choice by the client to seek OLC's advice. And as suggested above, although **the Executive Branch at large has an interest in OLC's credibility** and integrity, the preservation of those virtues generally falls to OLC itself. OLC's nonlitigating function makes this all the more true. Whereas, for example, the Solicitor General's aim of prevailing before the Supreme Court limits the extent to which she can profitably pursue an extreme agenda inconsistent with current doctrine, OLC faces no such immediate constraint. Whether **OLC** honors its oft-asserted commitment to legal advice based on its best view of the law **depends largely on** its own **self-restraint**. 2. Formal Requests, Binding Answers, and Lawful Alternatives. - Over time, **OLC** has developed practices and policies that help maintain its independence and credibility. First, **before** **it provides a written opinion**, n55 OLC typically **requires** that **the request** be **in writing** from the head or general counsel of the requesting agency, that the request be as **specific** and concrete as possible, **and** that the agency **provide** **its** own written [\*1464] **views** on the issue as part of its request. n56 **These requirements** help constrain the requesting agency. Asking a high-ranking member of the agency to commit the agency's views to writing, and to present legal arguments in favor of those views, **make**s it more **difficult** for the agency to press **extreme** **positions**. Second, as noted in the Introduction, n57 **OLC's legal advice is treated as binding** within the Executive Branch until withdrawn or overruled. n58 As a formal matter, the bindingness of the Attorney General's (or, in the modern era, OLC's) legal advice has long been uncertain. n59 The issue has never required formal resolution, however, because **by longstanding tradition** the advice is treated as binding. n60 OLC protects that tradition today by generally **refusing** to provide **advice** **if** **there is** **any** **doubt** about whether the requesting entity will follow it. n61 This **guards against** "**advice-shopping** by entities willing to abide only by advice they like." n62 More broadly, it helps ensure that OLC's answers matter. An agency displeased with OLC's advice cannot simply ignore the advice. The agency might [\*1465] construe any ambiguity in OLC's advice to its liking, and in some cases might even ask OLC to reconsider its advice. n63 But **the settled practice of treating OLC's advice as binding ensures it is not simply ignored**. In theory, the very bindingness of OLC's opinions creates a risk that agencies will avoid going to OLC in the first place, relying either on their general counsels or even other executive branch offices to the extent they are perceived as more likely to provide welcome answers. This is only a modest risk in practice, however. As noted above, **legal advice** obtained **from an office other than OLC** - especially an agency's own general counsel - **is unlikely to command the same respect** as OLC advice. n64 Indeed, because OLC is widely viewed as "the executive branch's chief legal advisor," n65 an agency's decision not to seek OLC's advice is likely to be viewed by outside observers with skepticism, especially if the in-house advice approves a program or initiative of doubtful legality. OLC has also developed certain practices to soften the blow of legal advice not to a client's liking. Most significantly, after concluding that a client's proposed course of action is unlawful, OLC frequently works with the client to find a lawful way to pursue its desired ends. n66 As the OLC Guidelines put it, "**when OLC** **concludes** that **a**n administration **proposal** is **impermissible**, **it** is appropriate for OLC to go on to suggest modifications that would cure the defect, and OLC **should** **stand** **ready** **to** work with the administration to **craft lawful alternatives**." n67 **This** is a critical component of OLC's work, and **distinguishes it sharply from** the **courts**. In addition to "providing a means by which the executive branch lawyer can contribute to the ability of the popularly-elected President and his administration to achieve important policy goals," n68 in more instrumental terms the practice can also reduce the risk of gaming by OLC's clients. And that, in turn, helps preserve the bindingness of OLC's opinions. n69 [\*1466] To be sure, **OLC's opinions are treated as binding only to the extent they are not displaced by a** higher authority. A subsequent **judicial decision** directly on point will generally be taken to supersede OLC's work, and always if it is from the Supreme Court. OLC's opinions are also subject to "reversal" by the President or the Attorney General. n70 Such **reversals are rare**, however. As a formal matter, Dawn Johnsen has argued that "the President or attorney general could lawfully override OLC only pursuant to a good faith determination that OLC erred in its legal analysis. **The President would violate his constitutional obligation if he were to reject OLC's advice solely on policy grounds**." n71 Solely is a key word here, especially for the President. Although his oath of office obliges him to uphold the Constitution, n72 it is not obvious he would violate that oath by pursuing policies that he thinks are plausibly constitutional even if he has not concluded they fit his best view of the law. It is not clear, in other words, that the President's oath commits him to seeking and adhering to a single best view of the law, as opposed to any reasonable or plausible view held in good faith. Yet even assuming the President has some space here, it is hard to see how his oath permits him to reject OLC's advice solely on policy grounds if he concludes that doing so is indefensible as a legal matter. n73 So **the President needs at least a plausible legal basis for** [\*1467] **disagreeing with OLC's advice**, which itself would likely require some other source of legal advice for him to rely upon. The White House Counsel's Office might seem like an obvious candidate. But despite recent speculation that the size of that office during the Obama Administration might reflect an intention to use it in this fashion, n74 **it** **continues to be virtually unheard of for the White House to reverse OLC's legal analysis**. For one thing, even a deeply staffed White House Counsel's Office typically does not have the time to perform the kind of research and analysis necessary to produce a credible basis for reversing an OLC opinion. n75 For another, as with attempts to rely in the first place on in-house advice in lieu of OLC, any reversal of OLC by the White House Counsel is likely to be viewed with great skepticism by outside observers. If, for example, a congressional committee demands to know why the Executive Branch thinks a particular program is lawful, a response that relies on the conclusions of the White House Counsel is unlikely to suffice if the committee knows that OLC had earlier concluded otherwise. Rightly or wrongly, the White House Counsel's analysis is likely to be treated as an exercise of political will, not dispassionate legal analysis. Put another way, the same reasons that lead the White House to seek OLC's legal advice in the first place - its reputation for [\*1468] providing candid, independent legal advice based on its best view of the law - make an outright reversal highly unlikely. n76 Of course, the White House Counsel's Office may well be in frequent contact with OLC on an issue OLC has been asked to analyze, and in many cases is likely to make it abundantly clear what outcome the White House prefers. n77 But that is a matter of presenting arguments to OLC in support of a particular position, not discarding OLC's conclusion when it comes out the other way. n78The White House is not just any other client, and so the nature of - and risks posed by - communications between it and OLC on issues OLC is analyzing deserve special attention. I take that up in Part III. n79 My point at this stage is simply that **the prospect of literal reversal by the White House is remote** and does not meaningfully threaten the effective bindingness of OLC's decisions.

### Off

#### The 1AC’s war powers discourse sanitizes global destruction by proliferating symptom-focused solutions to global power imbalances---causes cycles of violence that make global warfare and extinction inevitable

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3. From securitisation to militarisation 3.1 Complicity¶ This analysis thus calls for a broader approach to environmental security based on retrieving the manner in which political actors construct discourses of ‘scarcity’ in response to ecological, energy and economic crises (critical security studies) in the context of the historically-specific socio-political and geopolitical relations of domination by which their power is constituted, and which are often implicated in the acceleration of these very crises (historical sociology and historical materialism).¶ Instead, both realist and liberal orthodox IR approaches focus on different aspects of inter-state behaviour, conflictual and cooperative respectively, but each lacks the capacity to grasp that the unsustainable trajectory of state and inter-state behaviour is only explicable in the context of a wider global system concurrently over-exploiting the biophysical environment in which it is embedded. They are, in other words, unable to address the relationship of the inter-state system itself to the biophysical environment as a key analytical category for understanding the acceleration of global crises. They simultaneously therefore cannot recognise the embeddedness of the economy in society and the concomitant politically-constituted nature of economics.84¶ Hence, they neglect the profound irrationality of collective state behaviour, which systematically erodes this relationship, globalising insecurity on a massive scale – in the very process of seeking security.85 In Cox's words, because positivist IR theory ‘does not question the present order [it instead] has the effect of legitimising and reifying it’.86 Orthodox IR sanitises globally-destructive collective inter-state behaviour as a normal function of instrumental reason – thus rationalising what are clearly deeply irrational collective human actions that threaten to permanently erode state power and security by destroying the very conditions of human existence. Indeed, the prevalence of orthodox IR as a body of disciplinary beliefs, norms and prescriptions organically conjoined with actual policy-making in the international system highlights the extent to which both realism and liberalism are ideologically implicated in the acceleration of global systemic crises.87¶ By the same token, the incapacity to recognise and critically interrogate how prevailing social, political and economic structures are driving global crisis acceleration has led to the proliferation of symptom-led solutions focused on the expansion of state/regime military–political power rather than any attempt to transform root structural causes.88 It is in this context that, as the prospects for meaningful reform through inter-state cooperation appear increasingly nullified under the pressure of actors with a vested interest in sustaining prevailing geopolitical and economic structures, states have resorted progressively more to militarised responses designed to protect the concurrent structure of the international system from dangerous new threats. In effect, the failure of orthodox approaches to accurately diagnose global crises, directly accentuates a tendency to ‘securitise’ them – and this, ironically, fuels the proliferation of violent conflict and militarisation responsible for magnified global insecurity.¶ ‘Securitisation’ refers to a ‘speech act’ – an act of labelling – whereby political authorities identify particular issues or incidents as an existential threat which, because of their extreme nature, justify going beyond the normal security measures that are within the rule of law. It thus legitimises resort to special extra-legal powers. By labelling issues a matter of ‘security’, therefore, states are able to move them outside the remit of democratic decision-making and into the realm of emergency powers, all in the name of survival itself. Far from representing a mere aberration from democratic state practice, this discloses a deeper ‘dual’ structure of the state in its institutionalisation of the capacity to mobilise extraordinary extra-legal military–police measures in purported response to an existential danger.89¶ The problem in the context of global ecological, economic and energy crises is that such levels of emergency mobilisation and militarisation have no positive impact on the very global crises generating ‘new security challenges’, and are thus entirely disproportionate.90 All that remains to examine is on the ‘surface’ of the international system (geopolitical competition, the balance of power, international regimes, globalisation and so on), phenomena which are dislocated from their structural causes by way of being unable to recognise the biophysically-embedded and politically-constituted social relations of which they are comprised. The consequence is that orthodox IR has no means of responding to global systemic crises other than to reduce them to their symptoms.¶ Indeed, orthodox IR theory has largely responded to global systemic crises not with new theory, but with the expanded application of existing theory to ‘new security challenges’ such as ‘low-intensity’ intra-state conflicts; inequality and poverty; environmental degradation; international criminal activities including drugs and arms trafficking; proliferation of weapons of mass destruction; and international terrorism.91 Although the majority of such ‘new security challenges’ are non-military in origin – whether their referents are states or individuals – the inadequacy of systemic theoretical frameworks to diagnose them means they are primarily examined through the lenses of military-political power.92 In other words, the escalation of global ecological, energy and economic crises is recognised not as evidence that the current organisation of the global political economy is fundamentally unsustainable, requiring urgent transformation, but as vindicating the necessity for states to radicalise the exertion of their military–political capacities to maintain existing power structures, to keep the lid on.93¶ Global crises are thus viewed as amplifying factors that could mobilise the popular will in ways that challenge existing political and economic structures, which it is presumed (given that state power itself is constituted by these structures) deserve protection. This justifies the state's adoption of extra-legal measures outside the normal sphere of democratic politics. In the context of global crisis impacts, this counter-democratic trend-line can result in a growing propensity to problematise potentially recalcitrant populations – rationalising violence toward them as a control mechanism.¶ 3.2 From theory to policy¶ Consequently, for the most part, the policy implications of orthodox IR approaches involve a redundant conceptualisation of global systemic crises purely as potential ‘threat-multipliers’ of traditional security issues such as ‘political instability around the world, the collapse of governments and the creation of terrorist safe havens’. Climate change will serve to amplify the threat of international terrorism, particularly in regions with large populations and scarce resources.94 The US Army, for instance, depicts climate change as a ‘stress-multiplier’ that will ‘exacerbate tensions’ and ‘complicate American foreign policy’; while the EU perceives it as a ‘threat-multiplier which exacerbates existing trends, tensions and instability’.95¶ In practice, this generates an excessive preoccupation not with the causes of global crisis acceleration and how to ameliorate them through structural transformation, but with their purportedly inevitable impacts, and how to prepare for them by controlling problematic populations. Paradoxically, this ‘securitisation’ of global crises does not render us safer. Instead, by necessitating more violence, while inhibiting preventive action, it guarantees greater insecurity. Thus, a recent US Department of Defense report explores the future of international conflict up to 2050. It warns of ‘resource competition induced by growing populations and expanding economies’, particularly due to a projected ‘youth bulge’ in the South, which ‘will consume ever increasing amounts of food, water and energy’. This will prompt a ‘return to traditional security threats posed by emerging near-peers as we compete globally for depleting natural resources and overseas markets’. Finally, climate change will ‘compound’ these stressors by generating humanitarian crises, population migrations and other complex emergencies.96¶ A similar study by the US Joint Forces Command draws attention to the danger of global energy depletion through to 2030. Warning of ‘the dangerous vulnerabilities the growing energy crisis presents’, the report concludes that ‘The implications for future conflict are ominous.’97 Once again, the subject turns to demographics: ‘In total, the world will add approximately 60 million people each year and reach a total of 8 billion by the 2030s’, 95 per cent accruing to developing countries, while populations in developed countries slow or decline. ‘Regions such as the Middle East and Sub-Saharan Africa, where the youth bulge will reach over 50% of the population, will possess fewer inhibitions about engaging in conflict.’98 The assumption is that regions which happen to be both energy-rich and Muslim-majority will also be sites of violent conflict due to their rapidly growing populations.¶ A British Ministry of Defence report concurs with this assessment, highlighting an inevitable ‘youth bulge’ by 2035, with some 87 per cent of all people under the age of 25 inhabiting developing countries. In particular, the Middle East population will increase by 132 per cent and sub-Saharan Africa by 81 per cent. Growing resentment due to ‘endemic unemployment’ will be channelled through ‘political militancy, including radical political Islam whose concept of Umma, the global Islamic community, and resistance to capitalism may lie uneasily in an international system based on nation-states and global market forces’. More strangely, predicting an intensifying global divide between a super-rich elite, the middle classes and an urban under-class, the report warns: ‘The world's middle classes might unite, using access to knowledge, resources and skills to shape transnational processes in their own class interest.’99¶ 3.3 Exclusionary logics of global crisis securitisation?¶ Thus, the securitisation of global crisis leads not only to the problematisation of particular religious and ethnic groups in foreign regions of geopolitical interest, but potentially extends this problematisation to any social group which might challenge prevailing global political economic structures across racial, national and class lines. The previous examples illustrate how securitisation paradoxically generates insecurity by reifying a process of militarisation against social groups that are constructed as external to the prevailing geopolitical and economic order. In other words, the internal reductionism, fragmentation and compartmentalisation that plagues orthodox theory and policy reproduces precisely these characteristics by externalising global crises from one another, externalising states from one another, externalising the inter-state system from its biophysical environment, and externalising new social groups as dangerous ‘outsiders’. Hence, a simple discursive analysis of state militarisation and the construction of new ‘outsider’ identities is insufficient to understand the causal dynamics driving the process of ‘Otherisation’. As Doug Stokes points out, the Western state preoccupation with the ongoing military struggle against international terrorism reveals an underlying ‘discursive complex’, where representations about terrorism and non-Western populations are premised on ‘the construction of stark boundaries’ that ‘operate to exclude and include’. Yet these exclusionary discourses are ‘intimately bound up with political and economic processes’, such as strategic interests in proliferating military bases in the Middle East, economic interests in control of oil, and the wider political goal of ‘maintaining American hegemony’ by dominating a resource-rich region critical for global capitalism.100¶ But even this does not go far enough, for arguably the construction of certain hegemonic discourses is mutually constituted by these geopolitical, strategic and economic interests – exclusionary discourses are politically constituted. New conceptual developments in genocide studies throw further light on this in terms of the concrete socio-political dynamics of securitisation processes. It is now widely recognised, for instance, that the distinguishing criterion of genocide is not the pre-existence of primordial groups, one of which destroys the other on the basis of a pre-eminence in bureaucratic military–political power. Rather, genocide is the intentional attempt to destroy a particular social group that has been socially constructed as different.101 As Hinton observes, genocides precisely constitute a process of ‘othering’ in which an imagined community becomes reshaped so that previously ‘included’ groups become ‘ideologically recast’ and dehumanised as threatening and dangerous outsiders, be it along ethnic, religious, political or economic lines – eventually legitimising their annihilation.102 ¶ In other words, genocidal violence is inherently rooted in a prior and ongoing ideological process, whereby exclusionary group categories are innovated, constructed and ‘Otherised’ in accordance with a specific socio-political programme. The very process of identifying and classifying particular groups as outside the boundaries of an imagined community of ‘inclusion’, justifying exculpatory violence toward them, is itself a political act without which genocide would be impossible.103 This recalls Lemkin's recognition that the intention to destroy a group is integrally connected with a wider socio-political project – or colonial project – designed to perpetuate the political, economic, cultural and ideological relations of the perpetrators in the place of that of the victims, by interrupting or eradicating their means of social reproduction. Only by interrogating the dynamic and origins of this programme to uncover the social relations from which that programme derives can the emergence of genocidal intent become explicable.104¶ Building on this insight, Semelin demonstrates that the process of exclusionary social group construction invariably derives from political processes emerging from deep-seated socio-political crises that undermine the prevailing framework of civil order and social norms; and which can, for one social group, be seemingly resolved by projecting anxieties onto a new ‘outsider’ group deemed to be somehow responsible for crisis conditions. It is in this context that various forms of mass violence, which may or may not eventually culminate in actual genocide, can become legitimised as contributing to the resolution of crises.105¶ This does not imply that the securitisation of global crises by Western defence agencies is genocidal. Rather, the same essential dynamics of social polarisation and exclusionary group identity formation evident in genocides are highly relevant in understanding the radicalisation processes behind mass violence. This highlights the fundamental connection between social crisis, the breakdown of prevailing norms, the formation of new exclusionary group identities, and the projection of blame for crisis onto a newly constructed ‘outsider’ group vindicating various forms of violence.¶ While recommendations to shift our frame of orientation away from conventional state-centrism toward a ‘human security’ approach are valid, this cannot be achieved without confronting the deeper theoretical assumptions underlying conventional approaches to ‘non-traditional’ security issues.106 By occluding the structural origin and systemic dynamic of global ecological, energy and economic crises, orthodox approaches are incapable of transforming them. Coupled with their excessive state-centrism, this means they operate largely at the level of ‘surface’ impacts of global crises in terms of how they will affect quite traditional security issues relative to sustaining state integrity, such as international terrorism, violent conflict and population movements. Global crises end up fuelling the projection of risk onto social networks, groups and countries that cross the geopolitical fault-lines of these ‘surface’ impacts – which happen to intersect largely with Muslim communities. Hence, regions particularly vulnerable to climate change impacts, containing large repositories of hydrocarbon energy resources, or subject to demographic transformations in the context of rising population pressures, have become the focus of state security planning in the context of counter-terrorism operations abroad.¶ The intensifying problematisation and externalisation of Muslim-majority regions and populations by Western security agencies – as a discourse – is therefore not only interwoven with growing state perceptions of global crisis acceleration, but driven ultimately by an epistemological failure to interrogate the systemic causes of this acceleration in collective state policies (which themselves occur in the context of particular social, political and economic structures). This expansion of militarisation is thus coeval with the subliminal normative presumption that the social relations of the perpetrators, in this case Western states, must be protected and perpetuated at any cost – precisely because the efficacy of the prevailing geopolitical and economic order is ideologically beyond question.¶ As much as this analysis highlights a direct link between global systemic crises, social polarisation and state militarisation, it fundamentally undermines the idea of a symbiotic link between natural resources and conflict per se. Neither ‘resource shortages’ nor ‘resource abundance’ (in ecological, energy, food and monetary terms) necessitate conflict by themselves.¶ There are two key operative factors that determine whether either condition could lead to conflict. The first is the extent to which either condition can generate socio-political crises that challenge or undermine the prevailing order. The second is the way in which stakeholder actors choose to actually respond to the latter crises. To understand these factors accurately requires close attention to the political, economic and ideological strictures of resource exploitation, consumption and distribution between different social groups and classes. Overlooking the systematic causes of social crisis leads to a heightened tendency to problematise its symptoms, in the forms of challenges from particular social groups. This can lead to externalisation of those groups, and the legitimisation of violence towards them.¶ Ultimately, this systems approach to global crises strongly suggests that conventional policy ‘reform’ is woefully inadequate. Global warming and energy depletion are manifestations of a civilisation which is in overshoot. The current scale and organisation of human activities is breaching the limits of the wider environmental and natural resource systems in which industrial civilisation is embedded. This breach is now increasingly visible in the form of two interlinked crises in global food production and the global financial system. In short, industrial civilisation in its current form is unsustainable. This calls for a process of wholesale civilisational transition to adapt to the inevitable arrival of the post-carbon era through social, political and economic transformation.¶ Yet conventional theoretical and policy approaches fail to (1) fully engage with the gravity of research in the natural sciences and (2) translate the social science implications of this research in terms of the embeddedness of human social systems in natural systems. Hence, lacking capacity for epistemological self-reflection and inhibiting the transformative responses urgently required, they reify and normalise mass violence against diverse ‘Others’, newly constructed as traditional security threats enormously amplified by global crises – a process that guarantees the intensification and globalisation of insecurity on the road to ecological, energy and economic catastrophe. Such an outcome, of course, is not inevitable, but extensive new transdisciplinary research in IR and the wider social sciences – drawing on and integrating human and critical security studies, political ecology, historical sociology and historical materialism, while engaging directly with developments in the natural sciences – is urgently required to develop coherent conceptual frameworks which could inform more sober, effective, and joined-up policy-making on these issues.

#### Alternative: vote negative to reject the security discourse of the 1AC.

#### Critical praxis outweighs policy making- voting affirmative guarantees error replication. Only a radical break from dominant paradigms can avoid becoming a self-fulfilling prophecy

Graeme **Cheeseman,** Snr. Lecturer @ New South Wales, **and** Robert **Bruce** Assoc. Prof in social sciences @ Curtin univ**, ‘96** (Discourses of Danger & Dread Frontiers, p. 5-9)

This goal is pursued in ways which are still unconventional in the intellectual milieu of international relations in Australia, even though they are gaining influence worldwide as traditional modes of theory and practice are rendered inadequate by global trends that defy comprehension, let alone policy. The inability to give meaning to global changes reflects partly the enclosed, elitist world of professional security analysts and bureaucratic experts, where entry is gained by learning and accepting to speak a particular, exclusionary language. The contributors to this book are familiar with the discourse, but accord no privileged place to its ‘knowledge form as reality’ in debates on defence and security. Indeed, they believe that debate will be furthered only through a long overdue critical re-evaluation of elite perspectives. Pluralistic, democratically-oriented perspectives on Australia’s identity are both required and essential if Australia’s thinking on defence and security is to be invigorated. This is not a conventional policy book; nor should it be, in the sense of offering policy-makers and their academic counterparts sets of neat alternative solutions, in familiar language and format, to problems they pose. This expectation is in itself a considerable part of the problem to be analysed. It is, however, a book about policy, one that questions how problems are framed by policy-makers. It challenges the proposition that irreducible bodies of real knowledge on defence and security exist independently of their ‘context in the world’, and it demonstrates how security policy is articulated authoritatively by the elite keepers of that knowledge, experts trained to recognize enduring, universal wisdom. All others, from this perspective, must accept such wisdom or remain outside the expert domain, tainted by their inability to comply with the ‘rightness’ of the official line. But it is precisely the official line, or at least its image of the world, that needs to be problematised. If the critic responds directly to the demand for policy alternatives, without addressing this image, he or she is tacitly endorsing it. Before engaging in the policy debate the critics need to reframe the basic terms of reference. This book, then, reflects and underlines the importance of Antonio Gramsci and Edward Said’s ‘critical intellectuals’.15 The demand, tacit or otherwise, that the policy-maker’s frame of reference be accepted as the only basis for discussion and analysis ignores a three thousand year old tradition commonly associated with Socrates and purportedly integral to the Western tradition of democratic dialogue. More immediately, it ignores post-seventeenth century democratic traditions which insist that a good society must have within it some way of critically assessing its knowledge and the decisions based upon that knowledge which impact upon citizens of such a society. This is a tradition with a slightly different connotation in contemporary liberal democracies which, during the Cold War, were proclaimed different and superior to the totalitarian enemy precisely because there were institutional checks and balances upon power. In short, one of the major differences between ‘open societies’ and their (closed) counterparts behind the Iron Curtain was that the former encouraged the critical testing of the knowledge and decisions of the powerful and assessing them against liberal democratic principles. The latter tolerated criticism only on rare and limited occasions. For some, this represented the triumph of rational-scientific methods of inquiry and techniques of falsification. For others, especially since positivism and rationalism have lost much of their allure, it meant that for society to become open and liberal, sectors of the population must be independent of the state and free to question its knowledge and power. Though we do not expect this position to be accepted by every reader, contributors to this book believe that critical dialogue is long overdue in Australia and needs to be listened to. For all its liberal democratic trappings, Australia’s security community continues to invoke closed monological narratives on defence and security. This book also questions the distinctions between policy practice and academic theory that inform conventional accounts of Australian security. One of its major concerns, particularly in chapters 1 and 2, is to illustrate how theory is integral to the practice of security analysis and policy prescription. The book also calls on policy-makers, academics and students of defence and security to think critically about what they are reading, writing and saying; to begin to ask, of their work and study, difficult and searching questions raised in other disciplines; to recognise, no matter how uncomfortable it feels, that what is involved in theory and practice is not the ability to identify a replacement for failed models, but a realisation that terms and concepts – state sovereignty, balance of power, security, and so on – are contested and problematic, and that the world is indeterminate, always becoming what is written about it. Critical analysis which shows how particular kinds of theoretical presumptions can effectively exclude vital areas of political life from analysis has direct practical implications for policy-makers, academics and citizens who face the daunting task of steering Australia through some potentially choppy international waters over the next few years. There is also much of interest in the chapters for those struggling to give meaning to a world where so much that has long been taken for granted now demands imaginative, incisive reappraisal. The contributors, too, have struggled to find meaning, often despairing at the terrible human costs of international violence. This is why readers will find no single, fully formed panacea for the world’s ills in general, or Australia’s security in particular. There are none. Every chapter, however, in its own way, offers something more than is found in orthodox literature, often by exposing ritualistic Cold War defence and security mind-sets that are dressed up as new thinking. Chapters 7 and 9, for example, present alternative ways of engaging in security and defence practice. Others (chapters 3, 4, 5, 6 and 8) seek to alert policy-makers, academics and students to alternative theoretical possibilities which might better serve an Australian community pursuing security and prosperity in an uncertain world. All chapters confront the policy community and its counterparts in the academy with a deep awareness of the intellectual and material constraints imposed by dominant traditions of realism, but they avoid dismissive and exclusionary terms which often in the past characterized exchanges between policy-makers and their critics. This is because, as noted earlier, attention needs to be paid to the words and the thought processes of those being criticized. A close reading of this kind draws attention to underlying assumptions, showing they need to be recognized and questioned. A sense of doubt (in place of confident certainty) is a necessary prelude to a genuine search for alternative policies. First comes an awareness of the need for new perspectives, then specific policies may follow**.** As Jim George argues in the following chapter, we need to look not so much at contending policies as they are made for us but at challenging ‘the discursive process which gives [favoured interpretations of “reality”] their meaning and which direct [Australia’s] policy/analytical/military responses’. This process is not restricted to the small, official defence and security establishment huddled around the US-Australian War Memorial in Canberra. It also encompasses much of Australia’s academic defence and security community located primarily though not exclusively within the Australian National University and the University College of the University of New South Wales. These discursive processes are examined in detail in subsequent chapters as authors attempt to make sense of a politics of exclusion and closure which exercises disciplinary power over Australia’s security community. They also question the discourse of ‘regional security’, ‘security cooperation’, ‘peacekeeping’ and ‘alliance politics’ that are central to Australia’s official and academic security agenda in the 1990s. This is seen as an important task especially when, as is revealed, the disciplines of International Relations and Strategic Studies are under challenge from critical and theoretical debates ranging across the social sciences and humanities; debates that are nowhere to be found in Australian defence and security studies. The chapters graphically illustrate how Australia’s public policies on defence and security are informed, underpinned and legitimised by a narrowly-based intellectual enterprise which draws strength from contested concepts of realism and liberalism, which in turn seek legitimacy through policy-making processes. Contributors ask whether Australia’s policy-makers and their academic advisors are unaware of broader intellectual debates, or resistant to them, or choose not to understand them, and why?

### R2P

#### No RTP- no appetite for nation building

Mandelbaum 2011 (Michael Mandelbaum, A. Herter Professor of American Foreign Policy, the Paul H. Nitze School of Advanced International Studies, Johns Hopkins University, Washington DC; and Director, Project on East-West Relations, Council on Foreign Relations, “CFR 90th Anniversary Series on Renewing America: American Power and Profligacy,” Jan 2011)

I think it is, Richard. And I think that this period really goes back two decades. I think the wars or the interventions in Somalia, in Bosnia, in Kosovo, in Haiti belong with the interventions in Afghanistan and Iraq, although they were undertaken by different administrations for different reasons, and had different costs. But all of them ended up in the protracted, unexpected, unwanted and expensive task of nation building. Nation building has never been popular. The country has never liked it. It likes it even less now. And I think we're not going to do it again. We're not going to do it because there won't be enough money. We're not going to do it because there will be other demands on the public purse. We won't do it because we'll be busy enough doing the things that I think ought to be done in foreign policy. And we won't do it because it will be clear to politicians that the range of legitimate choices that they have in foreign policy will have narrowed and will exclude interventions of that kind. So I believe and I say in the book that the last -- the first two post-Cold War decades can be seen as a single unit. And that unit has come to an end.

#### No impact - Other nations will still cooperate with the U.S. even if it’s unpopular

Kagan 2006 (Robert, The Washington Post, 1/15, http://www.carnegieendowment.org/publications/index.cfm?fa=view&id=17894&prog=zgp&proj=zusr

The striking thing about the present international situation is the degree to which America remains what Bill Clinton once called "the indispensable nation." Despite global opinion polls registering broad hostility to George W. Bush's United States, the behavior of governments and political leaders suggests America's position in the world is not all that different from what it was before Sept. 11 and the Iraq war. The much-anticipated global effort to balance against American hegemony -- which the realists have been anticipating for more than 15 years now -- has simply not occurred. On the contrary, in Europe the idea has all but vanished. European Union defense budgets continue their steady decline, and even the project of creating a common foreign and defense policy has slowed if not stalled. Both trends are primarily the result of internal European politics. But if they really feared American power, Europeans would be taking more urgent steps to strengthen the European Union's hand to check it. Nor are Europeans refusing to cooperate, even with an administration they allegedly despise. Western Europe will not be a strategic partner as it was during the Cold War, because Western Europeans no longer feel threatened and therefore do not seek American protection. Nevertheless, the current trend is toward closer cooperation. Germany's new government, while still dissenting from U.S. policy in Iraq, is working hard and ostentatiously to improve relations

#### Many, many alt causes to rising food prices

IMF in ‘8 (International Monetary Fund, “Impact of High Food and Fuel Prices on Developing Countries—Frequently Asked Questions”, Last Updated 4-11, http://www.imf.org/external/np/exr/faq/ffpfaqs.htm)

Q. Why is this happening? A. Prices have been propelled by a mix of permanent and temporary factors: • Strong food demand from emerging economies, reflecting stronger per capita income growth, accounts for much of the increase in consumption. Although demand growth has been high for some time now, the recent sustained period of high global growth contributed to depleting global inventories, particularly of grains. • Rising biofuel production adds to the demand for corn and rapeseeds oil, in particular, spilling over to other foods through demand and crop substitution effects. Almost half the increase in consumption of major food crops in 2007 was related to biofuels, mostly because of corn-based ethanol production in the US; and the new biofuel mandates in the US and the EU that favor domestic production will continue to put pressure on prices. • At the same time, supply adjustment to higher prices has remained slow, notably for oil, and inventory levels in many markets have declined to the lowest levels in years. • The policy responses in some countries are exacerbating the problem: (i) Some major exporting countries have introduced export taxes, export bans, or other restrictions on exports of agricultural products. (ii) Some importing countries are not allowing full pass-through of international prices into domestic prices (less than half a sample of 43 developing and emerging market countries allowed for full pass through in 2007). • Drought conditions in major wheat-producing countries (e.g., Australia and Ukraine), higher input costs (animal feed, energy, and fertilizer), and restrictive trade policies in major net exporters of key food staples such as rice have also contributed. • Financial factors: the depreciating US$ increases purchasing power of commodity users outside of the dollar area; falling policy interest rates in some major currencies reduce inventory holding costs and induce shifts from money market instruments to higher-yielding assets such as commodity-indexed funds.

#### High oil prices make food spikes inevitable

**Brown in ‘8** (Lester, President of the Earth Policy Institute, “Plan B 3.0: Mobilizing to Save Civilization”, http://www.earth-policy.org/Books/PB3/pb3ch2.pdf)

Modern agriculture depends heavily on the use of fossil fuels. Most tractors use gasoline or diesel fuel. Irrigation pumps use diesel fuel, natural gas, or coal-fired electricity. Fertilizer production is also energy-intensive. Natural gas is used to synthesize the basic ammonia building block in nitrogen fertilizers. The mining, manufacture, and international transport of phosphates and potash all depend on oil.25 Efficiency gains can help reduce agriculture’s dependence on oil. In the United States, the combined direct use of gasoline and diesel fuel in farming fell from its historical high of 7.7 billion gallons (29.1 billion liters) in 1973 to 4.2 billion in 2005—a decline of 45 percent. Broadly calculated, the gallons of fuel used per ton of grain produced dropped from 33 in 1973 to 12 in 2005, an impressive decrease of 64 percent.26 One reason for this achievement was a shift to minimumand no-till cultural practices on roughly two fifths of U.S. cropland. But while U.S. agricultural fuel use has been declining, in many developing countries it is rising as the shift from draft animals to tractors continues. A generation ago, for example, cropland in China was tilled largely by draft animals. Today much of the plowing is done with tractors.27 Fertilizer accounts for 20 percent of U.S. farm energy use. Worldwide, the figure may be slightly higher. As the world urbanizes, the demand for fertilizer climbs. As people migrate from rural areas to cities, it becomes more difficult to recycle the nutrients in human waste back into the soil, requiring the use of more fertilizer. Beyond this, the growing international food trade can separate producer and consumer by thousands of miles, further disrupting the nutrient cycle. The United States, for example, exports some 80 million tons of grain per year— grain that contains large quantities of basic plant nutrients: nitrogen, phosphorus, and potassium. The ongoing export of these nutrients would slowly drain the inherent fertility from U.S. cropland if the nutrients were not replaced.28 Irrigation, another major energy claimant, is requiring more energy worldwide as water tables fall. In the United States, close to 19 percent of farm energy use is for pumping water. And in some states in India where water tables are falling, over half of all electricity is used to pump water from wells. Some trends, such as the shift to no-tillage, are making agriculture less oil intensive, but rising fertilizer use, the spread of farm mechanization, and falling water tables are having the opposite effect.29 Although attention commonly focuses on energy use on the farm, agriculture accounts for only one fifth of the energy used in the U.S. food system. Transport, processing, packaging, marketing, and kitchen preparation of food are responsible for the rest. The U.S. food economy uses as much energy as the entire economy of the United Kingdom.30 The 14 percent of energy used in the food system to move goods from farmer to consumer is equal to two thirds of the energy used to produce the food. And an estimated 16 percent of food system energy use is devoted to canning, freezing, and drying food—everything from frozen orange juice concentrate to canned peas.31 Food staples such as wheat have traditionally moved over long distances by ship, traveling from the United States to Europe, for example. What is new is the shipment of fresh fruits and vegetables over vast distances by air. Few economic activities are more energy-intensive.32 Food miles—the distance that food travels from producer to consumer—have risen with cheap oil. At my local supermarket in downtown Washington, D.C., the fresh grapes in winter typically come by plane from Chile, traveling almost 5,000 miles. One of the most routine long-distance movements of fresh produce is from California to the heavily populated U.S. East Coast. Most of this produce moves by refrigerated trucks. In assessing the future of long-distance produce transport, one writer observed that the days of the 3,000-mile Caesar salad may be numbered.33 Packaging is also surprisingly energy-intensive, accounting for 7 percent of food system energy use. It is not uncommon for the energy invested in packaging to exceed that in the food it contains.34 The U.S. farmer gets about 20 percent of the consumer food dollar. And for some products, the figure is much lower. As one analyst has observed, “An empty cereal box delivered to the grocery store would cost about the same as a full one.”35 The most energy-intensive segment of the food chain is the kitchen. Much more energy is used to refrigerate and prepare food in the home than is used to produce it in the first place. The big energy user in the food system is the kitchen refrigerator, not the farm tractor. While oil dominates the production end of the food system, electricity dominates the consumption end. With higher energy prices, the modern food system that evolved when oil was cheap will not survive as it is now structured.36

#### No resource wars

Idean Salehyan (Professor of Political Science at the University of North Texas) May 2008 “From Climate Change to Conflict? No Consensus Yet\*” Journal of Peace Research, vol. 45, no. 3 http://emergingsustainability.org/files/resolver%20climate%20change%20and%20conflict.pdf

First, the deterministic view has poor predictive power as to where and when conflicts will break out. For every potential example of an environmental catastrophe or resource shortfall that leads to violence, there are many more counter-examples in which conflict never occurs. But popular accounts typically do not look at the dogs that do not bark. Darfur is frequently cited as a case where desertification led to food scarcity, water scarcity, and famine, in turn leading to civil war and ethnic cleansing.5 Yet, food scarcity and hunger are problems endemic to many countries – particularly in sub-Saharan Africa – but similar problems elsewhere have not led to large-scale violence. According to the Food and Agriculture Organization of the United Nations, food shortages and malnutrition affect more than a third of the population in Malawi, Zambia, the Comoros, North Korea, and Tanzania,6 although none of these countries have experienced fullblown civil war and state failure. Hurricanes, coastal flooding, and droughts – which are all likely to intensify as the climate warms – are frequent occurrences which rarely lead to violence. The Asian Tsunami of 2004, although caused by an oceanic earthquake, led to severe loss of life and property, flooding, population displacement, and resource scarcity, but it did not trigger new wars in Southeast Asia. Large-scale migration has the potential to provoke conflict in receiving areas (see Reuveny, 2007; Salehyan & Gleditsch, 2006), yet most migration flows do not lead to conflict, and, in this regard, social integration and citizenship policies are particularly important (Gleditsch, Nordås & Salehyan, 2007). In short, resource scarcity, natural disasters, and long-term climatic shifts are ubiquitous, while armed conflict is rare; therefore, environmental conditions, by themselves, cannot predict violent outbreaks. Second, even if local skirmishes over access to resources arise, these do not always escalate to open warfare and state collapse. While interpersonal violence is more or less common and may intensify under resource pressures, sustained armed conflict on a massive scale is difficult to conduct. Meier, Bond & Bond (2007) show that, under certain circumstances, environmental conditions have led to cattle raiding among pastoralists in East Africa, but these conflicts rarely escalate to sustained violence. Martin (2005) presents evidence from Ethiopia that, while a large refugee influx and population pressures led to localized conflict over natural resources, effective resource management regimes were able to ameliorate these tensions. Both of these studies emphasize the role of local dispute-resolution regimes and institutions – not just the response of central governments – in preventing resource conflicts from spinning out of control. Martin’s analysis also points to the importance of international organizations, notably the UN High Commissioner for Refugees, in implementing effective policies governing refugee camps. Therefore, local hostilities need not escalate to serious armed conflict and can be managed if there is the political will to do so. Third, states often bear responsibility for environmental degradation and resource shortfalls, either through their own projects and initiatives or through neglect of the environment. Clearly, climate change itself is an exogenous stressor beyond the control of individual governments. However, government policies and neglect can compound the effects of climate change. Nobel Prizewinning economist Amartya Sen finds that, even in the face of acute environmental scarcities, countries with democratic institutions and press freedoms work to prevent famine because such states are accountable to their citizens (Sen, 1999). Others have similarly shown a strong relationship between democracy and protection of the environment (Li & Reuveny, 2006). Faced with global warming, some states will take the necessary steps to conserve water and land, redistribute resources to those who need them most, and develop disaster-warning and -response systems. Others will do little to respond to this threat. While a state’s level of income and technological capacity are certainly important, democracy – or, more precisely, the accountability of political leaders to their publics – is likely to be a critical determinant of how states respond to the challenge. Fourth, violent conflict is an inefficient and sub-optimal reaction to changes in the environment and resource scarcities. As environmental conditions change, several possible responses are available, although many journalists and policymakers have focused on the potential for warfare. Individuals can migrate internally or across borders, or they can invest in technological improvements, develop conservation strategies, and shift to less climate-sensitive livelihoods, among other adaptation mechanisms. Engaging in armed rebellion is quite costly and risky and requires large-scale collective action. Individuals and households are more likely to engage in simpler, personal, or smallscale coping strategies. Thus, organized violence is inefficient at the individual level. But, more importantly, armed violence against the state is used as a means to gain leverage over governments so as to gain some form of accommodation, namely, the redistribution of economic resources and political power. Organized armed violence rarely (if ever) arises spontaneously but is usually pursued when people perceive their government to be unwilling to listen to peaceful petitions. As mentioned above, rebellion does not distribute resources by itself, and protracted civil wars can have devastating effects on the economy and the natural environment, leaving fewer resources to bargain over. Thus, organized violence is inefficient at the collective level. Responsive, accountable political leaders – at all levels of government – are more likely to listen to citizen demands for greater access to resources and the means to secure their livelihoods. Political sensitivity to peaceful action can immunize states from armed insurrection.

### Warfighting Adv

#### 4GW is the most accurate description of modern war- escalation is likely if uncontained- executive authority is key to counter these threats

Li 2009 [Zheyoa Li Winter, 2009 The Georgetown Journal of Law Public Policy 7 Geo. J.L. & Pub. Pol'y 373 “War Powers for the Fourth Generation: Constitutional Interpretation in the Age of Asymmetric Warfare” lexis]

Even as the quantity of nation-states in the world has increased dramatically since the end of World War II, the institution of the nation-state has been in decline over the past few decades. Much of this decline is the direct result of the waning of major interstate war, which primarily resulted from the introduction of nuclear weapons. 122 The proliferation of nuclear weapons, and their immense capacity for absolute destruction, has ensured that conventional wars remain limited in scope and duration. Hence, "both the size of the armed forces and the quantity of weapons at their disposal has declined quite sharply" since 1945. 123 At the same time, concurrent with the decline of the nation-state in the second half of the twentieth century, non-state actors have increasingly been willing and able to use force to advance their causes. In contrast to nation-states, who adhere to the Clausewitzian distinction between the ends of policy and the means of war to achieve those ends, non-state actors do not necessarily fight as a mere means of advancing any coherent policy. Rather, they see their fight as a life-and-death struggle, wherein the ordinary terminology of war as an instrument of policy breaks down because of this blending of means and ends. 124¶ It is the existential nature of this struggle and the disappearance of the Clausewitzian distinction between war and policy that has given rise to a new generation of warfare. The concept of fourth-generational warfare was first articulated in an influential article in the Marine Corps Gazette in 1989, which has proven highly prescient. In describing what they saw as the modern trend toward a new phase of warfighting, the authors argued that:¶ [\*395] In broad terms, fourth generation warfare seems likely to be widely dispersed and largely undefined; the distinction between war and peace will be blurred to the vanishing point. It will be nonlinear, possibly to the point of having no definable battlefields or fronts. The distinction between "civilian" and "military" may disappear. Actions will occur concurrently throughout all participants' depth, including their society as a cultural, not just a physical, entity. Major military facilities, such as airfields, fixed communications sites, and large headquarters will become rarities because of their vulnerability; the same may be true of civilian equivalents, such as seats of government, power plants, and industrial sites (including knowledge as well as manufacturing industries). 125 It is precisely this blurring of peace and war and the demise of traditionally definable battlefields that provides the impetus for the formulation of a new theory of war powers. As evidenced by Part III, supra, the constitutional allocation of war powers, and the Framers' commitment of the war power to two co-equal branches, was not designed to cope with the current international system, one that is characterized by the persistent machinations of international terrorist organizations, the rise of multilateral alliances, the emergence of rogue states, and the potentially wide proliferation of easily deployable weapons of mass destruction, nuclear and otherwise.

#### Most likely nuclear escalation

Richards 2005 (Dr. Chet Richards, J. Addams & Partners July 12, 2005, “Dear Mr. & Ms. 1RP: Welcome to the 21st Century” http://www.zmetro.com/pdf/2005/07/welcome\_21st\_century\_v4.pdf)

Beginning with Mao Tse-Tung, and continuing to the present day, insurgency and other forms of non-state warfare have become more potent and much more dangerous in at least two ways: Groups other than states – that is, multinational organizations ranging from alQa’ida to the narcotrafficking cartels – are beginning to acquire high levels of sophistication in organization and in the information technologies that allow them to plan and conduct operations while widely dispersed.4 These same groups increasingly have the financial wherewithal to acquire virtually any type of weapon, from small arms to chemical and biological to nuclear, that they need to carry out operations. The only exceptions are conventional weapons such as tanks, combat aircraft, and fighting ships that require large facilities to support them, but are primarily of use only against other military forces armed with the same types of weapons. They are using their new capabilities not only to fight local governments, as was the case with traditional insurgencies, but to attack distant superpowers as well. Because they can’t field sizable amounts of conventional military hardware, fourth generation (4GW) forces will never try to achieve victory by defeating the military forces of a state in stand-up battles. Instead, they will try to convince their state opponent that it is simply not worth it to continue the fight. Successful 4GWcampaigns in modern times would include those against the French in Algeria, the US in Vietnam and the Soviet Union in Afghanistan, where the insurgents never defeated the foreign armies in any major battle, but eventually persuaded the governments back home to withdraw them. In a well run 4GW campaign, everything the 4GW forces do – including fighting and usually losing the occasional major battle – will support this goal. Persuading governments to withdraw forces, rather than defeating them on the battlefield, is an “information age” goal.6 To achieve the necessary level of persuasion, practitioners of 4GWwill use every information tool they can find to spread their messages to the enemy population and decision makers: Our cause is just and no threat to you There’s nothing here worth your effort and sacrifice Your troops are becoming brutal and your tactics ineffective If you keep it up, you’re going to bleed for a very long time So why not just leave now? As we enter the 21st Century, 4GWorganizations are becoming adept at spreading such messages through new channels, such as global news services (CNN, Al Jazeerah) and of course, web sites, blogs, and mass e-mailings. What you may not be aware of is that 4GWorganizations are also using the latest information tools to communicate with each other and to share information, particularly about what is and is not working (what the military calls “lessons learned.”)7Messages may be encrypted, or sent using code phrases, or even hidden in web site images, a practice called steganography. As with so many information age techniques, instructions for encryption and steganography are floating all over the Internet. Information age techniques are ideal for loose networks of highly motivated individuals, which is a typical form of organization for 4GW groups. Modern information warfare places a higher premium on creativity and innovation than it does on things 4GW organizations typically don’t have, like massive forces, volumes of regulations, and expensive hardware.8 By emphasizing speed and innovation, 4GWgroups can often invent new techniques faster than more structured and bureaucratic organizations such as the Pentagon.9 First responder organizations themselves may be targets of information warfare operations. The information systems of 1RP organizations, including operational systems as well as payroll and administrative, might make attractive targets in coordination with a physical attack. This is a real threat: Many members of al-Qa’ida and affiliated groups are from the educated classes in their countries, were technically trained (Osama bin Laden is a civil engineer), studied and lived in the West, and are capable of conceiving and managing such attacks. There are other advantages to the non-state player from operating in a loose social network. Obviously a social network is harder to find than an organization that requires a fixed infrastructure and wears uniforms. But perhaps most significant in wars of the weak against the strong, networks are highly resilient, so killing their leaders and destroying portions of the network can leave the rest to regenerate under new leadership in different locations.1112 So long as enough of the network survives to pass along the ideology and culture, along with lessons learned, the new network will likely be more dangerous and more resilient than its predecessor, much like the more resistant forms of bacteria that can emerge as a result of mis-use of antibiotics. In fact, the European resistance movements during World War II exhibited just this kind of toughness and survivability. In addition to its networked structure, there are other attributes of 4GW that should concern the 1RP (editor’s note: First Responder) community. The first is its transnational nature. An operation can be approved in Afghanistan, planned in Germany, funded in the Middle East, and carried out in the United States, as was the 9/11 attack. There is no one state we can retaliate against, nor one nationality we can profile against. Further, because it is transnational, it can involve networks of networks, such as alQa’ida attempting to cooperate with narco-trafficking organizations in Latin America to trade access to potential base areas and help in infiltrating the US for assistance in distributing narcotics.13 The upshot is that the lack of identifiable 4GW activity may not be an indication that an attack is not in the works, if the su4rveillance is being conducted by someone else. One of the more unpleasant aspects of insurgencies that will likely carry over to 4GWis their use of disguise, camouflage, and the other tools of deception. Because they are militarily weak, 4GW groups survive not by confronting superior firepower but by staying out of its sights. Those that have survived have become masters of concealment and deception, making it even more difficult to pick up early warning signals. This is why simple ethnic or national profiling will not work – 4GWteams will go to great lengths not to be identified as members of the groups in question. Skin color, eye color, and hair color are trivially easy to change, and the criminal infrastructure that already exists in most developed countries makes it simple to get drivers licenses or other means of identification (as any victim of identity theft can attest.) In a pinch, one can always recruit a member of a non-targeted group, such as the “shoe bomber,” Richard Reid, and it would be a mistake to assume the next batch will be as poorly trained. If we’re going to let Icelanders (or grandmothers or parents with toddlers, or whoever) through with less security screening than Saudis or Pakistanis or Jordanians, see if you can guess what the next aircraft hijacker will look like. Another unpleasant fact of 4GW is that like insurgency from whence it sprang, 4GW will be a protracted struggle.14 As Henry Kissinger once noted, if the guerillas don’t lose, they win, so they have all the motivation they need to keep going for as long as they think it will take.15 First responders should not draw comfort from what seems like a pause in attacks – operational cycles can stretch over several years, and a fourth generation war can span decades.16 But the most unpleasant fact of 4GW is that in it, we have finally reached the level of total war.17 In the eyes of the 4GW attacker, there are no civilians and no noncombatants. A concern for public relations offers the only reason for limiting the scope or violence of the attacks. What seems like “terrorism” to us, or senseless, random violence, may appear to the 4GW network as a legitimate way to persuade the foreign state government to withdraw, that is to stop the war. Such a strategy is nothing new. It was what Sherman had in mind during his marches through the South after the fall of Vicksburg (July 1863).18 In its local areas, the 4GW organization will spread the message that the foreign state has killed many civilians, which in a war of an advanced state versus a Third World country will often be true and will always be believed. What this means is that when a 4GW group decides to directly attack the United States or another state involved in “their” struggle, no level of violence, even nuclear, is ruled out. They may calculate that the message they are sending to the state government, to the state’s population, to undecided elements in other parts of the world, and to their own members is worth any backlash from the scenes of horror and brutality that ensue.

#### Signaling effects and cred don’t matter in modern war

Nzelibe and Yoo 2006 [Jide Nzelibe is Assistant Professor of Law, Northwestern University Law School. ¶ John Yoo is Professor of Law, University of California at Berkeley School of Law (Boalt Hall), ¶ and Visiting Scholar, American Enterprise Institute 2006 Yale Law Journal “Rational War and Constitutional Design” http://www.yalelawjournal.org/pdf/115-9/Nzelibe.pdf]

The non-cooperative bargaining model of international conflict assumes ¶ that the actors of concern are rational, self-interested nation-states. Recent ¶ developments in the international system may require that we relax this ¶ assumption. Taking rogue states or international terrorist organizations such ¶ as al Qaeda into account may distinguish cases in which the benefits of ¶ signaling do not outweigh the benefits of executive speed, secrecy, and ¶ flexibility. Threats to American national security now come not only from the ¶ hostile intentions of other nation-states, but from three other sources: the easy ¶ availability of the knowledge and technology to create weapons of mass ¶ destruction; the emergence of rogue nations; and the rise of international terrorism of the kind practiced by the al Qaeda terrorist organization.¶ 55¶ The al ¶ Qaeda terrorist network and similar organizations may pose a threat that does ¶ not lend itself to resolution through bargaining.¶ 56¶ In particular, signaling may ¶ prove ineffective when applied against these nations or groups because they are ¶ unlikely to have the proper incentives to respond to the information conveyed ¶ by such signals. ¶ Significantly, the informational value of the signaling mechanism among ¶ democracies depends heavily on the existence of transparency and domestic ¶ political accountability, both of which are usually lacking in terrorist ¶ organizations and rogue states. In a sense, the very logic of the signaling ¶ mechanism assumes that because democracies are aware that other democracies ¶ are less likely to back down in an escalating international crisis, democracies ¶ will be less reluctant to get involved in wars against each other in the first ¶ place.¶ 57¶ On the other hand, because rogue states and terrorist organizations face ¶ little or no political accountability for their foreign policy failures, they can ¶ afford to ignore their domestic audiences and take more aggressive stances in ¶ initiating international conflicts.¶ 58¶ Conversely, once they enter into an ¶ escalating international crisis, rogue states can more easily afford to back out of ¶ the crisis without paying a political price for seeming inconsistent or weak. In ¶ sum, the crisis bargaining model suggests that rogue states are neither likely to ¶ signal credible commitments of their resolve in an international crisis, nor ¶ likely to appreciate costly signals made by other states. ¶ The existing empirical evidence largely supports the view that rogue or ¶ autocratic states are much more willing to discount the risks of military failure ¶ than democracies. For instance, Bruce Bueno de Mesquita and Randolph ¶ Siverson have shown that democratic regimes tend to initiate conflicts of lower risk than nondemocracies,¶ 59¶ and other studies have shown that they also tend ¶ to suffer fewer battle deaths and fight much shorter wars.¶ 60¶ In sum, these ¶ studies strongly suggest that democracies tend to be much more cautious in the ¶ kinds of wars they fight; an obvious corollary is that democracies are more ¶ likely to be sensitive to signals that relay information about the willingness of a ¶ foreign adversary to engage in a high-risk conflict. ¶ A related argument is that because democracies tend to benefit from a more ¶ robust marketplace of ideas and information than nondemocracies,¶ 61¶ they are ¶ better able to understand the institutional context in which the President and ¶ Congress interact on war powers issues. Even if terrorist organizations or ¶ rogue states did understand the meaning of legislative signals, however, ¶ common ground that could produce a bargain might still be absent. Al Qaeda ¶ demanded, for example, that the United States withdraw from the Middle East ¶ and cease its support of moderate Arab regimes and of Israel, and that a ¶ fundamentalist Islamic caliphate replace those regimes.¶ 62¶ Assuming that the ¶ United States will not alter its foreign policy in such a dramatic fashion, there ¶ is no possibility of a bargain. ¶ The declining value of costly signals is counterbalanced by the benefit of ¶ using preemptive force against terrorists and rogue states. As September 11 ¶ showed, terrorist attacks can occur without warning because their ¶ unconventional nature allows their preparation to be concealed within the ¶ normal activities of civilian life. Terrorists have no territory or regular armed ¶ forces from which to detect signs of an impending attack. To defend itself from ¶ such an enemy, the United States might need to use force earlier and more ¶ often than was the norm during a time when nation-states generated the ¶ primary threats to American national security.¶ 63 As with terrorism, the threat posed by rogue nations may again require the ¶ United States to use force earlier and more often than it would like.¶ 64¶ Rogue ¶ nations may very well be immune to pressure short of force designed to stop ¶ their quest for WMD or their threat to the United States. Rogue nations, for ¶ example, have isolated themselves from the international system, are less ¶ integrated into the international political economy, and repress their own ¶ populations. This makes them less susceptible to diplomatic or other means of ¶ resolving disputes short of force, such as economic sanctions. Lack of concern ¶ for their own civilian populations renders the dictatorships that often govern ¶ rogue nations more resistant to deterrence. North Korea, for example, appears ¶ to have continued its development of nuclear weapons despite years of ¶ diplomatic measures to change its course.¶ 65¶ ¶ These new threats to American national security change the way we think ¶ about the relationship between the process and substance of the warmaking ¶ system. The international system as it existed at the end of the Cold War ¶ allowed the United States to choose a warmaking system that could have ¶ placed a premium on deliberation and the approval of multiple institutions, ¶ whether for purposes of political consensus (and hence institutional constraints ¶ that lower the expected value of war) or for purposes of signaling private ¶ information in the interests of reaching a peaceful bargain. If, however, the ¶ nature of threats has changed and the level of threats has increased, and ¶ military force is the most effective means for responding to those threats, then ¶ it may make more sense for the United States to use force preemptively. Given ¶ the threats posed by WMD proliferation, rogue nations, and international ¶ terrorism, at the very least it seems clear that we should not adopt a warmaking ¶ process that contains a built-in presumption against using force abroad or that ¶ requires long and deliberate procedures. ¶ These developments in the international system may demand that the ¶ United States have the ability to use force earlier and more quickly than in the ¶ past. In order to forestall a WMD attack, or to take advantage of a window of ¶ opportunity to strike at a terrorist cell, the executive branch needs the flexibility ¶ to act quickly, possibly in situations in which congressional consent cannot be ¶ obtained in time to act on the intelligence.

#### International system resilient – no conflict

Christopher Preble (director of foreign policy studies at the Cato Institute) August 2010 “U.S. Military Power: Preeminence for What Purpose?” http://www.cato-at-liberty.org/u-s-military-power-preeminence-for-what-purpose/

Most in Washington still embraces the notion that America is, and forever will be, the world’s indispensable nation. Some scholars, however, questioned the logic of hegemonic stability theory from the very beginning. A number continue to do so today. They advance arguments diametrically at odds with the primacist consensus. Trade routes need not be policed by a single dominant power; the international economy is complex and resilient. Supply disruptions are likely to be temporary, and the costs of mitigating their effects should be borne by those who stand to lose — or gain — the most. Islamic extremists are scary, but hardly comparable to the threat posed by a globe-straddling Soviet Union armed with thousands of nuclear weapons. It is frankly absurd that we spend more today to fight Osama bin Laden and his tiny band of murderous thugs than we spent to face down Joseph Stalin and Chairman Mao. Many factors have contributed to the dramatic decline in the number of wars between nation-states; it is unrealistic to expect that a new spasm of global conflict would erupt if the United States were to modestly refocus its efforts, draw down its military power, and call on other countries to play a larger role in their own defense, and in the security of their respective regions. But while there are credible alternatives to the United States serving in its current dual role as world policeman / armed social worker, the foreign policy establishment in Washington has no interest in exploring them. The people here have grown accustomed to living at the center of the earth, and indeed, of the universe. The tangible benefits of all this military spending flow disproportionately to this tiny corner of the United States while the schlubs in fly-over country pick up the tab.

### SOP Adv

**Social science proves no modeling- US signals are dismissed**

**Zenko ‘13** [Micah, Council on Foreign Relations Center for Preventive Action Douglas Dillon fellow, "The Signal and the Noise," Foreign Policy, 2-2-13, www.foreignpolicy.com/articles/2013/02/20/the\_signal\_and\_the\_noise, accessed 6-12-13, mss]

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

#### The US can no longer effectively use human rights leadership—world is now more critical of America’s own violations

Mark **Weisbrot** is co-director of the Centre for Economic and Policy Research, in Washington, DC, “Who is America to judge?” Guardian, March 11, **2009**, http://www.guardian.co.uk/commentisfree/cifamerica/2009/mar/11/state-department-human-rights

Although President Barack Obama has pledged to close down the prison at Guantánamo and outlaw torture by US officials, he has so far decided not to abolish the practice of "extraordinary rendition", and is escalating the war in Afghanistan. But this tipping point may go beyond any differences – and they are quite significant – between the current administration and its predecessor. In the past, Washington was able to position itself as an important judge of human rights practices despite being complicit or directly participating in some of the worst, large-scale human rights atrocities of the post-second world war era – in Vietnam, Indonesia, Central America and other places. This makes no sense from a strictly logical point of view, but it could persist primarily because the United States was judged not on how it treated persons outside its borders but within them. Internally, the United States has had a relatively well-developed system of the rule of law, trial by jury, an independent judiciary and other constitutional guarantees (although these did not extend to African-Americans in most of the southern United States prior to the 1960s civil rights reforms). Washington was able to contrast these conditions with those of its main adversary during the cold war – the Soviet Union. The powerful influence of the United States over the international media helped ensure that this was the primary framework under which human rights were presented to most of the world. The Bush administration's shredding of the constitution at home and overt support for human rights abuses abroad has fostered not only a change in image, but perhaps the standards by which "the judge" will henceforth be judged. One example may help illustrate the point: China has for several years responded to the state department's human rights report by publishing its own report on the United States. It includes a catalogue of social ills in the United States, including crime, prison and police abuse, racial and gender discrimination, poverty and inequality. But the last section is titled "On the violation of human rights in other nations".

The argument is that the abuse of people in other countries – including the more than one million people who have been killed as a result of America's illegal invasion and occupation of Iraq – must now be taken into account when evaluating the human rights record of the United States. With this criterion included, a country such as China – which does not have a free press, democratic elections or other guarantees that western democracies treasure – can claim that it is as qualified to judge the United States on human rights as vice versa. US-based human rights organisations will undoubtedly see the erosion of Washington's credibility on these issues as a loss – and understandably so, since the United States is still a powerful country, and they hope to use this power to pressure other countries on human rights issues. But they too should be careful to avoid the kind of politicisation that has earned notoriety for the state department's annual report – which clearly discriminates between allies and adversary countries in its evaluations.

# 2NC

# SOP

#### Cant create SOP norms

Jeremy Rabkin 13, Professor of Law at the 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

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.

### No Preemption Modeling---General

#### The Bush doctrine doesn’t set a precedent for other nations

Lieber and Lieber 2 Keir A. Lieber, Assistant Professor of Political Science, University of Notre Dame and Robert J. Lieber,
Professor of Government and Foreign Service, Georgetown University, December 2002, http://164.109.48.86/journals/itps/1202/ijpe/pj7-4lieber.htm

Some analysts believe that it is counterproductive to make explicit the conditions under which America will strike first, and there are compelling reasons for blurring the line between preemption and prevention. The attacks of September 11th demonstrate that terrorist organizations like al Qaeda pose an immediate threat to the United States, are not deterred by the fear of U.S. retaliation, and would probably seize the opportunity to kill millions of Americans if WMD could effectively be used on American soil. A proactive campaign against terrorists thus is wise, and a proclaimed approach toward state sponsors of terrorism might help deter those states from pursuing WMD or cooperating with terrorists in the first place. Other critics have argued that the Bush NSS goes well beyond even the right to anticipatory self-defense that has been commonly interpreted to flow from Article 51 of the U.N. Charter, and thus the Bush strategy will undermine international law and lead other states to use U.S. policy as a pretext for aggression. The most common examples are that the broad interpretation of legitimate preemption could lead China to attack Taiwan, or India to attack Pakistan. This logic is not compelling, however, as these states are not currently constrained from taking action by any norm against preemption, and thus will not be emboldened by rhetorical shifts in U.S. policy.

# Warfighting

### A2: Cred

**No impact — 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've never 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**.

### Heg D

**No credible state based threats**

Doug **Bandow** (senior fellow at the Cato Institute. He is a former special assistant to President Reagan) January **2010** “Military Spending — For What?” http://www.cato.org/pub\_display.php?pub\_id=11143

**The United States dominates the globe militarily. The threats facing America pale compared to its capabilities**. Why, then, is Washington spending so much on the military? In 2010 the U.S. will spend roughly $700 billion on the military. This is an increase of 2 percent (after inflation) from the Obama administration's original nonwar defense budget of $534 billion. Despite initial plans for zero growth in defense spending in coming years, there are rumors that the Department of Defense will receive a 2 percent increase in real outlays through 2015. Still, some conservatives want to enshrine a military buildup in a law mandating fixed outlays at 4, 5 or even 6 percent of gross domestic product. Hawks focus on the percentage of GDP going to the military — currently about 4.4 percent — since that figure has fallen over the years. America spends more inflation- adjusted dollars on the military today than at any time since the end of World War II. Figured in 2000 dollars, the U.S. devoted $774.6 billion to the military in 1945, the final year of World War II. In 1953, the final year of the Korean War, military outlay ran to $416.1 billion. Expenditure during the Vietnam War peaked at $421.3 billion in 1968. By contrast, in 2010 — even before the Afghan surge and other unplanned expenditure — the administration expected to spend $517.8 billion. That's more than during the lengthy, but often warm, Cold War. Expenditure as a percentage of GDP has fallen because the U.S. economy has grown. GDP in 2010 (in 2000 dollars) will run to about $11.7 trillion. That is almost twice as much as in 1986, more than three times as much as in 1968, and nearly six times as much as in 1953. **Military outlay should be tied to threats, not economic growth**. Can anyone credibly claim the military threat facing America is two, three, or six times as great today as during those years? **Today the U.S. does not face a significant military threat**. As Colin Powell famously declared in 1991 when chairman of the Joint Chiefs of Staff: "I'm running out of enemies. I'm down to Castro and Kim Il Sung." **The U.S. has no great power enemies. Relations with China and Russia are at times uneasy, but not confrontational, let alone warlike. Washington is allied with every other industrialized state. America possesses the most sophisticated nuclear arsenal and the most powerful conventional force**. Washington's reach exceeds that of Rome and Britain at their respective peaks. Other nations, most notably China, are stirring, but it will take years before they match, let alone overtake, the U.S. Even subtracting the costs of the Afghanistan and Iraq wars leaves American military outlay around five times that of China and 10 times that of Russia. **Combine a gaggle of adversaries, enemies and rogues** — Burma, Cuba, Iran, North Korea, Syria — **and the U.S. spends perhaps 25 times as much**. The United States is not alone. The European Union has 10 times the GDP and three times the population of Russia. Military outlay by the U.S. plus its NATO allies accounts for about 70 percent of world military spending. **Add in America's other allies and friends**, such as South Korea, **and the total share of global military outlay hits 80 percent**. In short, Washington spends what it spends not to defend America but to maintain the ability to overpower other nations. But it will become increasingly expensive for America to preserve the ability to attack countries like China. Terrorism remains a pressing security threat. However, terrorist attacks, though horrid, do not pose an existential danger. Al-Qaida is no replacement for Nazism and Communism, nuclear-topped ICBMs and armored divisions. Nor is traditional military force the best way to combat terrorism. Indeed, foreign intervention often promotes terrorism, like swatting a hornet's nest. America's military spending is determined by its foreign policy. America's commitments are a matter of choice. They don't make sense today. Engagement is good, but military force is not the only form of engagement. And any international involvement must balance costs and benefits. Adjusting commitments would allow a vastly different, and less expensive, force structure. The U.S. could make significant cuts and still maintain the globe's strongest and most sophisticated military — one well able to defend Americans.

#### Our doctrine has changed the way that we fight wars- your method is obsolete

Hooker 12 [Colonel Richard D. Hooker, Jr., commands the XVIII Airborne Corps Combat ¶ Support Brigade (“Dragon Brigade”) now deployed to Iraq. He commanded an infantry battalion in the 82d Airborne Division and has served as Special Assistant to the ¶ Chairman of the Joint Chiefs, with the Office of the Chief of Staff of the Army, as Aide ¶ de Camp to the Secretary of the Army, and with the National Security Council. Colonel ¶ Hooker holds an M.S. in national security studies from the National Defense University ¶ and M.A. and Ph.D. degrees from the University of Virginia in international relations Winter 2011-12 “Beyond Vom Kriege: The Character and Conduct of Modern War” Strategic Studies Institute http://strategicstudiesinstitute.army.mil/pubs/parameters/Articles/2011winter/Hooker2.pdf]

Modern war, at least as practiced in the West, trades on American and ¶ European technology and wealth, not on manpower and ideology. Western militaries are typically small, professional organizations officered by the middle ¶ class and filled by working-class volunteers. Their wars are universally “out ¶ of area”—that is, not fought in direct defense of national borders—placing a ¶ premium on short, sharp campaigns won with relatively few casualties. Although ¶ land forces remain indispensable, whenever possible Western militaries fight ¶ at a distance using standoff precision weapons, whose accuracy and lethality make it difficult or impossible for less-sophisticated adversaries to fight ¶ conventionally with any chance of success. Increasingly, the West’s advantage ¶ in rapid data transmission on the battlefield is changing how American and ¶ European militaries wage war, as control and use of information assumes decisive importance. ¶ The qualitative gap between the armed forces of the West and their ¶ likely opponents is not likely to narrow for the foreseeable future. In this sense ¶ the West’s absolute military advantage, arguably in force since the Battle of ¶ Lepanto in 1571, is likely to persist for generations. Although challengers may ¶ pursue niche technologies like anti-ship weapons, theater ballistic or cruise ¶ missiles, or computer attack systems, their inability to match the capital expenditures and technological sophistication of the United States and its NATO ¶ allies will make military parity highly doubtful, even when they act in coalitions. Nor will nuclear weapons change this calculus. While the small nuclear ¶ arsenals of potential adversary states may yield some deterrent benefits, their ¶ offensive use as weapons of war (as distinct from their use in terrorism) is ¶ doubtful given the vastly more capable nuclear forces belonging to the United ¶ States, Britain, and France. ¶ This gap in economic and technological capacity suggests other ¶ approaches for weaker adversaries. Here there is real danger. A quick look at ¶ the protracted insurgencies of the past one hundred years is not encouraging. In ¶ China, Vietnam, and Algeria, the West or its surrogates struggled for decades ¶ and lost. Russia is experiencing the same agony in Chechnya. Even Western ¶ “successes” in Nicaragua, El Salvador, Malaysia, and Aden proved painful and ¶ debilitating.¶ 14¶ The ability of Western democracies to sustain major military ¶ ventures over time, particularly in the face of casualties suffered for less than ¶ truly vital stakes, represents a real vulnerability. The sheer cost of maintaining ¶ large fighting forces in action at great distances from the homeland is a liability ¶ that can be exploited by opponents able to tie down Western forces in extended ¶ conflicts. ¶ The costs of waging long, drawn-out conflicts will be counted in more ¶ than dollars and lives. By a curious logic, the loss of many Americans in a single ¶ event or short campaign is less harmful to our political and military institutions ¶ than the steady drain of casualties over time. By necessity, the military adapts ¶ to the narrower exigencies of the moment, focusing on the immediate fight, ¶ at some cost to the future investment, professional growth, and broader warfighting competencies which can be vital in other potential conflicts of greater ¶ import. A subsidiary effect is loss of confidence in the military as an institution ¶ when it is engaged in protracted operations involving mounting losses without ¶ apparent progress. It is too soon to tell if ongoing military operations in Iraq ¶ and Afghanistan will yield timely and fruitful results. But if they do not, the ¶ long-term effect on the health of the American military could and probably will ¶ be damaging. ¶ The experience of the Vietnam conflict, while not an exact fit, suggests ¶ that very long and enervating campaigns, fought for less than truly vital objectives, delay necessary modernization, absorb military resources earmarked for ¶ other, more dangerous contingencies, drive long-service professionals out of ¶ the force, and make it harder to recruit qualified personnel. These direct effects ¶ may then be mirrored more indirectly in declining popular support, more ¶ strident domestic political conflict, damage to alliances and mutual security ¶ arrangements, and economic dislocation. These factors will fall more heavily ¶ on ground forces, since air and naval forces typically spend less time deployed ¶ in the combat theater between rotations, suffer fewer losses, and retain career ¶ personnel in higher numbers. ¶ Viewed as a case study in the application of Clausewitzian thought, ¶ current military operations offer a vivid contrast to the wars fought in ¶ Afghanistan in 2001-02 and in Iraq in the spring of 2003. There, coalition ¶ military power could be directed against organized military forces operating ¶ under the control of regularly constituted political entities. Political objectives ¶ could be readily translated into military tasks directed against functioning ¶ state structures (“destroy the Taliban and deny al Qaeda refuge in Afghanistan; ¶ destroy the Iraqi military and topple Saddam’s regime”). ¶ In the aftermath, the focus shifted to nation-building, a more amorphous and ambiguous undertaking with fuzzier military tasks. In Iraq, for ¶ example, there is no central locus of decisionmaking power against which ¶ military force can be applied. Large-scale combat operations are rare, and military force, while a key supporting effort, is focused on stabilizing conditions ¶ so that the main effort of political reconciliation and economic reconstruction ¶ can proceed. Resistance appears to be local and fragmented, directed by a loose ¶ collection of Sunni Baathist remnants, Shia religious zealots, foreign jihadists, ¶ and, increasingly, local tribal fighters seeking revenge for the incidental deaths ¶ of family and tribal members. Access to military supplies and to new recruits is ¶ enabled both by neighboring powers like Iran and Syria and by local religious ¶ and cultural sentiment. ¶ In many ways the military problem in Iraq is harder today than it was ¶ during major combat operations. Only rarely can we expect to know in advance ¶ our enemy’s intentions, location, and methods. In this sense, seizing and maintaining the initiative, at least tactically, is a difficult challenge. ¶ Clausewitz was well aware of this environment, which he called ¶ “people’s war.” We can be confident that he would be uncomfor table with openended and hard-to-define strategic objectives. However much we may scoff ¶ at classical notions of strategy, with their “unsophisticated” and “unnuanced” ¶ focus on destroying enemy armies, seizing enemy capitals, installing more ¶ pliable regimes, and cowing hostile populations, ignoring them has led to poor ¶ historical results. A close reading of Vom Kriege shows that Clausewitz did ¶ not neglect the nature of the problem so much as he cautioned against ventures ¶ which could not be thoroughly rationalized. Put another way, he recognized ¶ there are limits to the power of any state and that those limits must be carefully ¶ calculated before, and not after, the decision to go to war. ¶ In Iraq, it may well be that American and coalition forces will destroy ¶ a critical mass of insurgents sufficient to collapse large-scale organized resistance, an outcome devoutly to be wished for. But if so, we are in a race against ¶ time. For the American Army and Marine Corps, and for our British and other ¶ coalition partners, the current level of commitment probably does not represent ¶ a sustainable steady state unless the forces available are considerably increased. ¶ If the security situation does not improve to permit major reductions in troop ¶ strength, eventually the strain will tell. At that point, the voting publics of ¶ the coalition partners and their governments may face difficult choices about ¶ whether and how to proceed.¶ 15¶ These choices will be tempered by the knowledge that the homeland ¶ itself has now become a battleground. Open societies with heterogeneous populations make Western states particularly vulnerable to terrorist attack, always ¶ an option open to hostile states or the terrorist groups they harbor. And however ¶ professional, the armies of the West are not driven by religious or ideological zeal. That too can be a weapon—as the Americans and French learned in ¶ Indochina and as we see today in the Middle East. ¶ The foregoing suggests that in future wars the United States and its ¶ Western allies will attempt to fight short, sharp campaigns with superior technology and overwhelming firepower delivered at standoff ranges, hoping to ¶ achieve a decisive military result quickly with few casualties. In contrast to the ¶ industrial or attrition-based strategies of the past, in future wars we will seek ¶ to destroy discrete targets leading to the collapse of key centers of gravity and ¶ overall system failure, rather than annihilating an opponent’s military forces in ¶ the field. Our likely opponents have two options: to inflict high losses early in ¶ a conflict (most probably with weapons of mass destruction, perhaps delivered ¶ unconventionally) in an attempt to turn public opinion against the war; or to ¶ avoid direct military confrontation and draw the conflict out over time, perhaps ¶ in conjunction with terrorist attacks delivered against the homeland, to drain ¶ away American and European resolve. ¶ In either case our enemies will not attempt to mirror our strengths and ¶ capabilities. Our airplanes and warships will not fight like systems, as in the ¶ past, but instead will serve as weapon platforms, either manned or unmanned, ¶ to deliver precision strikes against land targets. Those targets will increasingly ¶ be found under ground or in large urban areas, intermixed with civilian populations and cultural sites that hinder the use of standoff weapons.

### A2: Prez Slow

#### Google search proves Obama is the definition of decisive- we submit the following screen shot



#### Obama has shown decisive and strong foreign policy leadership

Leann Caldwell October 28, 2012 <http://www.cbsnews.com/8301-3460_162-57541803/emanuel-obama-has-taken-decisive-leadership-on-foreign-policy/>

President Obama's first chief of staff, Rahm Emanuel, rebuked criticism of the president's handling of foreign policy, saying the president has shown "decisive leadership" on Libya, Iraq, Iran and China. "America's leadership has never been stronger," Emanuel, the mayor of Chicago, said today on "Face the Nation." Emanuel argued that the "tables have been turned" on Iran, saying the country is "now isolated from the rest of the world" because of sanctions. "That is a success of American leadership," he said. He also pointed to the end of the war in Iraq and the winding down of the war in Afghanistan as additional successes of Mr. Obama. Finally, he said the president is "reorienting America's resources to rebuilding at home to [handle] the threat, the challenge coming from China." "At every level, America's foreign policy abroad in Europe, Asia, Africa, the Middle East is respected because they have seen this president take decisive leadership," Emanuel added. "[A]ll with the purpose of coming home and building America and the best foreign policy you can have is a strong America at home."

#### Obama is quick and decisive in foreign policy action – has respect

MICHAEL D. SHEAR October 21, 2011 The Value of Foreign Policy Victories for Obama

 <http://thecaucus.blogs.nytimes.com/2011/10/21/can-obama-win-on-foreign-policy/?_r=0>

If there was one area of doubt about Barack Obama that lingered in people’s minds during — and even after — the 2008 campaign, it was how well he could handle a foreign policy crisis. That doubt was planted by his rival at the time, Senator Hillary Clinton, whose most memorable television ad questioned whether people could trust Mr. Obama to take a 3 a.m. call in the Oval Office about a world crisis. “It’s 3 a.m. and your children are safe and asleep, but there’s a phone in the White House and it’s ringing. Something is happening in the world,” the ad said. “Who do you want answering the phone?” Now, three years later, Mr. Obama’s actions as the nation’s commander in chief may have all but erased many of those doubts in the public’s mind. On Thursday, Libyan officials announced the death of Col. Muammar el-Qaddafi. In a Rose Garden statement, Mr. Obama hailed the American role in his death at the hands of Libyans. “A coalition that included the United States, NATO and Arab nations persevered through the summer to protect Libyan civilians,” Mr. Obama said. “And meanwhile, the courageous Libyan people fought for their own future and broke the back of the regime.” That success followed the killing of Anwar al-Awlaki, a key terrorist in Yemen, by an American drone authorized by Mr. Obama. And last spring, Mr. Obama ordered the raid that ended with the death of Osama bin Laden, the mastermind of the Sept. 11 attacks. But if Mr. Obama has satisfied many of the doubters about his ability to answer the 3 a.m. call, a nagging political question still remains as he begins his campaign for re-election next year: will it matter? Is it possible that Mr. Obama has managed to meet — or even exceed — the expectations placed on him in the one area of policy that will not matter that much when it comes times for voters to pull the lever in November 2012? Surveys suggest that people do give Mr. Obama high marks on foreign policy despite the efforts of some Republicans on Capitol Hill and his rivals on the presidential campaign trail.

### 2NC Link

#### Speed of decisionmaking is key to 4GW- executive power is essential

Li 2009 [Zheyoa Li Winter, 2009 The Georgetown Journal of Law Public Policy 7 Geo. J.L. & Pub. Pol'y 373 “War Powers for the Fourth Generation: Constitutional Interpretation in the Age of Asymmetric Warfare” lexis]

By now it should be clear just how different this conflict against the extremist terrorists is from the type of warfare that occupied the minds of the Framers at the time of the Founding. Rather than maintaining the geographical and political isolation desired by the Framers for the new country, today's United States is an international power targeted by individuals and groups that will not rest until seeing her demise. The Global War on Terrorism is not truly a war within the Framers' eighteenth-century conception of the term, and the normal constitutional provisions regulating the division of war powers between Congress and the President do not apply. Instead, this "war" is a struggle for survival and dominance against forces that threaten to destroy the United States and her allies, and the fourth-generational nature of the conflict, highlighted by an indiscernible distinction between wartime and peacetime, necessitates an evolution of America's traditional constitutional warmaking scheme.¶ As first illustrated by the military strategist Colonel John Boyd, constitutional decision-making in the realm of war powers in the fourth generation should [\*399] consider the implications of the OODA Loop: Observe, Orient, Decide, and Act. 144 In the era of fourth-generational warfare, quick reactions, proceeding through the OODA Loop rapidly, and disrupting the enemy's OODA loop are the keys to victory. "In order to win," Colonel Boyd suggested, "we should operate at a faster tempo or rhythm than our adversaries." 145 In the words of Professor Creveld, "[b]oth organizationally and in terms of the equipment at their disposal, the armed forces of the world will have to adjust themselves to this situation by changing their doctrine, doing away with much of their heavy equipment and becoming more like police." 146 Unfortunately, the existing constitutional understanding, which diffuses war power between two branches of government, necessarily (by the Framers' design) slows down decision-making. [\*400] In circumstances where war is undesirable (which is, admittedly, most of the time, especially against other nation-states), the deliberativeness of the existing decision-making process is a positive attribute.¶ In America's current situation, however, in the midst of the conflict with al-Qaeda and other international terrorist organizations, the existing process of constitutional decision-making in warfare may prove a fatal hindrance to achieving the initiative necessary for victory. As a slow-acting, deliberative body, Congress does not have the ability to adequately deal with fast-emerging situations in fourth-generational warfare. Thus, in order to combat transnational threats such as al-Qaeda, the executive branch must have the ability to operate by taking offensive military action even without congressional authorization, because only the executive branch is capable of the swift decision-making and action necessary to prevail in fourth-generational conflicts against fourth-generational opponents.

#### Doesn’t solve “better wars”

Jide Nzelibe 6, Asst. Profesor of Law @ Northwestern, and John Yoo, Emanuel S. Heller Professor of Law @ UC-Berkeley Law, “Rational War and Constitutional Design,” Yale Law Journal, Vol. 115, SSRN

But before accepting this attractive vision, we should ask whether the Congress first system produces these results. In other words, has requiring congressional ex ante approval for foreign wars produced less war, better decision making, or greater consensus? Students of American foreign policy generally acknowledge that comprehensive empirical studies of American wars are impractical, due to the small number of armed conflicts. Instead, they tend to focus on case studies. A cursory review of previous American wars does not suggest that congressional participation in war necessarily produces better decision making. We can certainly identify wars, such as the Mexican-American War or the Spanish-American War, in which a declaration of war did not result from extensive deliberation nor necessarily result in good policy.14 Both wars benefited the United States by expanding the nation’s territory and enhanced its presence on the world stage,15 but it seems that these are not the wars that supporters of Congress’s Declare War power would want the nation to enter – i.e., offensive wars of conquest. Nor is it clear that congressional participation has resulted in greater consensus and better decision making. Congress approved the Vietnam War, in the Tonkin Gulf resolution, and the Iraq war, both of which have produced sharp division in American domestic politics and proven to be mistakes.

The other side of the coin here usually goes little noticed, but is just as important for evaluating the substantive performance of the Congress-first system. To a significant extent, much of the war powers literature focuses on situations in which the United States might erroneously enter a war where the costs outweigh the expected benefits. Statisticians usually label such errors of commission as Type I errors. Scholars rarely, if ever, ask whether requiring congressional ex ante approval for foreign wars could increase Type II errors. Type II errors occur when the United States does not enter a conflict where the expected benefits to the nation outweigh the costs, and this could occur today when the President refuses to launch a preemptive strike against a nation harboring a hostile terrorist group, for example, out of concerns over congressional opposition. It may be the case that legislative participation in warmaking could prevent the United States from entering, or delaying entry, into wars that would benefit its foreign policy or national security. The clearest example is World War II. During the inter-war period, Congress enacted several statutes designed to prevent the United States from entering into the wars in Europe and Asia. In 1940 and 1941, President Franklin D. Roosevelt recognized that America’s security would be threatened by German control of Europe, and he and his advisers gradually attempted to bring the United States to the assistance of Great Britain and the Soviet Union.16 Nonetheless, congressional resistance prevented Roosevelt from doing anything more than supplying arms and loans to the Allies, although he arguably stretched his authority to cooperate closely with Great Britain in protecting convoys in the North Atlantic, among other things. It is likely that if American pressure on Japan to withdraw from China had not helped triggered the Pacific War, American entry into World War II might have been delayed by at least another year, if not longer.17 Knowing what we now know, most would agree that America’s earlier entry into World War II would have been much to the benefit of the United States and to the world. A more recent example might be American policy in the Balkans during the middle and late 1990s.

### Soft Power D

#### Policies cannot solve- its all cultural

Reesha Namasivayam, M.A. Candidate, Conflict Analysis, Carleton University, “Soft Power at the United Nations,” 2001, http://www.cda-cdai.ca/pdf/namasivayampaper.pdf, accessed 10/15/2002

Even the ‘father’ of soft power, Joseph Nye, cautioned that although ‘Canada has always been good at punching above its weight in world politics…. to keep doing so in the global information age requires not just good ideas in speeches but also an extraordinary degree of political and diplomatic coordination. Nonetheless, it is important to note that during a speech in Boston on May 2, 2000, Nye asserted, “the US is not the only country with soft power—think of the moral authority of the Vatican, or of Canada on human rights issues.” However despite this disclaimer, the extent to which Canada could impel soft power in the Security Council remained questionable. Nye and Keohane assert that “more often soft power is an inadvertent byproduct,” as opposed to a reflection of deliberate policies.

# 1NR

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# 2NR Cards

#### Nuclear terrorism breaks the taboo- causes escalation

Bin ‘9 (5-22-09 About the Authors Prof. Li Bin is a leading Chinese expert on arms control and is currently the director of Arms Control Program at the Institute of International Studies, Tsinghua University. He received his Bachelor and Master Degrees in Physics from Peking University before joining China Academy of Engineering Physics (CAEP) to pursue a doctorate in the technical aspects of arms control. He served as a part-time assistant on arms control for the Committee of Science, Technology and Industry for National Defense (COSTIND).Upon graduation Dr. Li entered the Institute of Applied Physics and Computational Mathematics (IAPCM) as a research fellow and joined the COSTIND technical group supporting Chinese negotiation team on Comprehensive Test Ban Treaty (CTBT). He attended the final round of CTBT negotiations as a technical advisor to the Chinese negotiating team. Nie Hongyi is an officer in the People’s Liberation Army with an MA from China’s National Defense University and a Ph.D. in International Studies from Tsinghua University, which he completed in 2009 under Prof. Li Bin. )

**The nuclear taboo is a** kind **of international norm and this type of norm is supported by the promotion of the norm through international social exchange.** **But at present the increased threat of nuclear terrorism has lowered people’s confidence that nuclear weapons will not be used**. **China and the United States have a broad common interest in combating nuclear terrorism.** **Using technical and institutional measures to break the foundation of nuclear terrorism and lessen the possibility of a nuclear terrorist attack can not only weaken the danger of nuclear terrorism itself but also** strengthen people’s confidence in the nuclear taboo**, and in this way preserve an international environment beneficial to both China and the United States.** **In this way even if there is crisis in China-U.S. relations caused by conflict, the nuclear taboo can also help both countries reduce suspicions about the nuclear weapons problem, avoid miscalculation and thereby reduce the** danger of a nuclear war**.**

#### Deterrence prevents India/Pakistan conflict

Tepperman 2009 (Jonathan Tepperman, Deputy Editor at Newsweek Magazine and former Deputy Managing Editor of Foreign Affairs, September 14, 2009, Newsweek, September 14, 2009, Lexis Academic)

The record since then shows the same pattern repeating: nuclear-armed enemies slide toward war, then pull back, always for the same reasons. The best recent example is India and Pakistan, which fought three bloody wars after independence before acquiring their own nukes in 1998. Getting their hands on weapons of mass destruction didn't do anything to lessen their animosity. But it did dramatically mellow their behavior. Since acquiring atomic weapons, the two sides have never fought another war, despite severe provocations (like Pakistani-based terrorist attacks on India in 2001 and 2008). They have skirmished once. But during that flare-up, in Kashmir in 1999, both countries were careful to keep the fighting limited and to avoid threatening the other's vital interests. Sumit Ganguly, an Indiana University professor and coauthor of the forthcoming India, Pakistan, and the Bomb, has found that on both sides, officials' thinking was strikingly similar to that of the Russians and Americans in 1962. The prospect of war brought Delhi and Islamabad face to face with a nuclear holocaust, and leaders in each country did what they had to do to avoid it.

#### Neither will strike first

Eric Vas (retired Lieutenant general) 2007 “Can India Avoid a Military conflict with Pakistan?” http://inpad.org/res45.html

Many urge India to stand down in order to decrease the tension between the two countries. As long as freedom remains a distant dream in Pakistan and its official media continues to preach hatred against India, our security forces must continue to remain alert. India's responses to Pakistan's current moves on the five fronts are on the right lines. India has declared that it will not be the first to use nuclear weapons, but that it is prepared to give a befitting response to any Pakistani nuclear threat. India has stressed that it is prepared to discuss any issue, including J&K with Pakistan, but only when it stops its support of cross border terrorism. Meanwhile our security forces continue to intercept intruders and deal with armed terrorists within the State, while the government attempts to improve the administration and encourage dissidents to join the political system. J&K State elections are due in September. These will be fair and open elections, which may be witnessed by foreign observers in their individual capacities. Dissidents have been invited to take part in the elections to prove that they have public support. However, official Pakistani media continues its barrage of virulent anti-India propaganda. There are no visible signs that steps are being taken to stop and undo the damage being done by these tactics. Thus, to answer the question posed at the head of this article, while the Indo-Pak cold war continues, the military front is unlikely to escalate into a nuclear exchange or a full-fledged military conflict. It would be imprudent for Pakistan to do this, and it would not be cost effective for India to initiate an all out war. If cross border infiltration and terrorist attacks against innocent citizens continue the Government may order the armed forces to take appropriate action against terrorist bases within POK. The danger of an Indian raid across the LOC against a terrorist camp escalating into a major battle cannot be overruled.

# Doubles v Harvard DT

# 1NC

### Off

#### The aff is not topical --- introducing armed forces only refers to human troops, not weapons systems such as nuclear weapons --- prefer our interpretation because it’s based on textual analysis, legislative history, and intent of the WPR

Lorber 13 – Eric Lorber, J.D. Candidate, University of Pennsylvania Law School, Ph.D Candidate, Duke University Department of Political Science. January 2013, "Executive Warmaking Authority and Offensive Cyber Operations: Can Existing Legislation Successfully Constrain Presidential Power?" University of Pennsylvania Journal of Contsitutional Law, 15 U. Pa. J. Const. L. 961, lexis nexis

As is **evident from a** textual analysis, n177 an examination of the legislative history, n178 and **the broad** policy purposes behind the creation of the Act, n179 [\*990] "armed forces" refers to U.S. soldiers and members of the armed forces, not weapon systems or capabilities such as offensive cyber weapons. Section 1547 does not specifically define "armed forces," but it states that "the term "introduction of United States Armed Forces' includes the assignment of members of such armed forces to command, coordinate, participate in the movement of, or accompany the regular or irregular military forces of any foreign country or government." n180 While this definition pertains to the broader phrase "introduction of armed forces," the clear implication is that **only members of the armed forces count for the purposes of the definition under the WPR.** Though not dispositive, **the term "member" connotes a human individual who is part of an organization.** n181 Thus, it appears that the term "armed forces" means human members of the United States armed forces. However, there exist two potential complications with this reading. First, the language of the statute states that "the term "introduction of United States Armed Forces' includes the assignment of members of such armed forces." n182 By using inclusionary - as opposed to exclusionary - language, one might argue that the term "armed forces" could include more than members. This argument is unconvincing however, given that a core principle of statutory interpretation, expressio unius, suggests that **expression of one thing (i.e., members) implies the exclusion of others (**such as non-members **constituting armed forces)**. n183 Second, the term "member" does not explicitly reference "humans," and so could arguably refer to individual units and beings that are part of a larger whole (e.g., wolves can be members of a pack). As a result, though a textual analysis suggests that "armed forces" refers to human members of the armed forces, such a conclusion is not determinative.¶ **An examination of the legislative history also suggests that Congress clearly conceptualized "armed forces" as human members of the armed forces**. For example, disputes over the term "armed forces" revolved around who could be considered members of the armed forces, not what constituted a member. Senator Thomas Eagleton, one of the Resolution's architects, proposed an amendment during the process providing that the Resolution cover military officers on loan to a civilian agency (such as the Central [\*991] Intelligence Agency). n184 This amendment was dropped after encountering pushback, n185 but the debate revolved around whether those military individuals on loan to the civilian agency were still members of the armed forces for the purposes of the WPR, suggesting that Congress considered the term to apply only to soldiers in the armed forces. Further, during the congressional hearings, the question of deployment of "armed forces" centered primarily on past U.S. deployment of troops to combat zones, n186 suggesting that **Congress conceptualized "armed forces" to mean U.S. combat troops.**¶ **The broad purpose of the Resolution aimed to prevent the large-scale but unauthorized deployments of U.S. troops into hostilities**. n187 While examining the broad purpose of a legislative act is increasingly relied upon only after examining the text and legislative history, here it provides further support for those two alternate interpretive sources. n188 As one scholar has noted, "the War Powers Resolution, for example, is concerned with sending U.S. troops into harm's way." n189 The historical context of the War Powers Resolution is also important in determining its broad purpose; as the resolutions submitted during the Vietnam War and in the lead-up to the passage of the WPR suggest, Congress was concerned about its ability to effectively regulate the President's deployments of large numbers of U.S. troops to Southeast Asia, n190 as well as prevent the President from authorizing troop incursions into countries in that region. n191 The WPR was a reaction to the President's continued deployments of these troops into combat zones, and as such suggests that Congress's broad purpose was to prevent the unconstrained deployment of U.S. personnel, not weapons, into hostilities.¶ This analysis suggests that, when defining the term "armed forces," Congress meant members of the armed forces who would be placed in [\*992] harm's way (i.e., into hostilities or imminent hostilities). **Applied to offensive cyber operations, such a definition leads to the conclusion that the** W**ar** P**owers** R**esolution likely does not cover such activities**. Worms, viruses, and kill switches are clearly not U.S. troops. Therefore, the key question regarding whether the WPR can govern cyber operations is not whether the operation is conducted independently or as part of a kinetic military operation. Rather, the key question is the delivery mechanism. For example, if military forces were deployed to launch the cyberattack, such an activity, if it were related to imminent hostilities with a foreign country, could trigger the WPR. This seems unlikely, however, for two reasons. First, it is unclear whether small-scale deployments where the soldiers are not participating or under threat of harm constitute the introduction of armed forces into hostilities under the War Powers Resolution. n192 Thus, **individual operators deployed to plant viruses in particular enemy systems may not constitute armed forces introduced into hostilities or imminent hostilities.** Second, such a tactical approach seems unlikely. If the target system is remote access, the military can attack it without placing personnel in harm's way. n193 If it is close access, there exist many other effective ways to target such systems. n194 As a result, unless U.S. troops are introduced into hostilities or imminent hostilities while deploying offensive cyber capabilities - which is highly unlikely - such operations will not trigger the War Powers Resolution.

#### Vote negative for predictable limits --- nuclear weapons is a whole topic on its own --- requires research into a whole separate literature base --- undermines preparedness for all debates.

### Off

#### Debt ceiling will get raised now bc Obama’s pressuring the GOP and staying on message

**Dovere, 10/1** (Edward, Politico, “Government shutdown: President Obama holds the line”

<http://www.politico.com/story/2013/10/government-shutdown-president-obama-holds-the-line-97646.html?hp=f3>)

President Barack Obama started September in an agonizing, extended display of how little sway he had in Congress. He ended the month with a display of resolve and strength that could redefine his presidency. All it took was a government shutdown. This was less a White House strategy than simply staying in the corner the House GOP had painted them into — to the White House’s surprise, Obama was forced to do what he so rarely has as president: he said no, and he didn’t stop saying no. For two weeks ahead of Monday night’s deadline, Obama and aides rebuffed the efforts to kill Obamacare with the kind of firm, narrow sales pitch they struggled with in three years of trying to convince people the law should exist in the first place. There was no litany of doomsday scenarios that didn’t quite come true, like in the run-up to the fiscal cliff and the sequester. No leaked plans or musings in front of the cameras about Democratic priorities he might sacrifice to score a deal. After five years of what’s often seen as Obama’s desperation to negotiate — to the fury of his liberal base and the frustration of party leaders who argue that he negotiates against himself. Even his signature health care law came with significant compromises in Congress. Instead, over and over and over again, Obama delivered the simple line: Republicans want to repeal a law that was passed and upheld by the Supreme Court — to give people health insurance — or they’ll do something that everyone outside the GOP caucus meetings, including Wall Street bankers, seems to agree would be a ridiculous risk. “If we lock these Americans out of affordable health care for one more year,” Obama said Monday afternoon as he listed examples of people who would enjoy better treatment under Obamacare, “if we sacrifice the health care of millions of Americans — then they’ll fund the government for a couple more months. Does anybody truly believe that we won’t have this fight again in a couple more months? Even at Christmas?” The president and his advisers weren’t expecting this level of Republican melee, a White House official said. Only during Sen. Ted Cruz’s (R-Texas) 21-hour floor speech last week did the realization roll through the West Wing that they wouldn’t be negotiating because they couldn’t figure out anymore whom to negotiate with. And even then, they didn’t believe the shutdown was really going to happen until Saturday night, when the House voted again to strip Obamacare funding. This wasn’t a credible position, Obama said again Monday afternoon, but rather, bowing to “extraneous and controversial demands” which are “all to save face after making some impossible promises to the extreme right wing of their political party.” Obama and aides have said repeatedly that they’re not thinking about the shutdown in terms of political gain, but the situation’s is taking shape for them. Congress’s approval on dealing with the shutdown was at 10 percent even before the shutters started coming down on Monday according to a new CNN/ORC poll, with 69 percent of people saying the House Republicans are acting like “spoiled children.” “The Republicans are making themselves so radioactive that the president and Democrats can win this debate in the court of public opinion” by waiting them out, said Jim Manley, a Democratic strategist and former aide to Senate Majority Leader Harry Reid who has previously been critical of Obama’s tactics. Democratic pollster Stan Greenberg said the Obama White House learned from the 2011 debt ceiling standoff, when it demoralized fellow Democrats, deflated Obama’s approval ratings and got nothing substantive from the negotiations. “They didn’t gain anything from that approach,” Greenberg said. “I think that there’s a lot they learned from what happened the last time they ran up against the debt ceiling.” While the Republicans have been at war with each other, the White House has proceeded calmly — a breakthrough phone call with Iranian President Hassan Rouhani Friday that showed him getting things done (with the conveniently implied juxtaposition that Tehran is easier to negotiate with than the GOP conference), his regular golf game Saturday and a cordial meeting Monday with his old sparring partner Israeli Prime Minister Benjamin Netanyahu. White House press secretary Jay Carney said Monday that the shutdown wasn’t really affecting much of anything. “It’s busy, but it’s always busy here,” Carney said. “It’s busy for most of you covering this White House, any White House. We’re very much focused on making sure that the implementation of the Affordable Care Act continues.” Obama called all four congressional leaders Monday evening — including Boehner, whose staff spent Friday needling reporters to point out that the president hadn’t called for a week. According to both the White House and Boehner’s office, the call was an exchange of well-worn talking points, and changed nothing. Manley advised Obama to make sure people continue to see Boehner and the House Republicans as the problem and not rush into any more negotiations until public outrage forces them to bend. “He may want to do a little outreach, but not until the House drives the country over the cliff,” Manley said Monday, before the shutdown. “Once the House has driven the country over the cliff and failed to fund the government, then it might be time to make a move.” The White House believes Obama will take less than half the blame for a shutdown – with the rest heaped on congressional Republicans. The divide is clear in a Gallup poll also out Monday: over 70 percent of self-identifying Republicans and Democrats each say their guys are the ones acting responsibly, while just 9 percent for both say the other side is. If Obama is able to turn public opinion against Republicans, the GOP won’t be able to turn the blame back on Obama, Greenberg said. “Things only get worse once things begin to move in a particular direction,” he said. “They don’t suddenly start going the other way as people rethink this.”

#### NFU burns political capital, disrupting Obama’s agenda

Morton H. Halperin 9 worked on nuclear issues in the Kennedy, Johnson, Nixon and Clinton administrations in the Department of Defense, the National Security Council and the State Department. He is a member of the Congressional Commission on the Strategic Posture of the United States and Senior Advisor to the Open Society Institute. Survival | vol. 51 no. 5 | October–November 2009 Promises and Priorities | pp. 17–46

Obama has stated that he believes it is in the American interest to reduce reliance on nuclear weapons. Indeed, his commitment to seek a world free of nuclear weapons carries the clear implication that we can meet all of our security challenges, short of nuclear threats, without reliance on nuclear weapons. However, there are other proposals to pursue this objective which would be as effective as a declaratory no-first-use policy and which might produce less controversy. In his Prague speech, in addition to announcing support for the long-term objective of a world free of nuclear weapons, Obama committed himself in the short run to four other measures which have long been debated and which advance the same objectives as the no-first-use proposal. These are: reducing the role of nuclear weapons in US national security strategy, negotiating a new Strategic Arms Reduction Treaty (START) with Russia, immediately and aggressively pursuing US ratification of the Comprehensive Test-Ban Treaty (CTBT), and starting negotiations on a verifiable end to the production of fissionable material for weapons purposes. This ambitious agenda will require all the attention and political capital the president can reasonably devote to this issue. Under the circumstances, no first use can and should be put off for another day. Seeking three treaties on nuclear arms control in his first term will not be easy. The Senate looks ready to ratify the new START and the proposal for a ban on fissile-material production for weapons purposes has not engendered much opposition as of yet. The CTBT, however, is another story. Republican orthodoxy on nuclear weapons emphasises unequivocal support for ballistic- missile defence and virulent opposition to no first use and the test ban. The opposition to both stems from the same source. Opponents of the treaty seek new nuclear weapons with new capabilities for a variety of pre-emptive and preventive purposes. They worry about the Russian development of new nuclear weapons and argue that the Kremlin has a different view of what is prohibited under the treaty and will, in any case, cheat. They doubt that US ratification of the CTBT will help prevent proliferation. Winning the CTBT debate and ultimately gaining the 67 votes in the Senate necessary to permit US ratification of the treaty is far from assured, but it is possible. The president is committed to the CTBT and not yet to no first use. In any case, I would argue that ratification of the CTBT and a vigorous effort to secure the other ratifications necessary to bring the treaty into force is the more important, and promising, effort to stigmatise nuclear weapons.

#### All of his political capital key to dem unity and debt ceiling

**Lillis, 9/7/13** (Mike, The Hill, “Fears of wounding Obama weigh heavily on Democrats ahead of vote”

Read more: http://thehill.com/homenews/house/320829-fears-of-wounding-obama-weigh-heavily-on-democrats#ixzz2gWiT9H8u

The prospect of wounding President Obama is weighing heavily on Democratic lawmakers as they decide their votes on Syria. Obama needs all the political capital he can muster heading into bruising battles with the GOP over fiscal spending and the debt ceiling. Democrats want Obama to use his popularity to reverse automatic spending cuts already in effect and pay for new economic stimulus measures through higher taxes on the wealthy and on multinational companies. But if the request for authorization for Syria military strikes is rebuffed, some fear it could limit Obama's power in those high-stakes fights. That has left Democrats with an agonizing decision: vote "no" on Syria and possibly encourage more chemical attacks while weakening their president, or vote "yes" and risk another war in the Middle East. “I’m sure a lot of people are focused on the political ramifications,” a House Democratic aide said. Rep. Jim Moran (D-Va.), a veteran appropriator, said the failure of the Syria resolution would diminish Obama's leverage in the fiscal battles. "It doesn't help him," Moran said Friday by phone. "We need a maximally strong president to get us through this fiscal thicket. These are going to be very difficult votes."

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

Davidson 9/10

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

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

#### Econ collapse = extinction

Kemp 10 Geoffrey Kemp, Director of Regional Strategic Programs at The Nixon Center, served in the White House under Ronald Reagan, special assistant to the president for national security affairs and senior director for Near East and South Asian affairs on the National Security Council Staff, Former Director, Middle East Arms Control Project at the Carnegie Endowment for International Peace, 2010, The East Moves West: India, China, and Asia’s Growing Presence in the Middle East, p. 233-4

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

### Off

#### Nuclear primacy now

Lieber and Press 2013 [Keir A. Lieber¶ ¶ Associate Professor, Edmund A. Walsh School¶ ¶ of Foreign Service, Georgetown University¶ ¶ Daryl G. Press¶ ¶ Associate Professor of Government, Dartmouth College¶ ¶ Coordinator of War and Peace Studies at the John Sloan ¶ ¶ Dickey Center Spring 2013 Strategic Studies Quarterly “The New Era of Nuclear Weapons, Deterrence, and Conflict” http://www.au.af.mil/au/ssq/digital/pdf/spring\_13/lieber.pdf]

Since 2006, we have discussed these issues with many nuclear analysts, ¶ US government officials, and military officers involved with the nuclear ¶ mission. Almost everything we learned reinforced our views about the counterforce revolution and suggests our earlier work understated the ¶ leap in US counterforce capabilities—with one exception. We previously ¶ argued that US “nuclear primacy”—the ability to use nuclear weapons ¶ to destroy the strategic forces of any other country—appeared to be an ¶ intentional goal of US policymakers. We noted that even as the United ¶ States greatly reduced its nuclear arsenal, it retained, and in some cases ¶ improved, those nuclear forces that were ideally suited to the counterforce mission. Based on what we have subsequently learned, we would ¶ recast and sharpen this part of our argument to contend that the United ¶ States is intentionally pursuing “strategic primacy”—meaning that Washington seeks the ability to defeat enemy nuclear forces (as well as other ¶ WMD)—but that US nuclear weapons are but one dimension of that ¶ effort. In fact, the effort to neutralize adversary strategic forces—that ¶ is, achieve strategic primacy—spans nearly every realm of warfare: for ¶ example, ballistic missile defense, antisubmarine warfare, intelligence surveillance-and-reconnaissance systems, offensive cyber warfare, conventional precision strike, and long-range precision strike, in addition ¶ to nuclear strike capabilities.

#### First use is key to coercive function of nuclear weapons

Thayer 2012 [Bradley A. Thayer served as a consultant to the Department of Defense and is professor of political science at Baylor University. February 17, 2012 Washington Times “Preserving our nuclear deterrence” http://www.washingtontimes.com/news/2012/feb/17/preserving-our-nuclear-deterrence/]

Nuclear weapons aid Uncle Sam’s ability to coerce opponents as well for three reasons. First, in a crisis situation, nuclear weapons help persuade a challenger not to escalate to a higher level of violence or move up a rung on the escalation ladder. Second, although laden with risks, they also provide the possibility of attacking first to limit the damage the United States or its allies would receive. Whether the U.S. would do so is another matter. But possessing the capability provides the nation with coercive capabilities in crisis situations or war. Third, nuclear weapons give the United States the ability to threaten nuclear first-use to stop a conventional attack or limited nuclear attack and to signal the risk of escalating violence to a higher level.

#### Inevitable conventional conflicts are coming with nuclear armed adversaries- nuclear primacy is key to contain those conflicts

Lieber and Press 2013 [Keir A. Lieber¶ ¶ Associate Professor, Edmund A. Walsh School¶ ¶ of Foreign Service, Georgetown University¶ ¶ Daryl G. Press¶ ¶ Associate Professor of Government, Dartmouth College¶ ¶ Coordinator of War and Peace Studies at the John Sloan ¶ ¶ Dickey Center Spring 2013 Strategic Studies Quarterly “The New Era of Nuclear Weapons, Deterrence, and Conflict” http://www.au.af.mil/au/ssq/digital/pdf/spring\_13/lieber.pdf]

A second set of arguments stems from the problem of nuclear escalation and the future of the US nuclear arsenal. Our main claim is that deterring nuclear conflict will be much more difficult in the coming decades ¶ than many analysts realize. As nuclear weapons proliferate, it becomes ¶ increasingly likely that the United States will find itself in conventional conflicts with nuclear-armed adversaries. Those adversaries understand ¶ the consequences of losing a war to the United States—prison or death ¶ typically awaits enemy leaders.¶ 7¶ Coercive nuclear escalation as a means ¶ of creating stalemate and remaining in power is one of the only trump ¶ cards available to countries fighting the United States.¶ Some analysts might scoff at the notion that a rational leader would ¶ use nuclear weapons against a superpower like the United States. But ¶ that retort conflates the logic of peacetime deterrence with the logic ¶ of war, and it ignores history. During peacetime, almost any course of ¶ action is better than starting a nuclear war against a superpower. But ¶ during war—when that superpower’s planes are bombing command and ¶ leadership sites, and when its tanks are seizing territory—the greatest ¶ danger may be to refrain from escalation and let the war run its course. ¶ Leaders of weaker states—those unlikely to prevail on the conventional ¶ battlefield—face life-and-death pressures to compel a stalemate. And ¶ nuclear weapons provide a better means of coercive escalation than ¶ virtually any other.¶ The notion of countries escalating conflict to avoid conventional defeat may sound far-fetched, but it is well grounded in history. When ¶ nuclear-armed states face overwhelming conventional threats—or worry ¶ about the possibility of catastrophic conventional defeat—they often ¶ adopt coercive escalatory doctrines to deter war or stalemate a conflict ¶ that erupts. Pakistan openly intends to use nuclear weapons to counter ¶ an overwhelming conventional Indian invasion. Russia claims it needs ¶ theater nuclear weapons to counter NATO’s conventional advantages. ¶ Israel expects to win its conventional wars but retains the capability for ¶ nuclear escalation to prevent conquest in case its conventional forces ¶ suffer a catastrophic defeat. ¶ The discussion of coercive nuclear escalation should sound familiar ¶ to Western analysts, as it was NATO’s strategy for three decades. From ¶ the mid 1960s until the end of the Cold War, NATO planned to deter ¶ war, and stalemate it if necessary, through coercive nuclear escalation. ¶ NATO understood that—by the mid 1960s—it could no longer win a ¶ nuclear war against the Soviet Union, but it still based its national security ¶ strategy on coercive escalation because it believed Warsaw Pact conventional forces were overwhelming.¶ In short, the escalatory dynamics that existed during the Cold War exist ¶ today—and they are just as powerful. States still face the same critical ¶ national security problem they faced during the Cold War and throughout history: namely, how to prevent stronger countries from conquering them. The high-stakes poker game of international politics has not ¶ ended; the players and the cards dealt have merely changed. Those who ¶ were weak during the Cold War are now strong, and another set of ¶ militarily “weak” countries—such as North Korea, Iran, Pakistan, and ¶ even China and Russia—now clutch or seek nuclear weapons to defend ¶ themselves from overwhelming military might, just as NATO once did.¶ What can the United States do to mitigate the problem of escalation? ¶ Ideally, it should avoid wars against nuclear-armed enemies. But that ¶ option may not be possible given current US foreign policy and alliances. War may erupt on the Korean Peninsula, ensnaring the United ¶ States in a battle against a desperate nuclear-armed foe. In the future, ¶ Washington may fight a nuclear-armed Iran over sea lanes in the Persian ¶ Gulf. And the United States could someday be dragged into war by a ¶ clash between Chinese and Japanese naval forces near disputed islands. ¶ Alternatively, the United States could seek to develop conventional ¶ war plans designed to wage limited war without triggering enemy escalation. Development of alternative plans is sensible, but history shows ¶ that wars are difficult to contain, and modern conventional warfare is ¶ inherently escalatory. ¶ A third option to mitigate these dangers is to retain, and improve, ¶ US nuclear and nonnuclear counterforce capabilities. Fielding powerful ¶ counterforce weapons may help deter adversary escalation during war—¶ by convincing enemy leaders to choose a “golden parachute” rather than ¶ escalation—and would give US leaders better response options if deterrence failed. In particular, the United States should retain and develop ¶ nuclear weapons that bring together three key characteristics of counterforce: high accuracy, flexible yield, and prompt delivery.¶ To be clear, sharpening US counterforce capabilities is not a “solution” ¶ to the problem of adversary nuclear weapons. Although, ceteris paribus, ¶ it would be better to have excellent counterforce capabilities than to lack ¶ them, given enough time and motivation, many countries could greatly ¶ increase the survivability of their forces. But given the plausible prospect ¶ that the United States will find itself waging war against nuclear-armed ¶ states, and given the powerful incentives of US adversaries to brandish ¶ or use nuclear weapons, it would be reckless to proceed without a full ¶ suite of modern nuclear and nonnuclear counterforce capabilities.

### Off

#### The United States should amend its national Constitution to prohibit the first use of nuclear forces without congressional approval.

#### Solves betta like Metta

Goldstein 88

[Yonkel, J.D., 1988, Stanford Law School. “NOTE: The Failure of Constitutional Controls Over War Powers in the Nuclear Age: The Argument for a Constitutional Amendment.” Stanford Law Review 40 Stan. L. Rev. 1543, Nexis]

IV. THE PROPOSED AMENDMENT None of the proposals to control nuclear weapons discussed above provide the kind of clarity and definitiveness which one would hope would characterize the rules governing the initiation and prosecution of a nuclear war. These proposals are grounded not in a line of clear precedent, but in a soggy morass of conflicting principles. Equally important, there is the perception, by people who regard themselves as hardened realists, that to adhere religiously to orthodox principles of congressional war declaration would be to render the entire nuclear defense deterrence system virtually worthless. [\*1587] Because of these considerations, a constitutional amendment concerning the appropriate distribution of war powers should be adopted. More than any other legislative or rulemaking device, a constitutional amendment has a chance of commanding sufficient authority to be credible, especially in time of crisis. Because the constitutional problems associated with the control of nuclear weapons are so closely related to the war powers in general, the amendment must deal with war powers generally. Because technical capabilities of weapons and defense systems can change relatively rapidly, it is important that the amendment does not rigidly lock the nation into any specific procedure which is sure to become obsolete. Finally, the amendment ought to account for the recent congressional tendency to avoid taking stands on controversial issues until public opinion has clearly been discerned. Although the desire of members of Congress to see how their constituencies regard an issue is understandable, following massive public sentiment is not a viable option in many nuclear scenarios. Analogous to this congressional hesitancy is the Judiciary's reluctance to involve itself in questions of this kind. If my characterization of the problem is correct, namely that the Executive, aided by judicial acquiescence, has expanded its powers at the expense of congressional power, only one additional source of power on the federal level remains -- that is, of course, the people. The amendment proposed below attempts to take all of the above considerations into account. Congress shall be required to supervise and oversee military planning, capabilities, and readiness. Congress, as part of its ordinary legislative powers and its extraordinary power to declare war, shall have absolute authority to govern, control, and direct all aspects of the structure and functioning of the armed forces. This power includes the right to issue orders to the Commander in Chief, as well as subordinate civilian and military authorities. This power shall be delegable in whatever way Congress sees fit including, but not limited to, congressional committees and subcommittees, the Executive department, or to technical systems. The failure of Congress to provide adequate oversight to war-planning shall be a justiciable cause of action against Congress as a whole. If the court hearing such a complaint finds that Congress has not adequately discharged its responsibility to consider fully all the requisite factors related to military planning, capabilities, and readiness, the court may grant an injunction directing Congress to consider the particular factors at issue and to come to a rationally based plan. No substantive outcome may be ordered by the court. The court's final order shall be appealable through normal judicial channels. The first paragraph of this amendment clarifies that Congress is the highest authority in the military chain of command. Inasmuch as the President has a role in the "normal" legislative process, the President continues to have an important voice, subject to Congressional veto. For [\*1588] most purposes the first paragraph returns to the original constitutional distribution of war powers. It potentially infringes on the presidential power to retaliate, however, should Congress enact restrictive legislation. Likewise, the presidential ability to present Congress with faits accomplis might potentially be restricted. Neither of these situations, however, is very likely, absent some overwhelming crisis which would motivate Congress to take such action. Under this proposal Congress will be motivated to design a system that allows for realistic military responses by the Executive, lest it face the threat of lawsuits. One might object that this runs counter to the commander-in-chief powers of the President. I believe that it is actually faithful to the commander-in-chief clause, if one understands the phrase to mean "the most senior military officer." If one's understanding of "commander in chief" is different, then by virtue of this being an amendment to the Constitution, such an understanding would have to be adjusted. That this would be a change from such an understanding of the Framers' intent does not disturb me. The only point of my discussion of the Framers' intent n276 is to point out that it is no longer operating, despite the persistence of the Framers' rhetoric. Whether this re-establishes the Framers' intent or institutes a brand new concept is not critical; that it decisively establish lines of authority in this area is. The second paragraph of the amendment proceeds on the assumption that it may not always be wise to require Congress to discharge the tremendous powers incorporated in paragraph (1) as a unitary body. By not constitutionalizing any set procedure, but by granting what is nearly a carte blanche to Congress to set some procedure, maximal flexibility is built into the system. Even if Congress were to enact a system which functioned just as the current one does, doing so under this amendment has the virtue of making it clear that Congress has absolute authority to alter the system at will. Further, because this proposal would be an amendment to the Constitution, the ambiguities and nuances of the nondelegation doctrine would be irrelevant. The third paragraph of the proposed amendment incorporates both the courts and the citizenry into the scheme. It is intended to reverse the long judicial tradition of granting deference to the Executive in military affairs. What is envisioned is something similar to "hard-look review," n277 which any citizen would have standing to initiate. In other [\*1589] words, courts would, at the initiation of a citizen, have a supervisory role to be certain that Congress has rationally considered the relevant data in military planning. Beyond ensuring some modicum of congressional rationality, however, courts would have to defer to congressional judgment in policy areas. Judicial competence to function in this area would be no different than in the host of other technical areas in which the courts provide oversight. Judges' expertise in these cases lies in their ability to ensure that legitimate issues are addressed in the decisionmaking process. Given the tremendous predominance of the Executive in this area, this proposal actually strengthens the policy underlying the separation of powers. If the separation of powers attempts to create an internal tension between the coordinate branches of government, the problem is that, due to executive hypertrophy, the other branches have been overwhelmed in this area, and not enough tension exists. By virtually ensuring that courts be involved, this proposal should create enough tension in the system so that the judicial and legislative branches together will have sufficient weight to deal with the Executive. This method may seem paradoxical at first. The courts have a strong tendency to avoid involving themselves in policies which require them to pass on the actions of the political branches. There is, however, nothing in this proposal that is more inconsistent with separation of powers than is the idea that courts can review laws, duly passed by Congress and signed by the President, in order to ascertain their constitutionality. Allowing any citizen to bring such a suit virtually guarantees that such suits will be brought. This is a necessary antidote to the significant institutional reticence to deal with difficult issues before public [\*1590] opinion is mobilized as a result of a crisis. Often, important options are foreclosed at that point, and planning cannot be optimal. There is no reason why responding to law suits which would be brought under this amendment would be any more burdensome for Congress than "hardlook" review has been for administrative agencies. Surely there will be some extra work. The potential benefits of that work, however, are quite likely to outweigh the costs. Professor Raoul Berger, in discussing decisionmaking during the Vietnam War, states: Perhaps the decisions would not have been better had they been debated in Congress, but, as George Reedy, former special assistant and then Press Secretary to President Lyndon Johnson, remarked, they could not have "been much worse. . . . [W]ithin the executive branch," states Reedy, "there exists a virtual horror of public debate on issues," compounded by the complacent assumption that the executive branch "have some sort of a truth that comes out of their technical expertise and that this truth . . . is not something to be debated." But executive decision itself suffers from a deep-seated malady; as Reedy points out, it lacks the benefit of "adversary discussion of issues"; the "so-called debates are really monologues in which one man is getting reflections of what he sends out." That courtiers are apt to reflect the desires of the monarch needs little documentation. n278 Professor Dahl points out that in a democracy the control of nuclear weapons is best maintained if accurate information about the relevant issues is provided to the citizenry, along with an opportunity to participate in the political process in an appropriate way. n279 The process of passing a constitutional amendment has, thus, an additional short-term advantage: Because of the inevitable public debate which would precede the adoption of the amendment, the public would necessarily become better educated concerning the various aspects of the control over our military power. Not only would there be debate before the passage of the amendment, but the amendment would do much to further a continuing public debate on specific defense measures. It is this aspect of the amendment which promises the greatest benefit. People's real responses during a crisis are functions of a complex set of variables. Not even the process of amending the Constitution, by itself, will control people's reactions during a crisis. The continuing dialogue between litigants, Congress, the courts, and the Executive, however, will be as powerful a conditioning device as the law can devise to affect people's beliefs about what is proper in time of war. Thus, the adoption of this proposal should affect real-world crisis behavior in at least two ways. First, it would have a consciousness-raising effect concerning the proper lines of authority during a national defense emergency. Second, [\*1591] it would mandate the modification of strategic weapons systems, support systems, and processes available during a crisis. In addition, the options government officials have available to them during a crisis would necessarily be affected by this proposal. Although this proposal may at first seem radical, the mechanism embodied in the proposed amendment is not at all foreign to judicial principles. For example, Professor Gerald Gunther, in discussing the 1971 Supreme Court term, writes of an inchoate "means-focused" principle he found operating in the decisions he was reviewing. n280 He described how a review of the rationality of legislative means, rather than merely of governmental ends, strengthens rational scrutiny, while allowing the court to avoid "ultimate value judgments." n281 He pointed out a similarity between the principle he discussed in equal protection cases and the process of "remanding to the legislature." n282 A "remand to the legislature" for the purpose of fleshing out the record or to consider heretofore unconsidered factors is, in essence, what the injunctive power of the court, in the proposed amendment, would allow. Professor Cass Sunstein argues explicitly for a standard of constitutional oversight similar to administrative review. n283 The scheme he sets out, a kind of restrained, rational review of legislation, is also quite similar to what is envisioned in this amendment with respect to the control of the military. Sunstein traces his scheme to the republican view that rational discussion enhances the public good. n284 In the administrative context he sees courts as ensuring that the agency concerned "deliberate in order to identify and implement the public values that should control the controversy." n285 Sunstein advocates courts expanding this approach to various areas of constitutional litigation "to ensure that representatives have exercised some form of judgment instead of responding mechanically to interest-group pressures." n286 He acknowledges that if his proposal is to be effective "some scrutiny of legislative processes is necessary." n287 CONCLUSION The control of nuclear weapons is an issue of paramount importance. This control is grounded in the United States system of civilian control over the military. Historically, confusion has existed about precisely [\*1592] how the system works. The system of civilian control virtually broke down during the Truman Administration, although it had shown signs of strain even before that time. The Vietnam War and events in the post-Vietnam era substantiate the conclusion that the original constitutional system for controlling the country's war powers is defunct. It is past time to develop a new control system. The amendment I propose attempts to develop such a system in the context of the nuclear age. Any legal solution less drastic than a constitutional amendment will not have sufficient force to overcome the conflicting past practice. Any proposal which just focuses on one or two particular nuclear scenarios will provide inadequate control. Although my proposal leaves a great number of specific questions to be answered, it provides a solid framework in which answers to those questions can begin to take shape.

### Off

#### The 1AC’s war powers discourse proliferates symptom-focused solutions to power imbalances---causes cycles of violence that make extinction inevitable

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3. From securitisation to militarisation 3.1 Complicity¶ This analysis thus calls for a broader approach to environmental security based on retrieving the manner in which political actors construct discourses of ‘scarcity’ in response to ecological, energy and economic crises (critical security studies) in the context of the historically-specific socio-political and geopolitical relations of domination by which their power is constituted, and which are often implicated in the acceleration of these very crises (historical sociology and historical materialism).¶ Instead, both realist and liberal orthodox IR approaches focus on different aspects of inter-state behaviour, conflictual and cooperative respectively, but each lacks the capacity to grasp that the unsustainable trajectory of state and inter-state behaviour is only explicable in the context of a wider global system concurrently over-exploiting the biophysical environment in which it is embedded. They are, in other words, unable to address the relationship of the inter-state system itself to the biophysical environment as a key analytical category for understanding the acceleration of global crises. They simultaneously therefore cannot recognise the embeddedness of the economy in society and the concomitant politically-constituted nature of economics.84¶ Hence, they neglect the profound irrationality of collective state behaviour, which systematically erodes this relationship, globalising insecurity on a massive scale – in the very process of seeking security.85 In Cox's words, because positivist IR theory ‘does not question the present order [it instead] has the effect of legitimising and reifying it’.86 Orthodox IR sanitises globally-destructive collective inter-state behaviour as a normal function of instrumental reason – thus rationalising what are clearly deeply irrational collective human actions that threaten to permanently erode state power and security by destroying the very conditions of human existence. Indeed, the prevalence of orthodox IR as a body of disciplinary beliefs, norms and prescriptions organically conjoined with actual policy-making in the international system highlights the extent to which both realism and liberalism are ideologically implicated in the acceleration of global systemic crises.87¶ By the same token, the incapacity to recognise and critically interrogate how prevailing social, political and economic structures are driving global crisis acceleration has led to the proliferation of symptom-led solutions focused on the expansion of state/regime military–political power rather than any attempt to transform root structural causes.88 It is in this context that, as the prospects for meaningful reform through inter-state cooperation appear increasingly nullified under the pressure of actors with a vested interest in sustaining prevailing geopolitical and economic structures, states have resorted progressively more to militarised responses designed to protect the concurrent structure of the international system from dangerous new threats. In effect, the failure of orthodox approaches to accurately diagnose global crises, directly accentuates a tendency to ‘securitise’ them – and this, ironically, fuels the proliferation of violent conflict and militarisation responsible for magnified global insecurity.¶ ‘Securitisation’ refers to a ‘speech act’ – an act of labelling – whereby political authorities identify particular issues or incidents as an existential threat which, because of their extreme nature, justify going beyond the normal security measures that are within the rule of law. It thus legitimises resort to special extra-legal powers. By labelling issues a matter of ‘security’, therefore, states are able to move them outside the remit of democratic decision-making and into the realm of emergency powers, all in the name of survival itself. Far from representing a mere aberration from democratic state practice, this discloses a deeper ‘dual’ structure of the state in its institutionalisation of the capacity to mobilise extraordinary extra-legal military–police measures in purported response to an existential danger.89¶ The problem in the context of global ecological, economic and energy crises is that such levels of emergency mobilisation and militarisation have no positive impact on the very global crises generating ‘new security challenges’, and are thus entirely disproportionate.90 All that remains to examine is on the ‘surface’ of the international system (geopolitical competition, the balance of power, international regimes, globalisation and so on), phenomena which are dislocated from their structural causes by way of being unable to recognise the biophysically-embedded and politically-constituted social relations of which they are comprised. The consequence is that orthodox IR has no means of responding to global systemic crises other than to reduce them to their symptoms.¶ Indeed, orthodox IR theory has largely responded to global systemic crises not with new theory, but with the expanded application of existing theory to ‘new security challenges’ such as ‘low-intensity’ intra-state conflicts; inequality and poverty; environmental degradation; international criminal activities including drugs and arms trafficking; proliferation of weapons of mass destruction; and international terrorism.91 Although the majority of such ‘new security challenges’ are non-military in origin – whether their referents are states or individuals – the inadequacy of systemic theoretical frameworks to diagnose them means they are primarily examined through the lenses of military-political power.92 In other words, the escalation of global ecological, energy and economic crises is recognised not as evidence that the current organisation of the global political economy is fundamentally unsustainable, requiring urgent transformation, but as vindicating the necessity for states to radicalise the exertion of their military–political capacities to maintain existing power structures, to keep the lid on.93¶ Global crises are thus viewed as amplifying factors that could mobilise the popular will in ways that challenge existing political and economic structures, which it is presumed (given that state power itself is constituted by these structures) deserve protection. This justifies the state's adoption of extra-legal measures outside the normal sphere of democratic politics. In the context of global crisis impacts, this counter-democratic trend-line can result in a growing propensity to problematise potentially recalcitrant populations – rationalising violence toward them as a control mechanism.¶ 3.2 From theory to policy¶ Consequently, for the most part, the policy implications of orthodox IR approaches involve a redundant conceptualisation of global systemic crises purely as potential ‘threat-multipliers’ of traditional security issues such as ‘political instability around the world, the collapse of governments and the creation of terrorist safe havens’. Climate change will serve to amplify the threat of international terrorism, particularly in regions with large populations and scarce resources.94 The US Army, for instance, depicts climate change as a ‘stress-multiplier’ that will ‘exacerbate tensions’ and ‘complicate American foreign policy’; while the EU perceives it as a ‘threat-multiplier which exacerbates existing trends, tensions and instability’.95¶ In practice, this generates an excessive preoccupation not with the causes of global crisis acceleration and how to ameliorate them through structural transformation, but with their purportedly inevitable impacts, and how to prepare for them by controlling problematic populations. Paradoxically, this ‘securitisation’ of global crises does not render us safer. Instead, by necessitating more violence, while inhibiting preventive action, it guarantees greater insecurity. Thus, a recent US Department of Defense report explores the future of international conflict up to 2050. It warns of ‘resource competition induced by growing populations and expanding economies’, particularly due to a projected ‘youth bulge’ in the South, which ‘will consume ever increasing amounts of food, water and energy’. This will prompt a ‘return to traditional security threats posed by emerging near-peers as we compete globally for depleting natural resources and overseas markets’. Finally, climate change will ‘compound’ these stressors by generating humanitarian crises, population migrations and other complex emergencies.96¶ A similar study by the US Joint Forces Command draws attention to the danger of global energy depletion through to 2030. Warning of ‘the dangerous vulnerabilities the growing energy crisis presents’, the report concludes that ‘The implications for future conflict are ominous.’97 Once again, the subject turns to demographics: ‘In total, the world will add approximately 60 million people each year and reach a total of 8 billion by the 2030s’, 95 per cent accruing to developing countries, while populations in developed countries slow or decline. ‘Regions such as the Middle East and Sub-Saharan Africa, where the youth bulge will reach over 50% of the population, will possess fewer inhibitions about engaging in conflict.’98 The assumption is that regions which happen to be both energy-rich and Muslim-majority will also be sites of violent conflict due to their rapidly growing populations.¶ A British Ministry of Defence report concurs with this assessment, highlighting an inevitable ‘youth bulge’ by 2035, with some 87 per cent of all people under the age of 25 inhabiting developing countries. In particular, the Middle East population will increase by 132 per cent and sub-Saharan Africa by 81 per cent. Growing resentment due to ‘endemic unemployment’ will be channelled through ‘political militancy, including radical political Islam whose concept of Umma, the global Islamic community, and resistance to capitalism may lie uneasily in an international system based on nation-states and global market forces’. More strangely, predicting an intensifying global divide between a super-rich elite, the middle classes and an urban under-class, the report warns: ‘The world's middle classes might unite, using access to knowledge, resources and skills to shape transnational processes in their own class interest.’99¶ 3.3 Exclusionary logics of global crisis securitisation?¶ Thus, the securitisation of global crisis leads not only to the problematisation of particular religious and ethnic groups in foreign regions of geopolitical interest, but potentially extends this problematisation to any social group which might challenge prevailing global political economic structures across racial, national and class lines. The previous examples illustrate how securitisation paradoxically generates insecurity by reifying a process of militarisation against social groups that are constructed as external to the prevailing geopolitical and economic order. In other words, the internal reductionism, fragmentation and compartmentalisation that plagues orthodox theory and policy reproduces precisely these characteristics by externalising global crises from one another, externalising states from one another, externalising the inter-state system from its biophysical environment, and externalising new social groups as dangerous ‘outsiders’. Hence, a simple discursive analysis of state militarisation and the construction of new ‘outsider’ identities is insufficient to understand the causal dynamics driving the process of ‘Otherisation’. As Doug Stokes points out, the Western state preoccupation with the ongoing military struggle against international terrorism reveals an underlying ‘discursive complex’, where representations about terrorism and non-Western populations are premised on ‘the construction of stark boundaries’ that ‘operate to exclude and include’. Yet these exclusionary discourses are ‘intimately bound up with political and economic processes’, such as strategic interests in proliferating military bases in the Middle East, economic interests in control of oil, and the wider political goal of ‘maintaining American hegemony’ by dominating a resource-rich region critical for global capitalism.100¶ But even this does not go far enough, for arguably the construction of certain hegemonic discourses is mutually constituted by these geopolitical, strategic and economic interests – exclusionary discourses are politically constituted. New conceptual developments in genocide studies throw further light on this in terms of the concrete socio-political dynamics of securitisation processes. It is now widely recognised, for instance, that the distinguishing criterion of genocide is not the pre-existence of primordial groups, one of which destroys the other on the basis of a pre-eminence in bureaucratic military–political power. Rather, genocide is the intentional attempt to destroy a particular social group that has been socially constructed as different.101 As Hinton observes, genocides precisely constitute a process of ‘othering’ in which an imagined community becomes reshaped so that previously ‘included’ groups become ‘ideologically recast’ and dehumanised as threatening and dangerous outsiders, be it along ethnic, religious, political or economic lines – eventually legitimising their annihilation.102 ¶ In other words, genocidal violence is inherently rooted in a prior and ongoing ideological process, whereby exclusionary group categories are innovated, constructed and ‘Otherised’ in accordance with a specific socio-political programme. The very process of identifying and classifying particular groups as outside the boundaries of an imagined community of ‘inclusion’, justifying exculpatory violence toward them, is itself a political act without which genocide would be impossible.103 This recalls Lemkin's recognition that the intention to destroy a group is integrally connected with a wider socio-political project – or colonial project – designed to perpetuate the political, economic, cultural and ideological relations of the perpetrators in the place of that of the victims, by interrupting or eradicating their means of social reproduction. Only by interrogating the dynamic and origins of this programme to uncover the social relations from which that programme derives can the emergence of genocidal intent become explicable.104¶ Building on this insight, Semelin demonstrates that the process of exclusionary social group construction invariably derives from political processes emerging from deep-seated socio-political crises that undermine the prevailing framework of civil order and social norms; and which can, for one social group, be seemingly resolved by projecting anxieties onto a new ‘outsider’ group deemed to be somehow responsible for crisis conditions. It is in this context that various forms of mass violence, which may or may not eventually culminate in actual genocide, can become legitimised as contributing to the resolution of crises.105¶ This does not imply that the securitisation of global crises by Western defence agencies is genocidal. Rather, the same essential dynamics of social polarisation and exclusionary group identity formation evident in genocides are highly relevant in understanding the radicalisation processes behind mass violence. This highlights the fundamental connection between social crisis, the breakdown of prevailing norms, the formation of new exclusionary group identities, and the projection of blame for crisis onto a newly constructed ‘outsider’ group vindicating various forms of violence.¶ While recommendations to shift our frame of orientation away from conventional state-centrism toward a ‘human security’ approach are valid, this cannot be achieved without confronting the deeper theoretical assumptions underlying conventional approaches to ‘non-traditional’ security issues.106 By occluding the structural origin and systemic dynamic of global ecological, energy and economic crises, orthodox approaches are incapable of transforming them. Coupled with their excessive state-centrism, this means they operate largely at the level of ‘surface’ impacts of global crises in terms of how they will affect quite traditional security issues relative to sustaining state integrity, such as international terrorism, violent conflict and population movements. Global crises end up fuelling the projection of risk onto social networks, groups and countries that cross the geopolitical fault-lines of these ‘surface’ impacts – which happen to intersect largely with Muslim communities. Hence, regions particularly vulnerable to climate change impacts, containing large repositories of hydrocarbon energy resources, or subject to demographic transformations in the context of rising population pressures, have become the focus of state security planning in the context of counter-terrorism operations abroad.¶ The intensifying problematisation and externalisation of Muslim-majority regions and populations by Western security agencies – as a discourse – is therefore not only interwoven with growing state perceptions of global crisis acceleration, but driven ultimately by an epistemological failure to interrogate the systemic causes of this acceleration in collective state policies (which themselves occur in the context of particular social, political and economic structures). This expansion of militarisation is thus coeval with the subliminal normative presumption that the social relations of the perpetrators, in this case Western states, must be protected and perpetuated at any cost – precisely because the efficacy of the prevailing geopolitical and economic order is ideologically beyond question.¶ As much as this analysis highlights a direct link between global systemic crises, social polarisation and state militarisation, it fundamentally undermines the idea of a symbiotic link between natural resources and conflict per se. Neither ‘resource shortages’ nor ‘resource abundance’ (in ecological, energy, food and monetary terms) necessitate conflict by themselves.¶ There are two key operative factors that determine whether either condition could lead to conflict. The first is the extent to which either condition can generate socio-political crises that challenge or undermine the prevailing order. The second is the way in which stakeholder actors choose to actually respond to the latter crises. To understand these factors accurately requires close attention to the political, economic and ideological strictures of resource exploitation, consumption and distribution between different social groups and classes. Overlooking the systematic causes of social crisis leads to a heightened tendency to problematise its symptoms, in the forms of challenges from particular social groups. This can lead to externalisation of those groups, and the legitimisation of violence towards them.¶ Ultimately, this systems approach to global crises strongly suggests that conventional policy ‘reform’ is woefully inadequate. Global warming and energy depletion are manifestations of a civilisation which is in overshoot. The current scale and organisation of human activities is breaching the limits of the wider environmental and natural resource systems in which industrial civilisation is embedded. This breach is now increasingly visible in the form of two interlinked crises in global food production and the global financial system. In short, industrial civilisation in its current form is unsustainable. This calls for a process of wholesale civilisational transition to adapt to the inevitable arrival of the post-carbon era through social, political and economic transformation.¶ Yet conventional theoretical and policy approaches fail to (1) fully engage with the gravity of research in the natural sciences and (2) translate the social science implications of this research in terms of the embeddedness of human social systems in natural systems. Hence, lacking capacity for epistemological self-reflection and inhibiting the transformative responses urgently required, they reify and normalise mass violence against diverse ‘Others’, newly constructed as traditional security threats enormously amplified by global crises – a process that guarantees the intensification and globalisation of insecurity on the road to ecological, energy and economic catastrophe. Such an outcome, of course, is not inevitable, but extensive new transdisciplinary research in IR and the wider social sciences – drawing on and integrating human and critical security studies, political ecology, historical sociology and historical materialism, while engaging directly with developments in the natural sciences – is urgently required to develop coherent conceptual frameworks which could inform more sober, effective, and joined-up policy-making on these issues.

#### Alternative: vote negative to reject the security discourse of the 1AC.

#### Critical praxis outweighs policy making- voting affirmative guarantees error replication. Only a radical break from dominant paradigms can avoid becoming a self-fulfilling prophecy

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This goal is pursued in ways which are still unconventional in the intellectual milieu of international relations in Australia, even though they are gaining influence worldwide as traditional modes of theory and practice are rendered inadequate by global trends that defy comprehension, let alone policy. The inability to give meaning to global changes reflects partly the enclosed, elitist world of professional security analysts and bureaucratic experts, where entry is gained by learning and accepting to speak a particular, exclusionary language. The contributors to this book are familiar with the discourse, but accord no privileged place to its ‘knowledge form as reality’ in debates on defence and security. Indeed, they believe that debate will be furthered only through a long overdue critical re-evaluation of elite perspectives. Pluralistic, democratically-oriented perspectives on Australia’s identity are both required and essential if Australia’s thinking on defence and security is to be invigorated. This is not a conventional policy book; nor should it be, in the sense of offering policy-makers and their academic counterparts sets of neat alternative solutions, in familiar language and format, to problems they pose. This expectation is in itself a considerable part of the problem to be analysed. It is, however, a book about policy, one that questions how problems are framed by policy-makers. It challenges the proposition that irreducible bodies of real knowledge on defence and security exist independently of their ‘context in the world’, and it demonstrates how security policy is articulated authoritatively by the elite keepers of that knowledge, experts trained to recognize enduring, universal wisdom. All others, from this perspective, must accept such wisdom or remain outside the expert domain, tainted by their inability to comply with the ‘rightness’ of the official line. But it is precisely the official line, or at least its image of the world, that needs to be problematised. If the critic responds directly to the demand for policy alternatives, without addressing this image, he or she is tacitly endorsing it. Before engaging in the policy debate the critics need to reframe the basic terms of reference. This book, then, reflects and underlines the importance of Antonio Gramsci and Edward Said’s ‘critical intellectuals’.15 The demand, tacit or otherwise, that the policy-maker’s frame of reference be accepted as the only basis for discussion and analysis ignores a three thousand year old tradition commonly associated with Socrates and purportedly integral to the Western tradition of democratic dialogue. More immediately, it ignores post-seventeenth century democratic traditions which insist that a good society must have within it some way of critically assessing its knowledge and the decisions based upon that knowledge which impact upon citizens of such a society. This is a tradition with a slightly different connotation in contemporary liberal democracies which, during the Cold War, were proclaimed different and superior to the totalitarian enemy precisely because there were institutional checks and balances upon power. In short, one of the major differences between ‘open societies’ and their (closed) counterparts behind the Iron Curtain was that the former encouraged the critical testing of the knowledge and decisions of the powerful and assessing them against liberal democratic principles. The latter tolerated criticism only on rare and limited occasions. For some, this represented the triumph of rational-scientific methods of inquiry and techniques of falsification. For others, especially since positivism and rationalism have lost much of their allure, it meant that for society to become open and liberal, sectors of the population must be independent of the state and free to question its knowledge and power. Though we do not expect this position to be accepted by every reader, contributors to this book believe that critical dialogue is long overdue in Australia and needs to be listened to. For all its liberal democratic trappings, Australia’s security community continues to invoke closed monological narratives on defence and security. This book also questions the distinctions between policy practice and academic theory that inform conventional accounts of Australian security. One of its major concerns, particularly in chapters 1 and 2, is to illustrate how theory is integral to the practice of security analysis and policy prescription. The book also calls on policy-makers, academics and students of defence and security to think critically about what they are reading, writing and saying; to begin to ask, of their work and study, difficult and searching questions raised in other disciplines; to recognise, no matter how uncomfortable it feels, that what is involved in theory and practice is not the ability to identify a replacement for failed models, but a realisation that terms and concepts – state sovereignty, balance of power, security, and so on – are contested and problematic, and that the world is indeterminate, always becoming what is written about it. Critical analysis which shows how particular kinds of theoretical presumptions can effectively exclude vital areas of political life from analysis has direct practical implications for policy-makers, academics and citizens who face the daunting task of steering Australia through some potentially choppy international waters over the next few years. There is also much of interest in the chapters for those struggling to give meaning to a world where so much that has long been taken for granted now demands imaginative, incisive reappraisal. The contributors, too, have struggled to find meaning, often despairing at the terrible human costs of international violence. This is why readers will find no single, fully formed panacea for the world’s ills in general, or Australia’s security in particular. There are none. Every chapter, however, in its own way, offers something more than is found in orthodox literature, often by exposing ritualistic Cold War defence and security mind-sets that are dressed up as new thinking. Chapters 7 and 9, for example, present alternative ways of engaging in security and defence practice. Others (chapters 3, 4, 5, 6 and 8) seek to alert policy-makers, academics and students to alternative theoretical possibilities which might better serve an Australian community pursuing security and prosperity in an uncertain world. All chapters confront the policy community and its counterparts in the academy with a deep awareness of the intellectual and material constraints imposed by dominant traditions of realism, but they avoid dismissive and exclusionary terms which often in the past characterized exchanges between policy-makers and their critics. This is because, as noted earlier, attention needs to be paid to the words and the thought processes of those being criticized. A close reading of this kind draws attention to underlying assumptions, showing they need to be recognized and questioned. A sense of doubt (in place of confident certainty) is a necessary prelude to a genuine search for alternative policies. First comes an awareness of the need for new perspectives, then specific policies may follow**.** As Jim George argues in the following chapter, we need to look not so much at contending policies as they are made for us but at challenging ‘the discursive process which gives [favoured interpretations of “reality”] their meaning and which direct [Australia’s] policy/analytical/military responses’. This process is not restricted to the small, official defence and security establishment huddled around the US-Australian War Memorial in Canberra. It also encompasses much of Australia’s academic defence and security community located primarily though not exclusively within the Australian National University and the University College of the University of New South Wales. These discursive processes are examined in detail in subsequent chapters as authors attempt to make sense of a politics of exclusion and closure which exercises disciplinary power over Australia’s security community. They also question the discourse of ‘regional security’, ‘security cooperation’, ‘peacekeeping’ and ‘alliance politics’ that are central to Australia’s official and academic security agenda in the 1990s. This is seen as an important task especially when, as is revealed, the disciplines of International Relations and Strategic Studies are under challenge from critical and theoretical debates ranging across the social sciences and humanities; debates that are nowhere to be found in Australian defence and security studies. The chapters graphically illustrate how Australia’s public policies on defence and security are informed, underpinned and legitimised by a narrowly-based intellectual enterprise which draws strength from contested concepts of realism and liberalism, which in turn seek legitimacy through policy-making processes. Contributors ask whether Australia’s policy-makers and their academic advisors are unaware of broader intellectual debates, or resistant to them, or choose not to understand them, and why?

### Prolif

#### We already have a limited NFU- solves the aff

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Understanding President Obama's Nuclear Policy, inFocus Quarterly VOLUME VII: NUMBER 2

Nevertheless, reducing the role and number of U.S. nuclear weapons was the main purpose of the administration's April 2010 Nuclear Posture Review. The document precludes any nuclear weapons testing, including yield-producing experiments. It establishes a policy of no new weapons, no new missions for them, and no new military capabilities. Perhaps most important, for over 30 nations around the world that rely on U.S. nuclear security guarantees, the document redefined U.S. negative security assurance, "by declaring that the United States will not use or threaten to use nuclear weapons against non-nuclear weapon states that are party to the Nuclear Non-Proliferation Treaty (NPT) and in compliance with their nuclear non-proliferation obligations." This is a significant shift because chemical and biological weapons can cause as many casualties as nuclear weapons.

#### Unconditional global NFU would destroy the NPT.

Jean Du **Preez**, pub. date: 9-28-**06**, is Dir. of the International Organizations and Nonproliferation Program (IONP) Center for Nonproliferation Studies, Article VI Forum, “The Demise of Nuclear Negative Security Assurances,” accessed: 9-23-09, <http://cns.miis.edu/programs/ionp/pdfs/visions_of_fission.pdf>

Ironically, the North Korean crisis has provided new fodder for the debate over negative security assurances. All signs indicate that the Bush administration, as it seeks a solution of the Korean crisis, has offered the North Korea NSAs in exchange for that state’s de-nuclearization. A similar offering may in fact also be considered with regards to Iran. Offering a nuclear nonaggression pact as a reward to a state that has been in noncompliance all along could cause serious political problems and further jeopardize the long-aspired goal of non-nuclear weapon states that are in good standing. Many NNWS will almost certainly object that security assurances rightfully belong to those who have given up the nuclear weapon option—as opposed to those who are still keeping their options open. Many states have already pointed out that by giving NSAs to a state that currently possesses nuclear weapons, the United States would signal to would-be proliferators that the way to extract assurances against the threat or use of nuclear weapons is to threaten to use or develop nuclear weapons of their own.

#### No cascade of proliferation – its all alarmist rhetoric

Muthia Alagappa, pub. date: 2008, Distinguished Senior Fellow, East-West Center, “The Long Shadow: Nuclear Weapons and Security in 21st Century Asia,” accesed: 1-6-09, p. 521-2, Google Books

It will be useful at this juncture to address more directly the set of instability arguments advanced by certain policy makers and scholars: the domino effect of new nuclear weapon states, the probability of preventative action against new nuclear weapon states, and the compulsion of these states to use their small arsenals early for fear of losing them in a preventive or preemptive strike by a stronger nuclear adversary. On the domino effect, India’s and Pakistan’s nuclear weapon programs have not fueled new programs in South Asia or beyond. Iran’s quest for nuclear weapons is not a reaction to the Indian or Pakistani programs. It is grounded in that country’s security concerns about the U ntied States and Tehran’s regional aspirations. The North Korean test has evoked mixed reactions in Northeast Asia. Tokyo is certainly concerned; its reaction, though, has not been to initiate its own nuclear weapon program but to reaffirm and strengthen the American extended deterrence commitment to Japan. Even if the U.S.-Japan security treaty were to weaken, it is not certain that Japan would embark on a nuclear weapon program. Likewise, South Korea has sought reaffirmation of the American extended deterrence commitment, but has firmly held to its nonnuclear posture. Without dramatic change in it’s political, economic, and security circumstances, South Korea is highly unlikely to embark on a covert (or overt) nuclear weapon program as it did in the 1970s. South Korea could still become a nuclear weapon state by inheriting the nuclear weapons of North Korea should the Kim Jong Il regime collapse. Whether it retains or gives up that capability will hinge on the security circumstances of a unified Korea. The North Korean nuclear test has not spurred Taiwan or Mongolia to develop nuclear weapon capability. The point is that each country’s decision to embark on and sustain nuclear weapon programs is contingent on its particular security and other circumstances. Through appealing, the domino theory is not predictive; often it is employed to justify policy on the basis of alarmist predictions. The loss of South Vietnam, for example, did not lead to the predicted domino effect in Southeast Asia and brought about a fundamental transformation in that sub region (Lord 1993, 1996). In the nuclear arena, the nuclear programs of China, India, and Pakistan were part of a security chain reaction, not mechanically falling dominos. However, as observed earlier the Indian, Pakistani, and North Korean nuclear tests have thus far not had the domino effect predicted by alarmist analysts and policy makers. Great caution should be exercised in accepting at face value the sensational predictions of individuals who have a vested interest in accentuating the dangers of nuclear proliferation. Such analysts are now focused on the dangers of a nuclear Iran. A nuclear Iran may or may not have destabilizing effects. Such claims must be assessed on the basis of an objective reading of the drivers of national and regional security in Iran and the Middle East.

#### No escalation

Victor Asal and Kyle Beardsley, pub. date: 2007, Assistant Prof. Pol. Sci. – SUNY Albany, and Kyle Beardsley, Asst. Prof. Pol. Sci. – Emory Univ., Journal of Peace Research, “Proliferation and International Crisis Behavior,” accessed: 12-18-09, http://jpr.sagepub.com/cgi/reprint/44/2/139

The literature on international conflict is divided on the impact of nuclear proliferation on state conflict. The optimists’ argument contends that nuclear weapons raise the stakes so high that states are unlikely to go to war when nuclear weapons enter the equation. The pessimists rebut this argument, contending that new proliferators are not necessarily rational and that having nuclear weapons does not discourage war but rather makes war more dangerous. Focusing on one observable implication from this debate, this article examines the relationship between the severity of violence in crises and the number of involved states with nuclear weapons. The study contends that actors will show more restraint in crises involving more participants with nuclear weapons. Using data from the International Crisis Behavior (ICB) project, the results demonstrate that crises involving nuclear actors are more likely to end without violence and, as the number of nuclear actors involved increases, the likelihood of war continues to fall. The results are robust even when controlling for a number of factors including non-nuclear capability. In confirming that nuclear weapons tend to increase restraint in crises, the effect of nuclear weapons on strategic behavior is clarified. But the findings do not suggest that increasing the number of nuclear actors in a crisis can prevent war, and they cannot speak to other proliferation risks

### China

#### Chinese nuclear modernization allows for transparency.

**Acharya, '7** (Head -- Poli Sci -- Asutosh College, http://isq.sagepub.com/cgi/reprint/44/1/57.pdf)

A preliminary hypothesis was that the overlapping and asymmetrical nature of the security dilemmas in Asia would make it much harder to implement CBMs based on transparency. China’s position that transparency favours the strong (who can demonstrate its capabilities to intimidate the weak) and can damage the weak (who exposes its vulnerabilities) indicates the difficulty. If a country is the stronger power in one respect and weaker in another, then transparency cannot solve the problems in both relationships. A second difficulty is that China, India and Pakistan all see concealment of the exact size and location of their strategic forces as contributing to survivability, potentially making transparency measures dangerous. However, China’s shift to a deterrent based on mobile missiles may create incentives for some degree of strategic transparency with the US. This transition might permit China to be more transparent about force levels, while carefully protecting information about the location of its deployed strategic forces at any given time. More generally, it would be potentially useful to devise ways of providing transparency about the approximate size of nuclear arsenals with a high degree of confidence while retaining a doubt about the exact size.

#### **No risk of Chinese modernization- PLASAF guarantees**

Zhang ’13 Hui Zhang, a physicist, is leading a research initiative on China’s nuclear policies for the [Managing the Atom Project](http://belfercenter.ksg.harvard.edu/project/3/managing_the_atom.html) in Harvard Kennedy School’ s [Belfer Center for Science and International Affairs](http://belfercenter.ksg.harvard.edu/index.html). RPI AUTHOR HUI ZHANG: CHINA’S NUCLEAR WEAPON NO-FIRST USE PLEDGE IS REAL, PROMOTES DISARMAMENT <http://www.risingpowersinitiative.org/rpi-author-hui-zhang-chinas-nuclear-weapon-no-first-use-pledge-is-real-promotes-disarmament/> May 2013

Colonel Yang Yujun, a spokesman for China’s Ministry of Defense, answered this question [unambiguously during a briefing](http://news.china.com.cn/live/2013-04/26/content_19698408.htm) on April 25 when he stated: “China repeatedly reaffirms that China has always pursued no-first-use nuclear weapons policy, upholds its nuclear strategy of self-defense, and never takes part in any form of nuclear arms race with any country. The policy has never been changed. The concern about changes of China’s nuclear policy is unnecessary.”¶ Colonel Yang also explained that all former White Papers (with the same general title “China’s National Defense”) were comprehensive (zonghe xing), and elaborated on China’s nuclear policy in detail in sections on “national defense policy” and “arms control.” But this latest edition for the first time adopts a “thematic” model (zhuanti xing) and focuses specifically on the employment of China’s armed forces; it does not address nuclear policy in detail.¶ While the new white paper does not explore generally its no-first-use policy, it emphasizes that the PLA Second Artillery Force (PLASAF) is “primarily responsible for deterring other countries from using nuclear weapons against China, and carrying out nuclear counterattack.” It also explains clearly how the PLASAF employs its nuclear force during peace and war time:¶ “[China] keeps an appropriate level of readiness in peacetime… If China comes under a nuclear attack, the nuclear missile force of the PLASAF will use nuclear missiles to launch a resolute counterattack either independently or together with the nuclear forces of other services.”¶ It should be noted that the term “nuclear counterattack” in the context of China’s nuclear strategy generally means “nuclear retaliation to a first nuclear strike” or “second nuclear strike.”¶ Many experts and scholars are suspicious of China’s no-first-use pledge, with the Pentagon’s 2013 annual report on the Chinese military calling it ambiguous. But China’s nuclear force posture has all the features of a meaningful no-first-use policy. It has a much smaller and simpler arsenal with a much lower alert status than required for a first-use option.

#### China modernization isn’t threatening

Kallmyer 2010 [Kevin Kallmyer CSIS September 23, 2010 “START and China: Really?” http://csis.org/blog/start-and-china-really]

Further, the fears of Chinese nuclear modernization have been exaggerated. While China is modernizing its nuclear forces, it is necessary to evaluate both the pace and the rationale of this build-up to determine if it represents a threat to U.S. security.¶ First, Chinese nuclear modernization is not as effective as START opponents claim. China lacks the necessary fissile resources to substantially expand its nuclear arsenal. Gregory Kulacki, a Senior Analyst and Manager of the Union of Concerned Scientists’ China Project, explained that estimates of Chinese nuclear build-up are exaggerated,¶ The idea that China could build hundreds of warheads every year runs counter to U.S. estimates, which indicate that China does not have enough fissile material for such increases and is not producing more.¶ It is important to note, however, that China does have sufficient fissile material for more modest warhead increases, and that nothing prevents China from resuming fissile material production if necessary. Regardless, this observation does seem indicate that China is not planning on the massive increase in nuclear warheads that some allude to.¶ Further, Kulacki argued that if China were to develop new capabilities, such as making their missiles capable of carrying multiple warheads (MIRVing), then China would need to engage in missile and warhead tests that would tip the United States off.¶ Before China's missiles could carry multiple warheads, they would need to be flight-tested in this way, and U.S. early-warning satellites would give a clear indication of such tests. Moreover, China's existing nuclear warheads are believed to be too heavy for its missiles to carry multiple warheads. Developing lighter warheads would require a series of nuclear tests, which the international monitoring system would detect with high confidence.¶ Thus, if China does modernize its arsenal in an attempt to compete with the United States, they will have to engage in a series of provocative measures that would give the United States full knowledge of their intentions. Given that China is too far behind the United States for these capabilities to threaten the United States any time soon, the United States will have plenty of time to adapt and respond to such developments if they occur.

#### Their modernizations are defensive not offensive- no change in posture- they would spend themselves to collapse before they caught up

Kallmyer 2010 [Kevin Kallmyer CSIS September 23, 2010 “START and China: Really?” http://csis.org/blog/start-and-china-really]

The Pentagon releases a yearly report entitled “Military and Security Developments Involving the People’s Republic of China.” While the Pentagon report states that China is “qualitatively and quantitatively” improving its forces, it has two important observations. First, despite China’s military developments and some statements by PLA officials, the Pentagon concluded that there is no evidence that China will change its military doctrine,¶ Beijing has consistently asserted that it adheres to a “no first use” (NFU) policy, stating it would use nuclear forces only in response to a nuclear strike against China. China’s NFU pledge consists of two parts—China will never use nuclear weapons first against any nuclear weapon state and China will never use or threaten to use nuclear weapons against any non-nuclear-weapon state or nuclear-weaponfree zone. However, there is some ambiguity over the conditions under which China’s NFU policy would or would not apply, including for example, whether strikes on what China considers its own territory, demonstration strikes, or high altitude bursts would constitute a first use. Moreover, some PLA officers have written publicly of the need to spell out conditions under which China might need to use nuclear weapons—for example, if an enemy’s conventional attack threatened the survival of China’s nuclear force, or of the regime itself. However, there has been no indication that national leaders are willing to attach such nuances and caveats to China’s “no first use” doctrine.¶ Additionally, the Pentagon concluded that Chinese military developments do not signal an attempt to develop an offensive nuclear strike force, but only to maintain a credible second-strike force, and therefore, are in line with its no first use policy,¶ Beijing’s official policy towards nuclear deterrence continues to focus on maintaining a nuclear force structure able to survive enemy attack and respond with sufficient strength to inflict unacceptable damage on the enemy. The new generation of mobile missiles, maneuvering and MIRV warheads, and penetration aids are intended to ensure the viability of China’s strategic deterrent in the face of continued advances in U.S. and, to a lesser extent, Russian strategic intelligence, surveillance, and reconnaissance; precision strike; and missile defense capabilities.¶ While Chinese policy statements are not necessarily the gold-standard for understanding China’s military and political intentions (they can be easily abandoned), these two observations are significant. China is a rising power, but they are rising on the tide of their economy, not military. If China was truly attempting to reach parity with U.S. nuclear forces, then China would have to shift a dramatic amount of resources into military development. Not only does that seem unnecessary from a military stand-point, it seems detrimental to their economy – China saw what happened to the Soviet Union as they spent their way to collapse in an attempt to keep pace with the U.S. military.

#### No modernization – consensus.

**Hansell and Perfilyev 2009** (Cristina Hansell, Director, Newly Independent States Nonproliferation Program, James Martin Center for Nonproliferation Studies, and Nikita Perfilyev is a Fulbright fellow at the Monterey Institute of International Studies, April 2009, “Strategic Relations between the United States, Russia, and China and the Possibility of Cooperation on Disarmament,” cns.miis.edu/opapers/op15/op15.pdf)

China’s official policy is that it maintains nuclear weapons only because other nations threaten it with nuclear weapons; Beijing has long called for complete global disarmament.10 However, China also appears to view its nuclear forces as important to its standing as a great power. The Chinese maintain a far smaller nuclear arsenal than either the United States or Russia, with fewer than 100 operational warheads, which accords with a doctrine of “minimal deterrence” or “minimum means of reprisal.”11 This doctrine is based on the belief that deterrence does not require the level of force traditionally assumed necessary under U.S. and Russian doctrines, and it is mated with a no-first-use nuclear doctrine that rejects initiating a nuclear exchange under any circumstances. Chinese forces have been kept off the “hair-trigger alert” of U.S. and Russian forces—even in crisis.12 As explained further by Chinese Ambassador for Disarmament Affairs Sha Zukang in 2000, “as long as [a medium or small nuclear country] still possess[es] the capability of launching the second nuclear strike to inflict unbearable losses” on an attacker, a strategic balance can be achieved even with a country possessing more and better nuclear weapons.13 Yet China’s policy makers note that their nuclear policy differs even from that of the United Kingdom and France, “in terms of what nuclear weapons deter against, the amount of nuclear weapons required for a retaliatory strike that is sufficient to inflict unacceptable damage on the enemy, and other aspects.”14 There has been much speculation by foreign experts that China might alter its nuclear doctrine as its nuclear capabilities increase—that its doctrine has been borne of necessity. Recent advances in ballistic missile submarines,15it is suggested, would give China the capability to back up a doctrine more similar to that of the United States or Russia. When one examines the available Chinese literature on the subject, however, it does not appear that any such change is imminent. To deter an attack, however, Chinese planners recognize that a potential opponent must believe that China has nuclear weapons that would survive a first strike and that Beijing is willing to launch a counterstrike. A few years ago, this led some Chinese experts to argue for “limited deterrence” (youxian weishe), which would require new operational capabilities and putting Chinese forces on a launch-on-warning or launch-under-attack status.16( In the United States, some experts have put forward a similar argument to suggest that “usable” low-yield nuclear weapons are needed to make deterrence credible.) However, Beijing’s military leaders appear to have decided that deploying mobile missiles and a sea-based deterrent is sufficient to ensure the credibility of China’s deterrent. Most China analysts do not expect Beijing to abandon minimum deterrence at this point in time.

#### Russia won’t launch on warning – the security relationship has changed.

Ford, 2008 (Dr. Christopher A., Senior Fellow and Director of the Center for Technology and Global Security at the Hudson Institute in Washington. D.C. He previously served as U.S. Special Representative for Nuclear Nonproliferation, and as a Principal Deputy Assistant Secretary of State, “Dilemmas of Nuclear Force “De-Alerting”” October 7)

In the current state of U.S.-Russian relations, the claim that Russian leaders truly believe that the **U**nited **S**tates would attack first with nuclear weapons would seem to be **less credible** than at first glance. The possibility of mutual assured destruction still exists. Is there any credible reason for one country to start a war which neither side would truly “win’?” Russia’s early warning personnel and NCA are more likely to **question the validity** of an unexpected or ambiguous missile attack alert **than to respond** with an immediate launch. Rather than resort to an immediate LOW nuclear missile launch against the United States, Russian leaders might seek other sources of confirming information **outside** of the early warning system. These sources might include shared early warning data, as discussed below, as well as their own strategic warning sources within the Russian intelligence community.

#### India has an NFU- they think Pakistan is a larger threat anyways

Dr. Adityanjee May 04, 2013 No First Use Nuclear Doctrine with “Chinese Characteristics”

<http://strategicstudyindia.blogspot.com/2013/05/no-first-use-nuclear-doctrine-with_6.html>

Certainly, India should not countenance being the only nuclear weapon state pledging "no first use" while the global nuclear posturing has become indeed hardened. One has to take into factor Pakistan's accelerated development of tactical nuclear weapons and its stringent refusal to negotiate and sign a multi-lateral Fissile Materials Cut-Off Treaty (FMCT) and continued Chinese help to Pakistan in and outside the NSG. While Pakistan has never subscribed to an NFU commitment and its nuclear arsenal is specifically India-centric; the recent change in China's nuclear posture is definitely of concern to India. The writing is on the wall as China does not have good track record of strategic comfort and reliability vis-a-vis India. The current incidence of Chinese incursion into Indian territory in Daulat Beg Oldie region in the Ladakh sector should be an eye-opener. While India must focus on its economic, infrastructure and social development and must not waste her meager fiscal resources in a costly nuclear race, she needs to be prepared for all strategic options. Given the aggressive behavior of China in recent years appropriate and credible policies need to be adopted including having a re-look at evolving nuclear posture of China.

#### No indo pak war- Interdependence

Mamoon and Murshed 2010 (Dawood Mamoon, and Mansoob Murshed, Economics of Governance, 2010, Vol. 11 Issue 2, p145-167, 23p, Political Science Complete)

Conflict between India and Pakistan, which spans over most of last 60 years since their independence from British rule, has significantly hampered bilateral trade between the two nations. However, we also find that the converse is also true; more trade between India and Pakistan decreases conflict and any measures to improve the bilateral trade share is a considerable confidence building measure. A regional trade agreement along the lines of a South Asian Free Trade Agreement (SAFTA) has a high potential for the improvement of relations between India and Pakistan on a long-term basis. Pakistan and India’s general degree of openness to world (and not bilateral) trade is, however, the dominant economic factor in conflict resolution. It would be interesting to see whether India and Pakistan will be able sustain their recent impressive growth, and consequently continue with peace talks confirming the liberal peace arguments. In an ideal world increased dyadic democracy between pairs of nation should reduce inter-state hostility according to the democratic peace hypothesis; this relationship in our case is present but weak. Peace initiatives, it should be remembered, are not the sole prerogative of democracies; they can also be made by countries which are less than perfectly democratic out of economic self- interest. Pakistan, at present, is making unilateral concessions on many disputed issues with India. Our findings, however, veer towards the liberal peace hypothesis. Economic progress and poverty reduction combined with greater openness to international trade in general are more significant drivers of peace between nations like India and Pakistan, rather than the independent contribution of a common democratic polity. So it is more economic interdependence rather than politics which is likely to contribute towards peaceful relations between India and Pakistan in the near future. In many ways, our results for an individual dyad echo Polcahek’s (1997) work across several dyads, where it is argued that democracies cooperate not because they have common political systems, but because their economies are intricately and intensively interdependent. As pointed by Hegre (2000), it is at these higher stages of economic development that the contribution of common democratic values to peace becomes more salient. Meaningful democracy cannot truly function where poverty is acute and endemic, even in ostensible democracies such as India. In the final analysis, it may be that democracy itself is an endogenous by-product of increased general prosperity, as suggested nearly half a century ago by Lipset (1960). Then and only then, will nations be able to fully appreciate Angell-Lanes’ (1910) arguments regarding the futility of inter-state conflict.

#### Plan not needed – global norms & survivability swamp their modeling internals

Reshmi Kazi April 11, 2011 Institute for Defence Studies and Analyses

http://www.idsa.in/idsacomments/WhyIndiashouldretainitsNoFirstUsepolicy\_rkazi\_110411 Why India should retain its No-First-Use policy?

Withdrawing the NFU policy and making a declaration to that effect makes little strategic sense, since it will damage India’s status as a responsible nuclear power. Such a step will abrogate India’s commitment to the universal goal of nuclear disarmament and upset the regional balance in the sub-continent. The NFU policy is a sound pillar of India’s nuclear doctrine. It facilitates a restrained nuclear weapons programme without tactical weapons and a complicated command and control system. It forswears brinkmanship by avoiding the deployment of weapons on hair-trigger alert and keeping an arms-race in check. In conclusion, the no-first-use policy is premised upon an assured second strike capability, that is survive a first strike and retain sufficient warheads to launch massive retaliation upon the adversary. As long as this second strike capability is not degraded there is no reason to abandon the NFU posture. At present, there is no evidence to suggest that the reported expansion of Pakistan’s nuclear stockpile has degraded India’s nuclear retaliatory capability. India should therefore retain its no-first-use doctrine.

#### India committed to NFU - diplomatic, economy, strategy, complications

Kanti Bajpai 11-15-2002 Indian academic-analyst Doon School, Dehra Dun, India

Pugwash Meeting no. 279 "No First Use of Nuclear Weapons" London, UK, 15-17 November 2002 PAPERS No First Use in the India-Pakistan Context http://www.pugwash.org/reports/nw/bajpai.htm

Despite the split between minimalists and maximalists, India has stuck with NFU. Why, in summary, have the Indian government and most of the Indian strategic community supported the idea of NFU? At least four considerations seem to be behind Indian thinking on the subject. First of all, there is diplomatic advantage for India in an NFU commitment. The NFU offer to Pakistan and the other nuclear powers is a signal of moderation and responsibility in nuclear and international matters. It is consistent with pre-1998 policy and therefore shows continuity in Indian policy—another sign that India is a conservative and incrementalist power and not a revolutionary and unpredictable one. Pakistan’s opposition to NFU was always anticipated, and the contrast to India’s position is expected to bolster India’s image as a restrained power and to reinforce Pakistan’s image as a troubling one. Secondly, a moderate, restrained nuclear weapons programme, without tactical weapons and complicated command and control (both which are implied by first use doctrines), is an economically rational choice. A minimum deterrent will be an affordable deterrent. Thirdly, NFU has military-strategic uses. The military advantage of an NFU with Pakistan is rarely articulated publicly, but we can see readily enough that if Pakistan also could be persuaded to agree to NFU, then India’s conventional superiority could be used against Pakistan, particularly in a situation of asymmetric warfare such as in Jammu and Kashmir. On the other hand, New Delhi hopes that an Indian commitment to NFU will serve to reassure Pakistan that it does not wish to threaten the existence of its neighbour—that war will not be a war of conquest. Reassuring Pakistan is in India’s interest since an edgy, trigger-happy nuclear Pakistan would be a dangerous entity. Fourth, and this is more speculative, an NFU commitment gives India time to sort out a number of technological, doctrinal, institutional, and political issues. Technologically, it gives India time to figure out if it can produce tactical nuclear weapons which would be vital to any first use posture, particularly in relation to a superior conventional power such as China. Doctrinally, the NFU allows India to debate what the real threats and challenges are and therefore what its nuclear use postures should be. Institutionally, the NFU may enough buy time for rival inter-service claims on nuclear weapons to be dealt with. Politically, no first use is helpful in solidifying domestic support for nuclear weapons and increasing civilian control over nuclear weapons. A no first use policy helps bridge the divide between those who are not enthusiastic advocates of nuclear weapons and those who are more supportive of going nuclear. The former are more likely to support nuclear weapons if India’s posture remains a more defensive, no first use one. In addition, a no first use policy may be useful to civilians in retaining as much control over nuclear weapons as possible. If no first use translates into a de-mated posture in which Indian scientists control the nuclear warheads or cores, then such a posture will preserve the very highest degrees of civilian control. Thus, NFU may give India more time to establish command and control.

# 2NC

# Topicality

### A2: W/M Ppl Launch

#### Those are not in hostilities

Ambinder 2011 [Marc Ambinder June 17, 2011 “White House Acknowledges Pentagon's Lawyer Disagreed About War Powers” http://www.nationaljournal.com/whitehouse/white-house-acknowledges-pentagon-s-lawyer-disagreed-about-war-powers-20110617]

The Times reported that President Obama, his chief lawyer, Robert Bauer, and the State Department legal adviser, Harold Koh, thought that “hostilities” did not apply to the conflict. This is because no entity is firing at U.S. troops, troops are not in any danger, and the U.S. is simply complying with a United Nations resolution. If the action in Libya did trigger the War Powers Act, Obama would have been required to seek permission from Congress a month ago. He has not. The U.S. provides intelligence, surveillance and reconnaissance, ammunition and bombs, as well as targeting and planning for NATO’s campaign against the Libyan regime. The U.S. does not fly its pilots over the country, though it does use drones to fire missiles, and it has not tasked ground troops for the mission.¶ Critics say that the administration's position would allow it to drop a bunker-busting bomb or launch a nuclear weapon against a regime, in a pre-emptive strike, and not technically be at "war." The administration clearly contemplated a much shorter duration of action when it first began airstrikes in February.

#### Historical interps should be preferred in this context

Harvard Law Review, 2012 [“RECENT ADMINISTRATIVE INTERPRETATION: Separation of Powers - War Powers Resolution – Obama Administration Argues that U.S. Military Action in Libya Does Not Constitute "Hostilities."”, April, 125 Harv. L. Rev. 1546]

 [\*1550] Although Koh's definition of "hostilities" strains the term's everyday meaning, 36 the vehemence of commentators' responses belies the issue's complexity. Legislative history 37 and four decades of the WPR's operation indicate that not every military engagement triggers the Resolution's sixty-day clock. As courts have largely dismissed WPR litigation on prudential grounds, 38 historical practice has become law in the Resolution's regard, guiding its application. 39 Koh properly sought to locate Libya amidst the universe of WPR precedents, 40 but his analysis illustrates the indeterminacy inherent in a statutory structure with only contested, historical practice to fill textual silence. This ambiguity has weakened the WPR's ability to function as a general, ex ante time limit on executive action. Rather, Congress must actively participate in enforcing the Resolution's letter if it wishes to deny the executive the flexibility on which Koh's argument relied.

### 2NC Limits Good

#### Literally doubles the educational benefit

**Arrington 2009** (Rebecca, UVA Today, “Study Finds That Students Benefit From Depth, Rather Than Breadth, in High School Science Courses” March 4)

A recent study reports that high school students who study fewer science topics, but study them in greater depth, have an advantage in college science classes over their peers who study more topics and spend less time on each. Robert Tai, associate professor at the University of Virginia's Curry School of Education, worked with Marc S. Schwartz of the University of Texas at Arlington and Philip M. Sadler and Gerhard Sonnert of the Harvard-Smithsonian Center for Astrophysics to conduct the study and produce the report. "Depth Versus Breadth: How Content Coverage in High School Courses Relates to Later Success in College Science Coursework" relates the amount of content covered on a particular topic in high school classes with students' performance in college-level science classes. The study will appear in the July 2009 print edition of Science Education and is currently available as an online pre-print from the journal. "As a former high school teacher, I always worried about whether it was better to teach less in greater depth or more with no real depth. This study offers evidence that teaching fewer topics in greater depth is a better way to prepare students for success in college science," Tai said. "These results are based on the performance of thousands of college science students from across the United States." The 8,310 students in the study were enrolled in introductory biology, chemistry or physics in randomly selected four-year colleges and universities. Those who spent one month or more studying one major topic in-depth in high school earned higher grades in college science than their peers who studied more topics in the same period of time. The study revealed that students in courses that focused on mastering a particular topic were impacted twice as much as those in courses that touched on every major topic

#### Turns their offense—limits are vital to creativity and innovation

David Intrator (President of The Creative Organization) October 21, 2010 “Thinking Inside the Box,” http://www.trainingmag.com/article/thinking-inside-box

One of the most pernicious myths about creativity, one that seriously inhibits creative thinking and innovation, is the belief that one needs to “think outside the box.” As someone who has worked for decades as a professional creative, nothing could be further from the truth. This a is view shared by the vast majority of creatives, expressed famously by the modernist designer Charles Eames when he wrote, “Design depends largely upon constraints.” The myth of thinking outside the box stems from a fundamental misconception of what creativity is, and what it’s not. In the popular imagination, creativity is something weird and wacky. The creative process is magical, or divinely inspired. But, in fact, creativity is not about divine inspiration or magic. It’s about problem-solving, and by definition a problem is a constraint, a limit, a box. One of the best illustrations of this is the work of photographers. They create by excluding the great mass what’s before them, choosing a small frame in which to work. Within that tiny frame, literally a box, they uncover relationships and establish priorities. What makes creative problem-solving uniquely challenging is that you, as the creator, are the one defining the problem. You’re the one choosing the frame. And you alone determine what’s an effective solution. This can be quite demanding, both intellectually and emotionally. Intellectually, you are required to establish limits, set priorities, and cull patterns and relationships from a great deal of material, much of it fragmentary. More often than not, this is the material you generated during brainstorming sessions. At the end of these sessions, you’re usually left with a big mess of ideas, half-ideas, vague notions, and the like. Now, chances are you’ve had a great time making your mess. You might have gone off-site, enjoyed a “brainstorming camp,” played a number of warm-up games. You feel artistic and empowered. But to be truly creative, you have to clean up your mess, organizing those fragments into something real, something useful, something that actually works. That’s the hard part. It takes a lot of energy, time, and willpower to make sense of the mess you’ve just generated. It also can be emotionally difficult. You’ll need to throw out many ideas you originally thought were great, ideas you’ve become attached to, because they simply don’t fit into the rules you’re creating as you build your box.

### 2NC Reasonability

#### Reasonability is impossible – it’s arbitrary and undermines research and preparation

Resnick, assistant professor of political science – Yeshiva University, ‘1

(Evan, “Defining Engagement,” Journal of International Affairs, Vol. 54, Iss. 2)

In matters of national security, establishing a clear definition of terms is a precondition for effective policymaking. Decisionmakers who invoke critical terms in an erratic, ad hoc fashion risk alienating their constituencies. They also risk exacerbating misperceptions and hostility among those the policies target. Scholars who commit the same error undercut their ability to conduct valuable empirical research. Hence, if scholars and policymakers fail rigorously to define "engagement," they undermine the ability to build an effective foreign policy.

# Prolif

### NPT Turn

#### NPT-NSA revision uniquely checks proliferation by incentivizing compliance – spurring a NWFZ in the ME and beyond

Jeffrey Eberhardt, 4-23-2013 Director, Office of Nuclear Affairs, Bureau of Arms Control, Verification and Compliance, NPT Preparatory Committee Geneva, Switzerland April 25, 2013 http://www.state.gov/t/isn/rls/rm/2013/208047.htm

Specifically, the 2010 Nuclear Posture Review declared that the United States will not use or threaten to use nuclear weapons against non-nuclear weapon States that are party to the NPT and in compliance with their nuclear nonproliferation obligations. This revised assurance is intended to underscore the security benefits of adhering to and fully complying with the NPT. Even for states not eligible for this assurance, the 2010 Nuclear Posture Review made clear that the United States would only consider the use of nuclear weapons in extreme circumstances to defend the vital interests of the United States or our allies and partners. It is in the U.S. interest and that of all nations that the nearly 68-year record of non-use of nuclear weapons be extended forever. At their 2012 Chicago Summit, NATO Allies acknowledged the importance of the negative security assurances offered by the United States, the United Kingdom and France. The Allies further recognized the value that these statements can have in seeking to discourage nuclear proliferation. Mr. Chairman, the United States also supports well-crafted nuclear-weapon-free zones (NWFZs) that are vigorously enforced and developed in accordance with the guidelines adopted by the United Nations Disarmament Commission. We are a Party to both Protocols to the Treaty of Tlatelolco, one of which provides a legally-binding negative security assurance. In recent years, the United States has worked toward extending legally binding negative security assurances by pursuing ratification of protocols to a number of other nuclear-weapon-free zone treaties. The United States has signed the Protocols to the African and South Pacific NWFZs, and the Obama Administration sent those Protocols to the U.S. Senate for its advice and consent. The nuclear-weapon States (or “P5”) and ASEAN have negotiated a revised Protocol to the Southeast Asia NWFZ (SEANWFZ) Treaty that resolved outstanding differences, and we hope that the Protocol signing can take place soon. The United States also remains committed to consulting with the Central Asia NWFZ (CANWFZ) Parties to reach an agreement that would allow the P5 to sign the Protocol to that treaty. A longer term goal is achievement of a Middle East zone free of all weapons of mass destruction. The United States supports the goal of a Middle East zone free of all weapons of mass destruction and remains committed to working actively with the facilitator, co-conveners and all states in the region, to create the conditions for a successful Helsinki Conference, an issue we will address further under Cluster II. Allow me to note that consistent with the UN Disarmament Commission guidelines, the mandate for any zone cannot be imposed from outside or without the consent of all concerned states. Mr. Chairman, in closing, we recognize that NPT States that forgo nuclear weapons and are in compliance with their nuclear nonproliferation obligations have a legitimate interest in not being subject to nuclear threats or attacks. The strengthened U.S. negative security assurance announced in the 2010 Nuclear Posture Review, together with our support of nuclear-weapon-free zones, demonstrates an enduring commitment on the part of the United States to providing such negative security assurances. At the same time, it underscores the security benefits of adhering to and fully complying with the NPT and affirming the responsibility we all share to strengthen the nuclear nonproliferation regime.

#### Limiting security assurances to those inside the NPT is key to incentivizing compliance on proliferation.

Jean du **Preez**, pub. date: 9-28-**06**, is Dir. of the International Organizations and Nonproliferation Program (IONP) Center for Nonproliferation Studies, Article VI Forum, “The Demise of Nuclear Negative Security Assurances,” accessed: 9-23-09, <http://cns.miis.edu/programs/ionp/pdfs/visions_of_fission.pdf>

Regardless of how legally NSAs are to be formulated, it is important to recognize that such assurances offered within the context of the NPT, as opposed to another forum, would provide a significant benefit to NPT parties and would serve as an incentive to those who remained outside the treaty, or those who may consider leaving the regime. As such, security assurances should be granted only to states that have forgone the nuclear weapons option and not to those who are still keeping their options open. They should therefore not be applicable to non-NPT parties who are aspiring to acquire or develop nuclear weapons in contravention of the treaty. Security assurances granted to NNWS inside the treaty will emphasize the basic principle that security is guaranteed by the nuclear nonproliferation regime and not by nuclear weapons. This would strengthen the regime and confirm the validity of the NPT and its indefinite extension.

#### Limiting security agreements to the NPT is key to deter them from leaving the NPT.

Alexei **Arbatov**, pub. date: November **2008**, Bio and Research with the Strategic Studies Institute, ICND, “NON-FIRST USE AS A WAY OF OUTLAWING NUCLEAR WEAPONS,” accessed: 9-23-09, <http://www.icnnd.org/research/Arbatov_NFU_Paper.pdf>

The USA, France and possibly Britain may want to retain a nuclear first strike option against rogue states which are keen on acquiring nuclear weapons and ballistic missiles (primarily Iran and North Korea). It is doubtful if a nuclear option is containing or encouraging nuclear programs of such nations. Anyway, if the NFU pledge is addressed by the P5 to non-nuclear NPT states, those of such states which would withdraw from the Treaty or tacitly violate it and be found to be non-compliant by the IAEA, will logically join the list of legitimate nuclear first strike target-states. This may serve as an additional deterrence for violation of or withdrawal from the NPT.

# China

### India

#### NFU is irrelevant—India will never use nukes against Pakistan or China—strategically ridiculous

Ahmed 10 (Should India give up its NFU Doctrine? Ali Ahmed Research Fellow, Institute for Defence Studies and Analyses NUCLEAR - ARTICLES #3170, 25 June 2010 The Institute of Peace and Conflict Studies (IPCS) http://www.ipcs.org/article/nuclear/should-india-give-up-its-nfu-doctrine-3170.html)

No First Use, simply stated, is that India would not be the first to introduce nuclear weapons into a conflict. Its nuclear resort would be ‘retaliation only’. The logic underlying this is has several dimensions – political, military and diplomatic. India is a reluctant nuclear weapon state. This is in keeping with India’s strategic culture. On its political necessity internally, NFU serves the purpose of placating that part of the political spectrum that finds nuclear weapons’ possession and use, horrendous. Externally, India needs the weapons to deter other states from threatening India or restricting its strategic autonomy. These weapons are thus seen as political weapons, not meant for war-fighting. This is made explicit by the NFU postulate. Militarily, India does not need to rely on nuclear weapons, either in the India-Pakistan or in the India-China conflict scenario. On both fronts, it is a status quo power and does not have an aggressive intent. It has adequate capability for conventional self-defence. On the Pakistan front, its conventional posture has acquired an offensive edge with ‘Cold Start’. While it has adequate conventional advantage over Pakistan to be able to operationalize the doctrine, it is making up for shortfalls in firepower etc. On the China front, it is moving towards ‘active deterrence’ from a ‘dissuasive deterrence’ posture, through the raising of formations and by creating infrastructure. There is little scope for nuclear use, since their introduction would neutralize India’s conventional advantage on the Pakistan front and be of little use in face of the asymmetry with China.

# 1NR

### 2NC Impact Calc

#### Escalation tensions are inevitable--- none of their impacts are unique--- only escalation control by the US solves

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Such escalatory strategies are rational. Losing a conventional war to the United States would be a disastrous outcome for any leader, and it would be worth taking great risks to force a cease-fire and avert total defeat. The fate of recent U.S. adversaries is revealing. The ex-dictator of Panama, Manuel Noriega, remains in a Miami prison. The former Bosnian Serb leader, Radovan Karadzic, awaits trial in The Hague, where Yugoslav President Slobodan Milosevic died in detention three years ago. Saddam Husseins punishment for losing the 2003 war was total: his government was toppled, his sons were killed, and he was hanged on a dimly lit gallows, surrounded by enemies. Even those leaders who have eluded the United States--such as the Somali warlord Muhammad Farah Aidid and Osama bin Laden--have done so despite intense U.S. efforts to capture or kill them. The United States' overseas conflicts are limited wars only from the U.S. perspective; to adversaries, they are existential. It should not be surprising if they use every weapon at their disposal to stave off total defeat. Coercive nuclear escalation may sound like a far-fetched strategy, but it was NATO'S policy during much of the Cold War. The Western allies felt that they were hopelessly outgunned in Europe at the conventional level by the Warsaw Pact. Even though NATO harbored little hope of prevailing in a nuclear war, it planned to initiate a series of escalating nuclear operations at the outbreak of war--alerts, tactical nuclear strikes, and wider nuclear attacks--to force the Soviets to accept a cease-fire. The United States' future adversaries face the same basic problem today: vast conventional military inferiority. They may adopt the same solution. Leaders in Beijing may choose gradual, coercive escalation if they face imminent military defeat in the Taiwan Strait--a loss that could weaken the Chinese Communist Party's grip on power. And if U.S. military forces were advancing toward Pyongyang, there is no reason to expect that North Korean leaders would keep their nuclear weapons on the sidelines. Layered on top of these challenges are two additional ones. First, U.S. conventional military doctrine is inherently escalatory. The new American way of war involves launching simultaneous air and ground attacks throughout the theater to blind, confuse, and overwhelm the enemy. Even if the United States decided to leave the adversary's leaders in power (stopping short of regime change so as to prevent the confrontation from escalating), how would Washington credibly convey the assurance that it was not seeking regime change once its adversary was blinded by attacks on its radar and communication systems and command bunkers? A central strategic puzzle of modern war is that the tactics best suited to dominating the conventional battlefield are the same ones most likely to trigger nuclear escalation. Furthermore, managing complex military operations to prevent escalation is always difficult. In 1991, in the lead-up to the Persian Gulf War, U.S. Secretary of State James Baker assured Iraq's foreign minister, Tariq Aziz, that the United States would leave Saddam's regime in power as long as Iraq did not use its chemical or biological weapons. But despite Baker's assurance, the U.S. military unleashed a major bombing campaign targeting Iraq's leaders, which on at least one occasion nearly killed Saddam. The political intent to control escalation was not reflected in the military operations, which nearly achieved a regime change. In future confrontations with nuclear-armed adversaries, the United States will undoubtedly want to prevent nuclear escalation. But the leaders of U.S. adversaries will face life-and-death incentives to use their nuclear arsenals to force a cease-fire and remain in power.

#### Primacy actually deters arms racing- ensures high barriers to entry

Kim **Holmes** is vice president of foreign- and defense-policy studies at the Heritage Foundation. August 7, **2009** Defense games and arms races: not what you think Heritage Foudation http://www.heritage.org/press/commentary/ed080709c.cfm

But Mr. Gates and Mr. Obama misunderstand the real-world dynamics of U.S. military superiority. America's military strength and determination to excel more often than not have discouraged aggression and - in cases like Libya - actually encouraged disarmament. Moreover, other countries don't always mirror our restraint. In fact, seeing the military gap closing can entice them to work harder to catch up, and this could happen faster than Mr. Gates imagines.¶ A recent nuclear arms race "game" conducted by my colleague, Baker Spring, shows how simplistic arms race ideas can be wrong.¶ Mr. Spring, a research fellow in national security policy at the Heritage Foundation, brought together experts to simulate real world reactions by nuclear powers to various crises and arms control proposals. In most cases, instead of responding in kind to U.S. unilateral acts of restraint, a majority of states, including Russia, maximized their nuclear forces to the extent their resources permitted. Three of the seven put their nuclear forces on alert in response to the U.S. "de-alerting" its forces. This so alarmed our allies, who feared we were backing off their defense, that they began taking defense measures on their own that escalated the crisis.¶ Even worse, when the U.S. tried to reassure other nuclear powers by making our nuclear command-and-control activities more transparent, four countries did the opposite, "shrouding" their plans and decisions.¶ Odd behavior? Not really: Some countries see nuclear weapons as instruments to achieve advantage over others. They aren't nuclear powers simply because we are, and their behavior is dictated not by fear of us, but rather by a desire to achieve some gain over an adversary. Saddam Hussein bluffed about his nuclear weapons program because he wanted to deter Iran, not us.¶ Unilateral restraint does not always produce the desired response from others. It can backfire and embolden other powers to take advantage of a perceived opening. When other nuclear powers think the U.S. is serious and capable of defense and retaliation, they are far more likely to behave responsibly and in a stabilizing fashion. America's nuclear superiority is not a provocation, as some think, but a deterrent to aggression.¶ The same is true with respect to America's conventional military superiority. In the real world, the wider the gap over potential adversaries, the less incentive they have to try to catch up. Our superiority is a form of deterrence; it deters enemies not only from challenging us on the battlefield, but from having much hope of ever catching up with the quality and quantity of our weapons systems. We saw this with the Soviet Union in light of President Reagan's defense spending boost.¶ Conversely, were the superiority gap to shrink and catching up appear to be more attainable, our adversaries would likely accelerate their weapons programs. Allowing our superiority to wane gives an incentive for others to build weapons - providing an impetus for an arms race.

#### Even if we cause a conflict with China- primacy is key to contain it

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The previous period of American nuclear primacy—the 1950s and early 1960s—illustrates some of the strategic implications of such preeminence. The United States was able to force the Soviet Union to concede during a series of crises over Berlin from 1958 to 1961. At the peak of the 1961 Berlin crisis, President Kennedy carefully explored launching a surprise nuclear attack to disarm Soviet forces. Soviet leaders, although unaware of these deliberations, knew that any escalation was a losing proposition for them, and they backed down. Also telling is the Cuban missile crisis of 1962. The U.S. strategic nuclear advantage helps explain why the Soviet Union sought to place missiles in Cuba in the first place: The Soviets had very few missiles that were capable of reaching American cities. But U.S. nuclear primacy—albeit eroding by 1962—also contributed to the Soviet decision to withdraw the missiles, because Khrushchev believed the United States was prepared to launch a major war, including massive nuclear strikes, against the Soviet Union.

### Nuclear Primacy UQ

#### Credible primacy now- insiders confirm

Lieber and Press 2013 [Keir A. Lieber¶ ¶ Associate Professor, Edmund A. Walsh School¶ ¶ of Foreign Service, Georgetown University¶ ¶ Daryl G. Press¶ ¶ Associate Professor of Government, Dartmouth College¶ ¶ Coordinator of War and Peace Studies at the John Sloan ¶ ¶ Dickey Center Spring 2013 Strategic Studies Quarterly “The New Era of Nuclear Weapons, Deterrence, and Conflict” http://www.au.af.mil/au/ssq/digital/pdf/spring\_13/lieber.pdf]

Some critics argue that the United States is not seeking strategic primacy. They reject any intent behind the emergence of US nuclear primacy and downplay the effort to neutralize adversary deterrent forces in ¶ US military strategy. Instead of the United States bolstering its counterforce capabilities, critics emphasize how it is minimizing the role of nuclear ¶ weapons in national security strategy—as only this is consistent with ¶ international arms control and nonproliferation efforts aimed at convincing other states to forego strategic weapons, reduce existing arsenals, ¶ or cancel modernization programs. The implication is that we have mistakenly imputed sinister motives to US defense programs and planning.¶ Disavowal of the US pursuit of strategic primacy comes most frequently from those who work inside or outside the government on arms ¶ control and nonproliferation policy. Yet, those who work on US regional ¶ war plans and counterproliferation policy typically see nothing controversial in our claim that the United States seeks the ability to neutralize ¶ adversary strategic weapons. In fact, this effort appears to be official US ¶ policy. As a simple Internet search shows, the US government does not ¶ hide the wide range of research and planning efforts underway that fall ¶ under the rubric of “defeat WMD” or “combatting WMD.” And the ¶ underlying logic behind those efforts is simple: deterrence may fail, especially during conventional wars, and therefore the United States needs ¶ the ability to defend US forces, allies, and the US homeland from enemy ¶ WMD using, depending on the circumstances, conventional strikes, ¶ missile defenses, special operations, offensive cyber attacks, and in extreme cases nuclear strikes. In short, “defeating WMD” and “seeking ¶ strategic primacy” are essentially synonymous: protecting oneself from ¶ others’ strategic weapons (which sounds reasonable) and neutralizing ¶ others’ strategic deterrent forces (which sounds more malicious) are ¶ simply two phrases describing the same behavior.

### A2: Conventional Primacy

#### Nuclear weapons are key- conventional weapons cannot solve

Lieber and Press 2013 [Keir A. Lieber¶ ¶ Associate Professor, Edmund A. Walsh School¶ ¶ of Foreign Service, Georgetown University¶ ¶ Daryl G. Press¶ ¶ Associate Professor of Government, Dartmouth College¶ ¶ Coordinator of War and Peace Studies at the John Sloan ¶ ¶ Dickey Center Spring 2013 Strategic Studies Quarterly “The New Era of Nuclear Weapons, Deterrence, and Conflict” http://www.au.af.mil/au/ssq/digital/pdf/spring\_13/lieber.pdf]

A second criticism is that retaining (or improving) specific US nuclear ¶ weapons for the counterforce mission is unnecessary. The idea is that ¶ modern delivery systems are now so accurate that even conventional ¶ weapons can reliably destroy hardened targets. The key, according to ¶ this argument, is simply knowing the location of the target: if you know ¶ where it is, you can kill it with conventional weapons; if you do not, ¶ even nuclear weapons will not help. The implication is that even though ¶ counterforce capabilities are crucial, nuclear weapons are not needed for ¶ this mission.¶ This criticism is wrong, because there is a substantial difference between ¶ the expected effectiveness of conventional strikes and the expected effectiveness of nuclear strikes against a range of plausible counterforce ¶ targets. Even the most powerful conventional weapons—for example, ¶ the GBU-57 “Massive Ordnance Penetrator”—have an explosive power ¶ comparable to “only” 3–5 tons of TNT. By comparison, the leastpowerful (according to open sources) nuclear weapon in the US arsenal ¶ explodes with the equivalent power of roughly 300 tons of TNT.¶ 10¶ The ¶ higher yield of nuclear weapons translates to greater destructive radius ¶ and higher likelihood of target destruction.¶ 11¶ Against ordinary targets, ¶ the accuracy and destructive power of conventional weapons is sufficient. Against nuclear targets—if success is defined by the ability to ¶ destroy every weapon targeted—the much greater destructive radius of ¶ nuclear weapons provides a critical margin of error. ¶ Furthermore, in real-world circumstances delivery systems may not ¶ achieve their usual levels of accuracy. Jammers that degrade the effectiveness of guidance systems and active defenses that impede aircraft crews or ¶ deflect incoming missiles can undermine accuracy. Even mundane things like bad weather can degrade wartime accuracy. Against hardened targets, conventional weapons must score a direct hit, whereas close is good ¶ enough when it comes to nuclear weapons. Lastly, many key counterforce targets are mobile. In those cases, nuclear weapons allow for greater ¶ “target location uncertainty” (when the target has moved since being observed) compared to their conventional counterparts.¶ 12¶ It is true that modern guidance systems have given conventional weapons ¶ far greater counterforce capabilities than ever before, but there is still a ¶ sizable gap between what nuclear and conventional weapons can accomplish.

### NFU Link Wall

#### First use is key to primacy

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Controversy has certainly surrounded the United States’ publicly articulated doctrine of pre-emption. As noted in the 2002 National Security Strategy, preemption (and the more expansive preventive war option) were needed in order to “adapt the concept of imminent threat to the capabilities and objectives of today’s adversaries”.4 But contrary to public perception, the NPR did not directly advocate a preemptive role for nuclear weapons, though it did contain clear messages on the need to defeat WMD capabilities.That being said, the draft Doctrine for Joint Nuclear Operations did place preemption squarely in US nuclear doctrine.This document may have been cancelled, but the United States has steadily increased its operational capability to undertake preemptive strikes. Crisis action planning and the Global Strike mission envision prompt, limited and tactical long-range nuclear strikes for the military purpose of destroying a target (as opposed to upholding deterrence); in other words, a capability that would be very useful for preemptive nuclear strikes.5 The temptation for limited preemptive nuclear strikes is rooted in the possibility of deterrence failure and the consequent requirement for damage limitation.The administration has chosen an evolutionary approach to its defence component of the New Triad, with initial ground-based interceptors deployed at Vandenberg Air Force Base in California and Fort Greely in Alaska, with two more potential interceptor sites in Poland and in either North Dakota or in Maine. Additional interceptors will be forward deployed on Aegis-class cruisers and ground-based theatre systems, and new capabilities added as soon as they become available.6 The logic of missile defence, however, has always been more robust when connected to first-strike preemptive capabilities. Missile defence would increase the utility of “offensive counterforce strikes while enhancing security from catastrophic results if an adversary launches a retaliatory strike while under attack.”7 The temptation to further limit any possible damage through preemptive counterforce strikes would be strong, especially given the still uncertain technological capability of any hit-to-kill interceptor

### Sufficient Weapons

#### Even though we have had cuts the trend has kept our strategic arsenal strong

Huessy 2013 [Peter Huessy is President of GeoStrategic Analysis of Potomac, Maryland , a defense and national security consulting firm February 13, 2013 “Nuclear Deterrence: The Search for Nuclear Stability or Nuclear Primacy?” http://www.familysecuritymatters.org/publications/detail/nuclear-deterrence-the-search-for-nuclear-stability-or-nuclear-primacy]

There is a grave danger in trying to support deterrence "on the cheap" or "casually". The 67 years of the nuclear age included one key trend--the number of US nuclear SNDVs went up as a percentage of our adversaries warheads as we moved toward lower levels of weapons starting with the INF (Intermediate Range Nuclear Forces) treaty and the START I treaty under Presidents Reagan and Bush.¶ This was continued under the Moscow Treaty, and under New Start that trend was held steady. If the new proposals now being discussed materialize, especially where a significant number of Minuteman missiles are eliminated, we will have begun to abandon the thirty plus year search for greater strategic stability. Under one proposed scenario, we will have cut in half the ratio of US platforms to Russian warheads. Put differently, for every US submarine, ICBM and bomber, the Russians would have seven strategic deployed warheads, compared to three today. Other proposals such as that put forward by Global Zero, are even worse, with 10 US targets compared to 950 Russian warheads, a 95 to 1 ratio.¶ In conclusion, in our pursuit of lower levels of nuclear weapons, we should not heighten instability to such an extent that we make the use of nuclear weapons more likely in a crisis, or because the strategic environment has become imbalanced, heighten the chances that reckless behavior on the part of a nuclear armed power becomes more rather than less likely.

#### Nuclear primacy is key to coercive leverage in conflicts to prevent them from escalating

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We ended our article with a call for new research on the utility of nuclear primacy.21 Lantis, however, believes that the answer is already clear. He asserts that U.S. nuclear primacy is worth very little because it yields almost no coercive leverage. Lantis lists several instances in which other countries refused to accede to U.S. preferences despite U.S. nuclear primacy. But his conclusion that primacy produces little benefit is premature.22 One reason to expect that nuclear primacy will yield coercive leverage in future crises—particularly those involving high stakes for the United States—is that the prior era of U.S. nuclear primacy gave Washington substantial bargaining leverage over the Soviet Union. For example, U.S. leaders, reassured by the favorable balance of power, forced Nikita Khrushchev to back down repeatedly during a series of crises over Berlin from 1958 to 1961. In 1962 the Soviets were successfully coerced again—this time to remove their missiles from Cuba in humiliating fashion. Indeed, Soviet accounts of the crisis suggest that it was their desire to escape from U.S. nuclear primacy—and the leverage it had given the United States—that drove them to send Soviet missiles to Cuba in the first place.23 The United States may gain coercive leverage from nuclear primacy in future crises as well. If the United States intervened militarily in a war between China and Taiwan, U.S. officials might privately caution Chinese leaders against alerting their strategic nuclear forces—warning that any steps to do so could trigger an immediate disarming strike. The purpose of such a threat would be to keep the Chinese nuclear arsenal out of the conflict, allowing the United States to defend Taiwan conventionally. A U.S. strategy [End Page 192] along these lines would entail great risks, similar in some ways to the risks accepted by the United States during the Cuban missile crisis. But in the future, if U.S. leaders feel that defending Taiwan is a key element in containing China, intervening in the war and issuing nuclear threats may seem as sensible as Kennedy's hard-line stance seemed to U.S. leaders in 1962. Finally, U.S. nuclear primacy may benefit the United States more directly. America's most likely future adversaries may have nuclear weapons.24 In a war between the United States and North Korea, for example, both Washington and Pyongyang might be tempted to issue coercive nuclear threats. In the context of ongoing conventional combat and nuclear threats, fleeting intelligence about the location of North Korean nuclear forces, or signs that North Korea was readying its nuclear forces, would compel the United States to consider launching a counterforce strike. Using nuclear weapons would greatly increase the odds of success.

### A2: Counterforce Causes Crises

#### Benefits to primacy outweigh the costs

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A second criticism of the argument for retaining and improving certain counterforce capabilities is that the cure could be worse than the disease. Counterforce capabilities may mitigate escalation during a conflict--for example, by dissuading adversaries from nuclear saber rattling, by reassuring allies that the United States can defend them, and, if necessary, by giving the United States the ability to pursue regime change if adversaries brandish or use nuclear weapons. But they may also exacerbate the problem of controlling escalation if an adversary feels so threatened that it adopts a hair-trigger nuclear doctrine. Specifically, the United States' ability to launch a disarming strike without killing millions of civilians might increase the escalatory pressures that already exist because of the nature of the U.S. military's standard wartime strategy. Conventional air strikes on radar systems, communication links, and leadership bunkers may look even more like the precursors of a preemptive disarming strike if adversaries know that the United States possesses a well-honed nuclear counter-force capability. This second criticism has merit. Nevertheless, the benefits of maintaining effective counterforce capabilities trump the costs. Strong counterforce capabilities should make adversaries expect that escalating a conventional war will lead to a disarming attack, not a cease-fire. Beyond deterrence, these capabilities will provide a more humane means of protecting allies who are threatened by nuclear attack and give U.S. leaders the ability to pursue regime change if an adversary acts in a truly egregious fashion. Moreover, some danger of escalation is unavoidable because the style of U.S. conventional operations will inevitably blind, rattle, and confuse U.S. adversaries. If the United States has powerful counterforce tools, these may dissuade its enemies from escalating in desperate times, and U.S. leaders would have a much more acceptable option if deterrence fails.

### Extended Deterrence Mod

#### Primacy is key to extended deterrence credibility

**Ross**, Douglas Alan professor of political science at Simon Fraser University “Nuclear weapons and American grand strategy” International Journal, Autumn **2008** http://findarticles.com/p/search/?qa=Ross,%20Douglas%20Alan&tag=content;col1

American nuclear hawks see such questions as Utopian. For them, only a grand strategy of primacy - built in part on strategic nuclear primacy - has any real hope of assuring US national security. The world is too unpredictable and violent, § Marked 08:11 § with § Marked 08:11 § access § Marked 08:12 § to WMD instruments steadily widening and collective security systems unreliable. But should future administrations persist in seeking a double primacy in both grand strategy and nuclear strategy, the US would effectively be telling the world community that the retention of nuclear weapons ought to continue indefinitely. The Bush administration argued that an enhanced, revitalized nuclear weapons manufacturing base is essential for maintaining deterrent credibility and to undertake deep cuts of fewer than 2000 operationally deployed warheads. Without a credible US nuclear umbrella, key US allies might also feel compelled to develop their own nuclear weapons capability. Extended deterrence must continue to be guaranteed to other vulnerable allies to constrain the spread of nuclear weapons. For the same reason, it is argued that a growing system of internationally networked ABM defences is essential to backstop such offensive nuclear strike capacity.

#### The impact is nuclear war – now is the key time.

Shuster, 2009 (Mike, award-winning diplomatic correspondent and roving foreign correspondent for NPR News, internally quotes Joshua Pollack, an expert on nuclear proliferation who writes for the Web site ArmsControlWonk, NPR, “Iran Prompts Debate Over Mideast Defense Umbrella” August 26)

"Nuclear extended deterrence, if it fails, could embroil the United States, or whoever else is providing this guarantee, in a nuclear war that they otherwise could have avoided," Pollack says. "These second-hand retaliatory threats that we're talking about may not be quite as credible as the retaliatory threats one would make on behalf of one's own country." In the case of the Middle East, greater reliance on an American defense guarantee may already be a problem, a result of the mess in Iraq. But it's now President Obama's problem, Krepon says. "It's up to the Obama administration now to shore up the credibility of that guarantee," he says.