# 1NC

## Exec CP

#### Text:

#### **Presidential self constraint produces huge cred and popularity.**

Druck ’12 NOTE¶ DRONING ON: THE WAR POWERS RESOLUTION¶ AND THE NUMBING EFFECT OF¶ TECHNOLOGY-DRIVEN WARFARE¶ Judah A. Druck’13 † B.A., Brandeis University, 2010; J.D. Candidate, Cornell Law School, 2013; Notes¶ Editor, Cornell Law Review, Volume 98. http://www.lawschool.cornell.edu/research/cornell-law-review/upload/Druck-final.pdf

Naturally, some have argued that an unchecked President is not¶ necessarily an issue at all. Specifically, in The Executive Unbound, Eric¶ Posner and Adrian Vermeule argue that the lack of presidential constraint¶ is actually a rational development: we want a President who can¶ act with alacrity, especially in a world where quick decisions may be¶ necessary (e.g., capturing a terrorist).153 But rather than worry about¶ this progression, Posner and Vermeule argue that sufficient political¶ restraints remain in place to prevent a president from acting recklessly,¶ making the inability of legal constraints (such as the WPR) to¶ curtail presidential action a moot point.154 Specifically, a mix of “elections,¶ parties, bureaucracy, and the media” acts as an adequate constraint¶ on presidential action, even absent any legal checks on the executive.155 Posner and Vermeule find that presidential credibility¶ and popularity create a deep incentive for presidents to constrain¶ their own power. This restraint does not arise from a sense of upholding¶ the Constitution or fear of political backlash, but from the public¶ itself.156 Because of these nonlegal constraints, the authors conclude¶ that the fear of an unconstrained President (one that has the potential¶ to go so far as tyranny) is unwarranted.157

#### Strong presidency is essential to avert nuclear annihilation

Paul 1998 (Joel- Professor at University of Connecticut School of Law, “The Geopolitical Constitution: Executive Expediency and Executive Agreements,” California Law Review, Jul)

Whatever the complexity of causes that led to the Cold War - ideology, economics, power politics, Stalin's personality, Soviet intrigue, or American ineptitude - the tension of the bipolar order seemed real, immutable, and threatening to the U.S. public. 135 The broad consensus of U.S. leadership held that the immediacy of the nuclear threat, the need for covert operations and intelligence gathering, and the complexity of U.S. relations with both democracies and dictatorships made it impractical to engage in congressional debate and oversight of foreign policy-making. 136 The eighteenth-century Constitution did not permit a rapidresponse to twentieth-century foreign aggression. The reality of transcontinental ballistic missiles collapsed the real time for decision-making to a matter of minutes. Faced with the apparent choice between the risk of nuclear annihilationor amending the constitutional process for policy-making, the preference for a powerful executive was clear. 137 Early in the Cold War one skeptic of executive power, C.C. Rossiter, acknowledged that [“]thesteady increase in executive power is unquestionably a cause for worry, but so, too, is the steady increase in the magnitude and complexity of the problems the president has been called uponby the American people to solve in their behalf. They still have more to fear from the ravages of depression, rebellion, and especially atomic war than they do from whatever decisive actionsmay issue from the White House in an attempt to put any such future crises to rout....It is not too much to say that the destiny of this nation in the Atomic Age will rest in the capacity of the Presidency as an institution of constitutional dictatorship.

## Debt Ceiling DA

#### Debt deal happening now but PC is key to prevent Republican hardline stance on spending cuts and a complicated battle

Kapur 9/9 Sahil Kapur, TPM's senior congressional reporter and Supreme Court correspondent, his articles covering politics and public policy have been published in The Huffington Post, The Guardian and The New Republic, “{Is House GOP Backing Down In Debt Limit Fight?”, Talking Points Memo, Seotember 9th, 2013, http://tpmdc.talkingpointsmemo.com/2013/09/house-gop-cantor-memo-debt-ceiling-cr-sequester-immigration.php?ref=fpb

House Republicans are taming members’ expectations ahead of the debt limit showdown, signaling that they may not be able to extract significant concessions from Democrats.¶ A Friday memo to GOP members by Majority Leader Eric Cantor (R-VA) says “the House will act to prevent a default on our obligations before” the mid-October deadline the Obama administration has established. “House Republicans,” he says, “will demand fiscal reforms and pro-growth policies which put us on a path to balance in ten years in exchange for another increase in the debt limit.”¶ The language is vague — intentionally so, in order to maintain wiggle room for Republicans to avert a disastrous debt default. President Barack Obama has vowed not to pay a ransom to ensure the U.S. can meet its obligations.¶ If and when they do cave, Republicans will be hard-pressed to show their base they got something in return for raising the debt ceiling. In January, they got Senate Democrats to agree to pass a non-binding budget resolution. This time around, the possibilities for symbolic concessions range from a doomed Senate vote to delay or defund Obamacare or instructions to initiate the process of tax reform.¶ There are a number of demands rank-and-file Republicans have urged leaders to make which could genuinely complicate the battle, such as dollar-for-dollar spending cuts or unwinding Obamacare. Cantor’s memo mentioned neither. GOP members have also called on leadership not to bring up any debt limit bill that lacks the support of half the conference. Boehner hasn’t committed to this and Cantor didn’t mention it in his memo.¶ There are several reasons Republicans will have a hard time extracting concessions. Back in January, when Obama held firm and refused to negotiate on the debt limit, Republicans folded and agreed to suspend the debt ceiling without substantial concessions but rather symbolic ones. And due to deep divisions within the conference, House Republicans will face enormous challenges in rounding up 218 votes to pass any conceivable debt limit hike.

#### PC key to quick debt ceiling resolution

JULIE PACE — AP White House Correspondent Syria debate on hold, Obama refocuses on agenda

Published: September 12, 2013 Updated 2 hours ago Read more here: http://www.myrtlebeachonline.com/2013/09/12/3704721/obama-seeks-to-focus-on-domestic.html#storylink=cpy

WASHINGTON — With a military strike against Syria on hold, President Barack Obama tried Thursday to reignite momentum for his second-term domestic agenda. But his progress could hinge on the strength of his standing on Capitol Hill after what even allies acknowledge were missteps in the latest foreign crisis. "It is still important to recognize that we have a lot of things left to do here in this government," Obama told his Cabinet, starting a sustained White House push to refocus the nation on matters at home as key benchmarks on the budget and health care rapidly approach. "The American people are still interested in making sure that our kids are getting the kind of education they deserve, that we are putting people back to work," Obama said. The White House plans to use next week's five-year anniversary of the 2008 financial collapse to warn Republicans that shutting down the government or failing to raise the debt limit could drag down the still-fragile economy. With Hispanic Heritage Month to begin Monday, Obama is also expected to press for a stalled immigration overhaul and urge minorities to sign up for health care exchanges beginning Oct. 1. Among the events planned for next week is a White House ceremony highlighting Americans working on immigrant and citizenship issues. Administration officials will also promote overhaul efforts at naturalization ceremonies across the country. On Sept. 21, Obama will speak at the Congressional Black Caucus Gala, where he'll trumpet what the administration says are benefits of the president's health care law for African-Americans and other minorities. Two major factors are driving Obama's push to get back on track with domestic issues after three weeks of Syria dominating the political debate. Polls show the economy, jobs and health care remain Americans' top concerns. And Obama has a limited window to make progress on those matters in a second term, when lame-duck status can quickly creep up on presidents, particularly if they start losing public support. Obama already is grappling with some of the lowest approval ratings of his presidency. A Pew Research Center/USA Today poll out this week put his approval at 44 percent. That's down from 55 percent at the end of 2012. Potential military intervention in Syria also is deeply unpopular with many Americans, with a Pew survey finding that 63 percent opposing the idea. And the president's publicly shifting positions on how to respond to a deadly chemical weapons attack in Syria also have confused many Americans and congressional lawmakers. "In times of crisis, the more clarity the better," said Sen. Lindsey Graham, R-S.C., a strong supporter of U.S. intervention in Syria. "This has been confusing. For those who are inclined to support the president, it's been pretty hard to nail down what the purpose of a military strike is." For a time, the Obama administration appeared to be barreling toward an imminent strike in retaliation for the Aug. 21 chemical weapons attack. But Obama made a sudden reversal and instead decided to seek congressional approval for military action. Even after administration officials briefed hundreds of lawmakers on classified intelligence, there appeared to be limited backing for a use-of-force resolution on Capitol Hill. Rather than face defeat, Obama asked lawmakers this week to postpone any votes while the U.S. explores the viability of a deal to secure Syria's chemical weapons stockpiles. That pause comes as a relief to Obama and many Democrats eager to return to issues more in line with the public's concerns. The most pressing matters are a Sept. 30 deadline to approve funding to keep the government open — the new fiscal year begins Oct. 1 — and the start of sign-ups for health care exchanges, a crucial element of the health care overhaul. On Wednesday, a revolt by tea party conservatives forced House Republican leaders to delay a vote on a temporary spending bill written to head off a government shutdown. Several dozen staunch conservatives are seeking to couple the spending bill with a provision to derail implementation of the health care law. The White House also may face a fight with Republicans over raising the nation's debt ceiling this fall. While Obama has insisted he won't negotiate over the debt limit, House Speaker John Boehner on Thursday said the GOP will insist on curbing spending. "You can't talk about increasing the debt limit unless you're willing to make changes and reforms that begin to solve the spending problem that Washington has," the Ohio Republican said.

#### Boehner and Dems fight over the plan empirically proven- Kucinich Resolution proves

Hendrickson ’13 Ryan C. Hendrickson is professor of Political Science at Eastern Illinois University. 03 Apr 2013. Global Change, Peace & Security:¶ formerly Pacifica Review: Peace,¶ Security & Global Change http://www.tandfonline.com/doi/pdf/10.1080/14781158.2013.765397

In the House of Representatives, from the onset of the operation, Boehner made few efforts to¶ insert the House into a debate over the constitutionality of Obama’s military conduct. While¶ Boehner expressed concern over the operation by calling for more operational and strategic¶ details of the mission, he did not raise qualms over the constitutionality of Obama’s action.¶ Over a month into the strikes, the House leadership remained unwilling to permit the House¶ floor to openly debate the merits or constitutionality of the operation, which continued into¶ late May 2011.40 With the 60-day War Powers Resolution timeline having passed with limited¶ concern expressed from House leaders, and with pressure building for Congressman Dennis Kucinich’s¶ (D-OH) efforts to cut funding for the operation, Boehner personally injected himself into¶ the House debate. In contrast to Kucinich’s resolution, Boehner offered his own resolution on¶ Libya, which was critical of the president, but still avoided any constitutional responsibility for¶ the operation. His resolution chastised the president for not having more dialogue with Congress,¶ and called for additional information to be provided to Congress within 14 days regarding the cost¶ and objectives of the operation. In doing so, Boehner was able to dampen the enthusiasm for¶ Kucinich’s resolution, and, in this sense, the speaker successfully co-opted Kucinich’s more¶ assertive resolution.41

#### Even if a deal is eventually reached to prevent hitting the ceiling a protracted fight is economic sabotage – collapse growth, markets and confidence.

Dave Johnson, Campaign for America's Future | Op-Ed Fresh Hell When Congress Returns

September 4 2013 11:25

<http://truth-out.org/opinion/item/18597-fresh-hell-when-congress-returns>

There are two different levels of economic damage from a debt-ceiling fight. First there is the cost of the fight itself, as the world worries over whether Republicans would actually pull the trigger. The fact that they would talk about this at all causes considerable damage to growth and confidence.¶ But the other level of damage – far more serious – comes if they actually do it. If the U.S. defaulted, the consequences to the country’s and world’s economic system are literally unimaginable.¶ In January, The Washington Post looked at reports of the economic damage caused by the last debt-ceiling fight – the one that led to the economic damage of the “sequester.” The Post report summarized:¶ The protracted, unsettling nature of the negotiations between the White House and Republicans dramatically slowed the recovery, economists conclude, looking back at the episode. Consumer confidence collapsed, reaching its worst level since the depths of the financial crisis. Hiring stalled, with the private sector creating jobs at its slowest pace since the economy exited the recession. The stock market plunged, sending the Standard & Poor’s 500-stock index down more than 10 percent.¶ In the last debt-ceiling hostage battle, the government spent an extra $1.3 billion to borrow because of lender uncertainty over whether they would be paid back, according to the Government Accounting Office (GAO). Following the battle the Standard & Poor’s credit agency “downgraded” the U.S. credit rating, saying that any country that would even discuss default does not deserve the top rating.¶ On top of that, the 10-year cost of higher interest rates from that fight is $18.9 billion. The unemployment rate increased as job growth was cut in half by the fight. Consumer confidence plunged “more than it did following the collapse of Lehman Brothers Holdings Inc. in 2008.”¶ The consequences of actually letting the country default would begin with a panic in the stock market. And there would likely be a “run” on money markets, because the safety of the U.S. dollar is the foundation of the entire financial system.¶ Next, many of the things the U.S. government must pay for would not be paid for. Because raising the debt ceiling is about allowing the government to get the money to pay for the things Congress has already spent money on, existing invoices would not be paid. So the government would default on paying for contracts, hospitals and doctors who had already performed services, fuel purchases, everything right up to payments to Social Security recipients and people trying to redeem their government bonds. The government would have to prioritize who to pay based on what is coming in from tax receipts, fees and market transactions, which would all drop dramatically as the world’s economy exploded. In any event, the government doesn’t have the computer systems in place to prioritize payments, and wouldn’t have the time or funds to get those running.¶ There would be a dramatic rise in interest rates for borrowing. The United States would no longer be a “safe” borrower, so the price of loans – the interest rate – would go up. That would ripple out to the price of a loan to a business, a mortgage, a car loan and everything else that Americans finance.¶ No matter how fast a default of the country was resolved, the shock to the confidence of the entire economic system would not go away. If the United States was no longer a “safe haven,” then a restructuring of the world’s core understanding of debt and repayment would follow.¶ With the effect of the last fight now understood, any new fight has to be seen for what it is: “economic sabotage.”

#### Global economic crisis causes nuclear war

Cesare Merlini 11, nonresident senior fellow at the Center on the United States and Europe and chairman of the Board of Trustees of the Italian Institute for International Affairs, May 2011, “A Post-Secular World?”, Survival, Vol. 53, No. 2

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

## K

#### Linear models of legal reasoning are inadequate to explain Presidential use of war powers. Reveals the flaws in scholarship.

Ghoshray ’09 False Consciousness and Presidential War Power:¶ Examining the Shadowy Bends of Constitutional¶ Curvature¶ Saby Ghoshray <http://digitalcommons.law.scu.edu/cgi/viewcontent.cgi?article=1095&context=lawreview&sei-redir=1&referer=http%3A%2F%2Fwww.google.com%2Furl%3Fsa%3Dt%26rct%3Dj%26q%3Dendless%2520war%2520%2522president%2520war%2520power%2522%26source%3Dweb%26cd%3D13%26ved%3D0CDgQFjACOAo%26url%3Dhttp%253A%252F%252Fdigitalcommons.law.scu.edu%252Fcgi%252Fviewcontent.cgi%253Farticle%253D1095%2526context%253Dlawreview%26ei%3DPBsZUvyLG6fM2gWCnYCoDA%26usg%3DAFQjCNE1ZRdeSVcqm5SBo1ohUzI5gyllTw%26sig2%3Dp1uFJluQGXSLSmQAMaSTaw#search=%22endless%20war%20president%20war%20power%22> 2009 Dr. Saby Ghoshray specializes in Supreme Court Jurisprudence, International¶ Law, Comparative Constitutionalism, Capital Jurisprudence, and Cyberspace¶ Law, among others. His work has appeared in Albany Law Review, ILSA¶ Journal of International and Comparative Law, European Law Journal ERAForum,¶ Toledo Law Review, Temple Political & Civil Rights Law Review,¶ Catholic Law Journal, Georgetown International Law Review, Fordham Law¶ Journal, Santa Clara Law Review, and Loyola Law Journal, among others.

How does this false consciousness influence congressional¶ inertia or legislative indifference? This question is important¶ because this false consciousness influence eventually would¶ permeate into the constitutional space where the implied¶ authority of the President becomes significant. I intend to¶ address this very question by analyzing three important¶ threads. The first, examines how false consciousness accentuates presidential authority by broadening the scope of¶ presidential power. The second examines how the existing¶ linear space of legal reasoning is inadequate to explain the¶ phenomena of presidential usurpation of absolute war power.¶ The third examines how the concept of implied power must be¶ seen through a separate framework than that discussed in¶ the existing scholarship.66

#### **Creates a perpetual drive for “American peace”- skews the complexity of truth, injects illusionary realities into the false consciousness.**

Ghoshray ’09 False Consciousness and Presidential War Power:¶ Examining the Shadowy Bends of Constitutional¶ Curvature¶ Saby Ghoshray <http://digitalcommons.law.scu.edu/cgi/viewcontent.cgi?article=1095&context=lawreview&sei-redir=1&referer=http%3A%2F%2Fwww.google.com%2Furl%3Fsa%3Dt%26rct%3Dj%26q%3Dendless%2520war%2520%2522president%2520war%2520power%2522%26source%3Dweb%26cd%3D13%26ved%3D0CDgQFjACOAo%26url%3Dhttp%253A%252F%252Fdigitalcommons.law.scu.edu%252Fcgi%252Fviewcontent.cgi%253Farticle%253D1095%2526context%253Dlawreview%26ei%3DPBsZUvyLG6fM2gWCnYCoDA%26usg%3DAFQjCNE1ZRdeSVcqm5SBo1ohUzI5gyllTw%26sig2%3Dp1uFJluQGXSLSmQAMaSTaw#search=%22endless%20war%20president%20war%20power%22> 2009 Dr. Saby Ghoshray specializes in Supreme Court Jurisprudence, International¶ Law, Comparative Constitutionalism, Capital Jurisprudence, and Cyberspace¶ Law, among others. His work has appeared in Albany Law Review, ILSA¶ Journal of International and Comparative Law, European Law Journal ERAForum,¶ Toledo Law Review, Temple Political & Civil Rights Law Review,¶ Catholic Law Journal, Georgetown International Law Review, Fordham Law¶ Journal, Santa Clara Law Review, and Loyola Law Journal, among others.

Therefore, the perpetual drive for American peace is only¶ one or two assassinations away. But would Congress give the¶ President such power to order the murder of a Head of¶ State?75 Odds are no. So, what is the solution, when the¶ national consciousness is enveloped with debilitating fear of¶ destruction by evil forces? Can then, the President unleash¶ the dogs of war? 6 Is he justified to bomb cities into oblivion in pursuit of one evil leader?77 Can he obliterate civilizations¶ back to their prehistoric states78 and then force-feed them¶ another illusionary reality of democracy, liberty, and¶ freedom?79¶ Let us consider this further. Is it just a matter of¶ selecting the right personification of evil and bombing the¶ right city? Is it likened to the forces of light and good¶ expunging from the earth the forces of darkness and¶ bad?8 °The truth is however, much more complex. By¶ designating a country as an "Axis of Evil""' or "Evil Empire" 2¶ the process of injecting illusionary realities, combined with¶ the phenomena of false consciousness, begin to take shape by¶ embracing the concept of evil.¶ How did embracing the concept of evil become so easy? What are the factors that create a fertile ground for the¶ concept of evil to impregnate the collective consciousness of¶ the masses? There are two distinct threads that run parallel¶ in the development of U.S. foreign policy. First, there is the¶ sense of vulnerability and the second is the issue of¶ isolationism.

#### Kills VTL

Ghoshray ’09 False Consciousness and Presidential War Power:¶ Examining the Shadowy Bends of Constitutional¶ Curvature¶ Saby Ghoshray <http://digitalcommons.law.scu.edu/cgi/viewcontent.cgi?article=1095&context=lawreview&sei-redir=1&referer=http%3A%2F%2Fwww.google.com%2Furl%3Fsa%3Dt%26rct%3Dj%26q%3Dendless%2520war%2520%2522president%2520war%2520power%2522%26source%3Dweb%26cd%3D13%26ved%3D0CDgQFjACOAo%26url%3Dhttp%253A%252F%252Fdigitalcommons.law.scu.edu%252Fcgi%252Fviewcontent.cgi%253Farticle%253D1095%2526context%253Dlawreview%26ei%3DPBsZUvyLG6fM2gWCnYCoDA%26usg%3DAFQjCNE1ZRdeSVcqm5SBo1ohUzI5gyllTw%26sig2%3Dp1uFJluQGXSLSmQAMaSTaw#search=%22endless%20war%20president%20war%20power%22> 2009 Dr. Saby Ghoshray specializes in Supreme Court Jurisprudence, International¶ Law, Comparative Constitutionalism, Capital Jurisprudence, and Cyberspace¶ Law, among others. His work has appeared in Albany Law Review, ILSA¶ Journal of International and Comparative Law, European Law Journal ERAForum,¶ Toledo Law Review, Temple Political & Civil Rights Law Review,¶ Catholic Law Journal, Georgetown International Law Review, Fordham Law¶ Journal, Santa Clara Law Review, and Loyola Law Journal, among others.

In this construct, an individual regresses from the freespirited¶ human to a machine-like worker. Her environment¶ in which she operates becomes identified with the need for¶ production and the free thought process is suppressed by the¶ newly imposed false consciousness. Therefore, false¶ consciousness is a version of the collective consciousness¶ borne out of externally imposed or artificially created realities¶ designed by the controlling system. This false consciousness¶ is injected into the subjective core of the individual such that¶ these needs become true needs into the consciousness of the¶ said individual. When the individual is stripped of inherent¶ internal history and the society is reasonably symmetric, this¶ injection process becomes much more efficient, effective, and¶ relatively everlasting. The efficacy of this process lies in the¶ fact that these false needs overcome the resistance from¶ inherent individual tendencies of self-gratification and selfdetermination,¶ and thereby are able to bypass the more¶ subjective human essence.

#### The alternative is to reject linear methods of applying Presidential power and allow the curvature of the constitutional space to adjust to our socio environmental demands on the Commander and Chief.

#### Engaging in a curved model of legal reasoning allows laws to adjust as a part of the changing societal structure- breaks down information barriers.

Ghoshray ’09 False Consciousness and Presidential War Power:¶ Examining the Shadowy Bends of Constitutional¶ Curvature¶ Saby Ghoshray <http://digitalcommons.law.scu.edu/cgi/viewcontent.cgi?article=1095&context=lawreview&sei-redir=1&referer=http%3A%2F%2Fwww.google.com%2Furl%3Fsa%3Dt%26rct%3Dj%26q%3Dendless%2520war%2520%2522president%2520war%2520power%2522%26source%3Dweb%26cd%3D13%26ved%3D0CDgQFjACOAo%26url%3Dhttp%253A%252F%252Fdigitalcommons.law.scu.edu%252Fcgi%252Fviewcontent.cgi%253Farticle%253D1095%2526context%253Dlawreview%26ei%3DPBsZUvyLG6fM2gWCnYCoDA%26usg%3DAFQjCNE1ZRdeSVcqm5SBo1ohUzI5gyllTw%26sig2%3Dp1uFJluQGXSLSmQAMaSTaw#search=%22endless%20war%20president%20war%20power%22> 2009 Dr. Saby Ghoshray specializes in Supreme Court Jurisprudence, International¶ Law, Comparative Constitutionalism, Capital Jurisprudence, and Cyberspace¶ Law, among others. His work has appeared in Albany Law Review, ILSA¶ Journal of International and Comparative Law, European Law Journal ERAForum,¶ Toledo Law Review, Temple Political & Civil Rights Law Review,¶ Catholic Law Journal, Georgetown International Law Review, Fordham Law¶ Journal, Santa Clara Law Review, and Loyola Law Journal, among others.

These two scenarios reveal situations in which the¶ needed information remains occluded from view. It appears¶ there is an information barrier preventing it from coming¶ within the purview of legal reasoning. This is because the¶ existing legal paradigm did not consider the information¶ relevant for determination purposes, which would have required the legal reasoning process to engage laws with the¶ actual environment. Similarly, in the parallel invocation in¶ the physical universe, Newtonian conception of space could¶ occlude objects that do not fall along the straight path¶ between two objects." 5 On the contrary, in the curved space¶ of Einsteinian framework, the objects could traverse the¶ space along the curvature. 116 As a result, any object,¶ anywhere along the path between two other objects, can be¶ both connected and viewed from any vantage point. In¶ addition, as the objects operate within a space-time¶ continuum, 17 in which both the space and time move relative¶ to each other, the exact location of each object can be¶ determined in relation to any other object. Similarly, in the¶ legal paradigm of curved constitutional space, laws become¶ part of the changing societal structure and as such, are better¶ equipped to deal with uncertainties of changing socio-legal¶ environment.

# 2NC

### Overview

#### Turns the aff- presidents will always justify their power to declare war and intervene we just need legitimacy to avoid backlash- that was their answer in the cx of the 1ac. This means that without complete reimagination of the legal process and implied powers of the President failed actions and wars such as Iraq, and Veitnam.

Also kills value to life- alternative retains VTL and still operates in a utilitarian FW. Aff creates a worker that is lifeless and In this construct, an individual regresses from the freespirited¶ human to a machine-like worker. Her environment¶ in which she operates becomes identified with the need for¶ production and the free thought process is suppressed by the¶ newly imposed false consciousness. Therefore, false¶ consciousness is a version of the collective consciousness¶ borne out of externally imposed or artificially created realities¶ designed by the controlling system. T

### ROB

#### **The judge is an intellectual scholar and decision maker- the role of the ballot should advocate for whichever teams method and model of presidential decision calculus has the best scholarship.**

### Scholarship K Trick 2NC

#### Conceded the Scholarship Rep Portion of the debate. That's 1NC #1 Ghoshray Evidence that indicates-> their method of linear constructs of Presidential Power cannot conceive of other options for war powers. That means it produces distorted literature now, engaging in this debate.

#### Two impacts to this argument

#### First-it impact turns all of their education claims because any literature they introduced will always be distorted and inaccurate.

#### Second-The aff is an example of flawed conclusions based off of skewed literature- that sends the lambs to slaughter

Ghoshray ’09 False Consciousness and Presidential War Power:¶ Examining the Shadowy Bends of Constitutional¶ Curvature¶ Saby Ghoshray <http://digitalcommons.law.scu.edu/cgi/viewcontent.cgi?article=1095&context=lawreview&sei-redir=1&referer=http%3A%2F%2Fwww.google.com%2Furl%3Fsa%3Dt%26rct%3Dj%26q%3Dendless%2520war%2520%2522president%2520war%2520power%2522%26source%3Dweb%26cd%3D13%26ved%3D0CDgQFjACOAo%26url%3Dhttp%253A%252F%252Fdigitalcommons.law.scu.edu%252Fcgi%252Fviewcontent.cgi%253Farticle%253D1095%2526context%253Dlawreview%26ei%3DPBsZUvyLG6fM2gWCnYCoDA%26usg%3DAFQjCNE1ZRdeSVcqm5SBo1ohUzI5gyllTw%26sig2%3Dp1uFJluQGXSLSmQAMaSTaw#search=%22endless%20war%20president%20war%20power%22> 2009 Dr. Saby Ghoshray specializes in Supreme Court Jurisprudence, International¶ Law, Comparative Constitutionalism, Capital Jurisprudence, and Cyberspace¶ Law, among others. His work has appeared in Albany Law Review, ILSA¶ Journal of International and Comparative Law, European Law Journal ERAForum,¶ Toledo Law Review, Temple Political & Civil Rights Law Review,¶ Catholic Law Journal, Georgetown International Law Review, Fordham Law¶ Journal, Santa Clara Law Review, and Loyola Law Journal, among others.

False consciousness is shaped by subjective rationality¶ within an environment controlled by mass symmetry and¶ manipulation of history. The monolithic tendency of an¶ individual within a symmetric social order mimics that of the¶ march of lambs to the slaughterhouse. Robot-like, their¶ collective needs to proceed forward are driven by an¶ artificially created rationality. Individuals under the¶ influence of a dominating power, whose societal needs have¶ been carefully designed and sublimated into its deeper¶ consciousness, suffer from the effects of bounded rationality.¶ In this existence, the individual rationalizes not only her¶ false needs, but also her requirement of symmetry within the¶ environment, in such a way that rationality cannot extend¶ the artificial barrier imposed upon her current consciousness.¶ This distorted rationality is therefore a vital ingredient in¶ perpetuating the de-humanization process that today's unliberated¶ individual experiences. If conforming to symmetry¶ and restricting oneself to bounded rationality59 lie at the core of developing false consciousness, then domination and¶ repression can be identified as the other two inter-related¶ phenomena that need a twenty-first century reinterpretation.¶ A substantive discussion is beyond the scope of our present¶ discourse but can be accessed from my work elsewhere

### Complexity Of Truth Trick 2NC

#### No on Point answer to the 1NC #2 Gohshray evidence the aff creates the strive for American Peace skewing the complexity of truth. This injects illusionary realities into the false conscious.

#### There were two links to this read in the 1NC Gohshray mentions vulnerability and isolationism- we are only going for the vulnerability link. And even though it was conceded out of the 2ac here’s another piece of evidence.

#### **Elites are always on the quest for invulnerability to justify their interventions and actions against the “evil” of the world.**

Ghoshray ’09 False Consciousness and Presidential War Power:¶ Examining the Shadowy Bends of Constitutional¶ Curvature¶ Saby Ghoshray <http://digitalcommons.law.scu.edu/cgi/viewcontent.cgi?article=1095&context=lawreview&sei-redir=1&referer=http%3A%2F%2Fwww.google.com%2Furl%3Fsa%3Dt%26rct%3Dj%26q%3Dendless%2520war%2520%2522president%2520war%2520power%2522%26source%3Dweb%26cd%3D13%26ved%3D0CDgQFjACOAo%26url%3Dhttp%253A%252F%252Fdigitalcommons.law.scu.edu%252Fcgi%252Fviewcontent.cgi%253Farticle%253D1095%2526context%253Dlawreview%26ei%3DPBsZUvyLG6fM2gWCnYCoDA%26usg%3DAFQjCNE1ZRdeSVcqm5SBo1ohUzI5gyllTw%26sig2%3Dp1uFJluQGXSLSmQAMaSTaw#search=%22endless%20war%20president%20war%20power%22> 2009 Dr. Saby Ghoshray specializes in Supreme Court Jurisprudence, International¶ Law, Comparative Constitutionalism, Capital Jurisprudence, and Cyberspace¶ Law, among others. His work has appeared in Albany Law Review, ILSA¶ Journal of International and Comparative Law, European Law Journal ERAForum,¶ Toledo Law Review, Temple Political & Civil Rights Law Review,¶ Catholic Law Journal, Georgetown International Law Review, Fordham Law¶ Journal, Santa Clara Law Review, and Loyola Law Journal, among others.

The problem of vulnerability has provoked a mad quest¶ for invulnerability. This quest for invulnerability periodically¶ resurfaces under diverging scenarios during various regimes.86 Recent past reminds us of the compelling¶ argument for a missile defense shield during Reagan's "Star¶ Wars" days, which is akin to the more recent proposals for a¶ National Missile Defense from Bush.87 This quest for¶ invulnerability has been one of the driving forces to¶ continually develop the concept of evil and has prompted the¶ imperial President to embark on a scorched earth policy of¶ universal declaration of war against terrorism.

#### **And the impact.**

#### **Portrayal of evil in the name of intervention- justifies never ending war.**

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Perpetuation of the fuzzy concept of evil has been a¶ necessary ingredient of American foreign policy. The¶ framework supporting the concept of evil may be unstable on¶ the surface, but it is incumbent upon us to understand the¶ genesis of the theory of evil within the context of the Iraq¶ War. While it is difficult to develop a prima facie connection¶ between the genesis of evil with the development of false¶ consciousness, they can indeed be interrelated. By analyzing¶ the preconditions that brought the war in Iraq, it is easier to¶ see how the theory of evil relates to false consciousness. The¶ concept of evil has long been a staple for politicians and U.S.¶ Administration. One need not look far to find the supporting¶ evidence. During the cold war, the former Soviet Union used¶ to be chastised as the evil.69 Saddam Hussein used to be¶ compared with Hitler during the Gulf War and was¶ demonized up until his hanging.7" During the Clinton Presidency, the bombing of Serbia necessitated the creation of¶ a new face of evil 7' in the form of Slobodan Milosevic. The¶ recent focus on Osama Bin Laden is his incarnation as the¶ manifestation of evil. This focus however, almost never¶ divulges the forgotten part of history that Osama Bin Laden¶ fought with U.S. troops to drive out the evil Soviet Empire¶ from Afghanistan. This is the concept of evil that has craftily¶ been injected into the collective consciousness of the nation.

### Politics Link Trick 2NC

#### Cross apply the link turn evidence they read in the 2ac this will be a link to another reps argument- the aff is just an example of elites trying to eliminate dissent with their authority by giving people something they want to be “popular”- allows for the controlling elites to justify atrocities because they have manipulated the conscious.

Ghoshray ’09 False Consciousness and Presidential War Power:¶ Examining the Shadowy Bends of Constitutional¶ Curvature¶ Saby Ghoshray <http://digitalcommons.law.scu.edu/cgi/viewcontent.cgi?article=1095&context=lawreview&sei-redir=1&referer=http%3A%2F%2Fwww.google.com%2Furl%3Fsa%3Dt%26rct%3Dj%26q%3Dendless%2520war%2520%2522president%2520war%2520power%2522%26source%3Dweb%26cd%3D13%26ved%3D0CDgQFjACOAo%26url%3Dhttp%253A%252F%252Fdigitalcommons.law.scu.edu%252Fcgi%252Fviewcontent.cgi%253Farticle%253D1095%2526context%253Dlawreview%26ei%3DPBsZUvyLG6fM2gWCnYCoDA%26usg%3DAFQjCNE1ZRdeSVcqm5SBo1ohUzI5gyllTw%26sig2%3Dp1uFJluQGXSLSmQAMaSTaw#search=%22endless%20war%20president%20war%20power%22> 2009 Dr. Saby Ghoshray specializes in Supreme Court Jurisprudence, International¶ Law, Comparative Constitutionalism, Capital Jurisprudence, and Cyberspace¶ Law, among others. His work has appeared in Albany Law Review, ILSA¶ Journal of International and Comparative Law, European Law Journal ERAForum,¶ Toledo Law Review, Temple Political & Civil Rights Law Review,¶ Catholic Law Journal, Georgetown International Law Review, Fordham Law¶ Journal, Santa Clara Law Review, and Loyola Law Journal, among others.

The difficulty arises when the controlling power of the¶ presidency eliminates dissent by using consumerism as¶ leverage and creates a false consciousness out of illusionary¶ realities. In the case of Iraq, this leverage was created by¶ inflating the concept of liberty, along with constant¶ bombardment of the illusionary realities of the impending¶ mass destruction at the hands of Iraq. Since false¶ consciousness cannot distinguish between true reality and¶ illusionary reality, it creates a fertile ground on which a¶ manipulative executive can build his case for an imminent¶ danger doctrine. The debilitating fear that gripped America¶ after 9/11, allowed the government to inject an illusionary¶ ambience of vulnerability, which paved the way for virtual¶ abrogation of civil liberties in various fronts.

#### **The aff uses skewed public perception to overcome unpopularity.**

Ghoshray ’09 False Consciousness and Presidential War Power:¶ Examining the Shadowy Bends of Constitutional¶ Curvature¶ Saby Ghoshray <http://digitalcommons.law.scu.edu/cgi/viewcontent.cgi?article=1095&context=lawreview&sei-redir=1&referer=http%3A%2F%2Fwww.google.com%2Furl%3Fsa%3Dt%26rct%3Dj%26q%3Dendless%2520war%2520%2522president%2520war%2520power%2522%26source%3Dweb%26cd%3D13%26ved%3D0CDgQFjACOAo%26url%3Dhttp%253A%252F%252Fdigitalcommons.law.scu.edu%252Fcgi%252Fviewcontent.cgi%253Farticle%253D1095%2526context%253Dlawreview%26ei%3DPBsZUvyLG6fM2gWCnYCoDA%26usg%3DAFQjCNE1ZRdeSVcqm5SBo1ohUzI5gyllTw%26sig2%3Dp1uFJluQGXSLSmQAMaSTaw#search=%22endless%20war%20president%20war%20power%22> 2009 Dr. Saby Ghoshray specializes in Supreme Court Jurisprudence, International¶ Law, Comparative Constitutionalism, Capital Jurisprudence, and Cyberspace¶ Law, among others. His work has appeared in Albany Law Review, ILSA¶ Journal of International and Comparative Law, European Law Journal ERAForum,¶ Toledo Law Review, Temple Political & Civil Rights Law Review,¶ Catholic Law Journal, Georgetown International Law Review, Fordham Law¶ Journal, Santa Clara Law Review, and Loyola Law Journal, among others.

The framework defined by isolationism, the quest for¶ invulnerability and the resulting false consciousness creates¶ an interesting prism to recognize how the governmental¶ machinery is able to forge a unique relationship with its¶ citizens. Because, even in a democratic system like the U.S.,¶ it will not be prudent to assume that the U.S. government's¶ actions are simply the expression of the will of the people. So,¶ what does the government do when there is a perceptible gap¶ between public opinion and government policy? The¶ government engages in extensive public relations exercise to¶ close this gap. This public relations campaign was brilliantly¶ executed during the months leading to the invasion of Iraq. 1¶ We witnessed the government exaggerate the emphasis on¶ vulnerability in order to get backing from the American¶ people for a War it knew was both suspect and unpopular in¶ some quarters.

#### The aff co opts conscious thought- creating a shroud of fear that allows the populace and congress to be complacent

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The collateral consequences of the Iraq War and the¶ questionable rationale provided by the President to justify the¶ War have reinvigorated the constitutionality of supporting a unitary executive. 2 As a result, a slew of significant¶ questions have arisen. Can the Constitution put limits on a¶ unitary executive whose unbridled hubris can impose¶ calamitous war upon its citizens? 3 Is the constitutionally¶ mandated process of congressional oversight still the most¶ efficient bulwark against preventing presidential excesses on¶ war making?14 What are the remedies when the overwhelming power of the governmental machinery works¶ feverishly to shape the collective consciousness of the nation¶ by injecting debilitating fear in the minds of its citizens? 15¶ The President's shrewd manipulation of the Constitution's¶ affirmative grant under wartime exigency, and Congress'¶ refusal to provide legislative enactment as a formalized¶ process of declaring war, has created an extremely relevant¶ backdrop to ponder over these questions.

### Link Wall

#### **The affs removal of a certain type of presidential war power is insufficient- complete rejection is key- fluidity of power**

Ghoshray ’09 False Consciousness and Presidential War Power:¶ Examining the Shadowy Bends of Constitutional¶ Curvature¶ Saby Ghoshray <http://digitalcommons.law.scu.edu/cgi/viewcontent.cgi?article=1095&context=lawreview&sei-redir=1&referer=http%3A%2F%2Fwww.google.com%2Furl%3Fsa%3Dt%26rct%3Dj%26q%3Dendless%2520war%2520%2522president%2520war%2520power%2522%26source%3Dweb%26cd%3D13%26ved%3D0CDgQFjACOAo%26url%3Dhttp%253A%252F%252Fdigitalcommons.law.scu.edu%252Fcgi%252Fviewcontent.cgi%253Farticle%253D1095%2526context%253Dlawreview%26ei%3DPBsZUvyLG6fM2gWCnYCoDA%26usg%3DAFQjCNE1ZRdeSVcqm5SBo1ohUzI5gyllTw%26sig2%3Dp1uFJluQGXSLSmQAMaSTaw#search=%22endless%20war%20president%20war%20power%22> 2009 Dr. Saby Ghoshray specializes in Supreme Court Jurisprudence, International¶ Law, Comparative Constitutionalism, Capital Jurisprudence, and Cyberspace¶ Law, among others. His work has appeared in Albany Law Review, ILSA¶ Journal of International and Comparative Law, European Law Journal ERAForum,¶ Toledo Law Review, Temple Political & Civil Rights Law Review,¶ Catholic Law Journal, Georgetown International Law Review, Fordham Law¶ Journal, Santa Clara Law Review, and Loyola Law Journal, among others.

Scholars agree,3° and I concurred in my earlier work,3'¶ that Justice Jackson's tripartite framework is one of the most¶ resilient and workable frameworks to evaluate the¶ constitutionality of executive actions. The appeal of Justice¶ Jackson's framework can be appreciated through the dual¶ rationality of the Constitution. First, by succinctly denying¶ the constitutional possibilities of a unitary executive,¶ Jackson's tripartite framework alerts us of the explicit¶ mandate of congressional control even under exigent¶ circumstances. Second, by alluding to the uncertain¶ distribution of the concurrently held power between the¶ President and Congress, Justice Jackson implicitly urges for ongoing debate in this area. This debate must proceed with¶ the recognition that the concurrent power cannot manifest in¶ a disjointed discrete allocation of power, but is best¶ understood within the conception of a fluid spectrum of¶ continuous power.

#### **The war on terror has been conjured as a reason for elites to block our ability to react to changes in ourselves or environment.**

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The force fed phenomenon of the War on Terror 2 has¶ indeed jolted the very concept of international law, because,¶ its characteristics are very difficult to fit into a traditional¶ legalistic framework. 53 The War on Terror has shown its ugly¶ manifestation in Guantanamo Bay and Abu Ghraib.54 But, is false consciousness to blame? Let us consider this in further¶ detail.¶ Consciousness at a preliminary or rudimentary level may¶ be deemed as an awareness of the self and the environment.¶ This awareness means an individual is able to react to¶ changes in the self or the environment.55 In the Hegelian¶ sense, an individual becomes aware of the distinction between¶ one's self and the environment in which the self of the¶ individual engages in a process of discovery. During this¶ process, the individual uses tools from the environment,¶ including "tools of reason,"56 to interpret the objective world.¶ In this way, the individual objectifies herself by injecting¶ subjectivity into the discovery process, resulting in newer¶ needs and more tools to develop a mastery of the¶ environment.57 Individual human essence manifests itself by¶ the constant struggle between the inner self and the¶ externally imposed stimuli. The outcome of which is shaped¶ via the machine-like repetition bereft of spontaneity, while¶ alienating the inner consciousness from the individual core.58¶ As a result, the spontaneous, free-spirited person loses her inherent consciousness, as that consciousness becomes only a¶ means to continue the machine-like work.

### Alternative Solves

#### **Alt doesn't cede the political- engages from multiple aspects and points of view.**

Ghoshray ’09 False Consciousness and Presidential War Power:¶ Examining the Shadowy Bends of Constitutional¶ Curvature¶ Saby Ghoshray <http://digitalcommons.law.scu.edu/cgi/viewcontent.cgi?article=1095&context=lawreview&sei-redir=1&referer=http%3A%2F%2Fwww.google.com%2Furl%3Fsa%3Dt%26rct%3Dj%26q%3Dendless%2520war%2520%2522president%2520war%2520power%2522%26source%3Dweb%26cd%3D13%26ved%3D0CDgQFjACOAo%26url%3Dhttp%253A%252F%252Fdigitalcommons.law.scu.edu%252Fcgi%252Fviewcontent.cgi%253Farticle%253D1095%2526context%253Dlawreview%26ei%3DPBsZUvyLG6fM2gWCnYCoDA%26usg%3DAFQjCNE1ZRdeSVcqm5SBo1ohUzI5gyllTw%26sig2%3Dp1uFJluQGXSLSmQAMaSTaw#search=%22endless%20war%20president%20war%20power%22> 2009 Dr. Saby Ghoshray specializes in Supreme Court Jurisprudence, International¶ Law, Comparative Constitutionalism, Capital Jurisprudence, and Cyberspace¶ Law, among others. His work has appeared in Albany Law Review, ILSA¶ Journal of International and Comparative Law, European Law Journal ERAForum,¶ Toledo Law Review, Temple Political & Civil Rights Law Review,¶ Catholic Law Journal, Georgetown International Law Review, Fordham Law¶ Journal, Santa Clara Law Review, and Loyola Law Journal, among others.

The assumption that the imminent danger doctrine must¶ automatically give rise to the invasion of Iraq is plain wrong.¶ The constitutional geometry is not delineated and separable¶ with easily identifiable objects and therefore, it may not be¶ possible to reach directly into an outcome of war from a¶ source of imminent danger. There are alternative¶ destinations that could be attempted first. For example, is¶ danger imminent as a result of false consciousness? Or, are¶ the assumptions that come into play to define and identify¶ imminence completely wrong? Second, false consciousness¶ may have mischaracterized the intensity of the threat and¶ therefore may have misdiagnosed or mislabeled the imminent¶ danger aspect. If the characterization of imminent danger is¶ not credible, then the conclusion of imposition of war cannot¶ be validated. In a constitutional space characterized by a¶ curvature or multiple explaining points that could lead to the¶ genesis of a false belief of the imminent danger, we are¶ provided with multiple options like negotiating with Iraq,¶ developing consciousness of the world community, embargos,¶ sanctions, negotiation vis-A-vis a neutral third party, or¶ simply waiting for more data. Third, once we are convinced¶ that there is neutral detachment involved, then the rationale¶ or action of the President is better characterized and analyzed in its proper light. Because it is possible that the¶ President may not be acting in the best interests of the nation¶ or without due prudence or even with vengeance, it is easy to¶ see the produced outcome of going to war may be untenable.

#### Alt solves-Without actually engaging in the dialectic process of how false consciousness lowers the probative value of imminent danger for application of presidential authority, it is clearly not feasible to engage in constitutional analysis of the limits of presidential war power-This ev is a must answer for the 1AR.

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If the constitutional space is thought to be composed of¶ texts, statutes, supporting historical documents and¶ jurisprudential opinions, then the confluence of events that¶ could potentially trigger the determination of an outcome¶ may not always travel in a straight line. This is because the¶ events or stimuli might be hidden relative to another stimuli¶ or event. This can be explained by referring back to the¶ various scenarios depicted in Section IV. In the first scenario,¶ all the information available as the set of preconditions for¶ going to war has responses that can be either constitutional¶ or unconstitutional. Thus, the scenario can be properly¶ handled within the existing legal paradigm. In contrast, let¶ us take a look at both scenarios 3 and 4.¶ Scenario 3 brings in a rather undefined conception of¶ presidential excesses, and the legal reasoning yields an¶ indeterminate solution to this particularized conflict.¶ Similarly, scenario 4 presents the ideas of false consciousness¶ and presidential excesses, both of which are difficult to¶ incorporate for yielding a legitimate legal consequence.¶ Without actually engaging in the dialectic process of how¶ false consciousness lowers the probative value of imminent¶ danger for application of presidential authority, it is clearly¶ not feasible to engage in constitutional analysis of the limits¶ of presidential war power. However, if the process of legal¶ reasoning does not get embroiled in the subjective discussion¶ of executive excesses, the existing paradigm remains¶ impotent to determine the legitimacy of presidential action of¶ imposing war.

#### **Allows for a smooth legal transition- reshapes legal reasoning to mimic the dimensions of a curved space.**

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When complex reasoning structures, borne out of¶ diverging and continually expanding set of social¶ circumstances, suffers from inadequacy from a static view of¶ an indeterminate legal paradigm, while failing to become¶ subsumed within the limited set of legal reasoning available, they can easily find their legitimate place within the confines¶ of this new legal paradigm. If we take out the detached¶ neutrality of Archimedean indeterminacy from the legal¶ process, it becomes more efficient to handle particularized¶ conflicts like the preconditions for the Iraq War. Therefore,¶ by shaping the legal reasoning process to mimic objects¶ moving along the dimensions of a curved space, a much¶ higher determinacy can be rendered into the legal paradigm.¶ If the development of constitutional jurisprudence were to¶ follow such trajectory, it would be reasonable to infer that the¶ required complexity cannot be captured within the current¶ legal reasoning methodology. How shall the explication of¶ law proceed along the curvature space of the Constitution?¶ This is a very difficult proposition, not addressed here.¶ However, presenting an analysis to illuminate further the¶ shadowy areas of curved constitutional space may provide¶ greater recognition of the uniqueness of this paradigm.

#### Alt solves- in a curved space, the objects cannot be separated from the space. The newer legal paradigm of curved constitutional space cannot separate the subject of the law from the law itself. Here, the law must be continuously shaping, evolving, and structuring based on the existing circumstances.

Ghoshray ’09 False Consciousness and Presidential War Power:¶ Examining the Shadowy Bends of Constitutional¶ Curvature¶ Saby Ghoshray <http://digitalcommons.law.scu.edu/cgi/viewcontent.cgi?article=1095&context=lawreview&sei-redir=1&referer=http%3A%2F%2Fwww.google.com%2Furl%3Fsa%3Dt%26rct%3Dj%26q%3Dendless%2520war%2520%2522president%2520war%2520power%2522%26source%3Dweb%26cd%3D13%26ved%3D0CDgQFjACOAo%26url%3Dhttp%253A%252F%252Fdigitalcommons.law.scu.edu%252Fcgi%252Fviewcontent.cgi%253Farticle%253D1095%2526context%253Dlawreview%26ei%3DPBsZUvyLG6fM2gWCnYCoDA%26usg%3DAFQjCNE1ZRdeSVcqm5SBo1ohUzI5gyllTw%26sig2%3Dp1uFJluQGXSLSmQAMaSTaw#search=%22endless%20war%20president%20war%20power%22> 2009 Dr. Saby Ghoshray specializes in Supreme Court Jurisprudence, International¶ Law, Comparative Constitutionalism, Capital Jurisprudence, and Cyberspace¶ Law, among others. His work has appeared in Albany Law Review, ILSA¶ Journal of International and Comparative Law, European Law Journal ERAForum,¶ Toledo Law Review, Temple Political & Civil Rights Law Review,¶ Catholic Law Journal, Georgetown International Law Review, Fordham Law¶ Journal, Santa Clara Law Review, and Loyola Law Journal, among others.

I discussed in the preceding section, the organic way in¶ which the false consciousness develops and allows the¶ maximum point of authority for the President. The sticking¶ point is to determine how the fundamental values within law¶ allow such a scenario to develop. If law is based on strict¶ formalism, which is in turn based on a proven (or provable)¶ collection of facts,11 how could there be an evolving fluid¶ concept like false consciousness, which affects constitutional¶ decision making? The problem resides in our inability to look¶ for what is not there. This originates from a static conception¶ of law, in which law is strictly prohibited from enmeshing¶ itself into the changing dynamics of the society. We must¶ therefore look beyond existing laws, and in some cases, we¶ must go outside of law to understand law. The existing formalistic paradigm of legal reasoning does not always¶ comport to a legal solution for complex, evolving problems we¶ encounter in the society. As a result, the legal framework¶ guiding the courts, are unable to provide solutions based on¶ adequate reasoning. In my view, a lack of reliance on¶ interdisciplinary application in law is one of the difficulties¶ we currently have within the existing legal reasoning process.¶ Distressed by the inability of existing laws to adequately¶ respond in the particularized conflicts of today's complexity, I¶ am thus compelled to support Professor Tribe's constitutional¶ curvature analogy119 in pleading for the recognition of an¶ evolving paradigm. I have shown12° the drawbacks of Justice¶ Jackson's tripartite solution elsewhere, which would have¶ worked perfectly had the Constitution been of straightforward¶ Newtonian design. 1 Under this framework, the¶ three discrete scenarios of Justice Jackson would neatly fit¶ within the conceptualized framework with its carefully¶ balanced counter forces combating the forces, along the way¶ providing bullet proof checks and balances. Unfortunately, as¶ I have shown, this is indeed not the case.¶ If the constitutional space would be a perfect three¶ dimensional space of Euclidian geometry, we would witness¶ literal reasoning based on strict explication of 'if-then-else'¶ rules applied perfectly. These rules would provide all the¶ determinate outcomes and perfect solutions in all cases. In¶ this construct, the background can be easily separable from¶ the objects that interlink with each other, exerting forces on¶ each other. In other words, in a simple constitutional space,¶ the actors on this space, the courts, legislators, the¶ executives, populist, and the external entities could all be¶ liable to a rigid set of laws and be subjected to binding legal¶ outcomes. However, as Professor Tribe mentioned, in a¶ curved space, the objects cannot be separated from the¶ space. 22 The newer legal paradigm of curved constitutional¶ space cannot separate the subject of the law from the law¶ itself. Here, the law must be continuously shaping, evolving, and structuring based on the existing circumstances.

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### A2 Perms

#### Still links to the scholarship arguments- creates a distorted version of the alt based off of false conclusions because of distorted education models created by the aff.

#### Severs out of the affs linear models of Presidential Powers.

#### Kills the model of the alt- the aff forgrounds the method of transition with linear models of predictions, means that the transition of the alt becomes rocky- politicians backlash and try to hide their motives. This is a sequencing disad to the perms, the alt is a perquisite to their means of solvency.

#### The complexity of truth DA read above is also a disad to the perm and a netbenefit to the alternative.

#### Link determines the direction and outcome of the perm

### A2 Linear Predictions Good

#### Not responsive to our aff- not in the context of Presidential Decision making.

#### Their evidence indicates that there are causal “drivers” that motivate their logical link chain of reasoning- we are an indict of this we say they have manipulated the “drivers” to result in favorable outcomes for the US to justify intervention and the erosion of human rights.- ghoshray ev.

#### Scholarship arguments above are an impact turn to this argument.

### A2 No Root Cause

#### Their evidence is indicative just outlines the biological and cognitive reasons for why we go to war- our argument is that through the inject of false consciousness and illusionary reality- the aff has manipulated those biological responses to make the population and people in congress desire to go to war and intervene out of necessity.-ghoshray ev.

### A2 Util

#### That's not us. Alternative is utilitarian- we say your method of utilitarian framing is bad see scholarship arguments and complexity of truth DA. We say the alt leads to better utilitarian results while still preserving the VTL.

### Politics

#### Obama will be able to stand strong over Republicans now in avoiding acrimonious debt ceiling battles

Politico, 9-12-13 Read more: http://www.politico.com/story/2013/09/white-house-obamacare-debt-negotiations-96741.html#ixzz2epOKtixt

Senate Democratic leaders echoed White House arguments in a Capitol Hill press conference on Thursday, and they feel confident that their solidarity will prevail over a fractured House Republican Conference that just had to pull a stopgap bill to keep the government funded into the fall because it wouldn’t gut Obamacare. “The biggest thing has been the uniformity in the refusal to negotiate on the debt ceiling,” said Matt House, the communications director for Sen. Chuck Schumer (D-N.Y.). “We think at the last minute they’re going to be the ones that have to blink and come to us.”

House Republicans are badly fractured over spending. They can’t agree among themselves on whether to keep spending on its current trajectory, cut it further than the caps agreed to in previous budget deals, or, as a handful of Republicans believe, raise it a little bit. More important at the moment, they are divided over whether to shut down the government in the name of starving Obamacare.

#### Obama holding strong on not negotiating over debt ceiling

Des Moines Register, Guest editorial: Debt ceiling squabble bad tactic 9-3-13 <http://www.thenorthwestern.com/article/U0/20130904/OSH0602/309040147/Guest-editorial-Debt-ceiling-squabble-bad-tactic>

Fortunately President Obama isn’t playing ball with extremists in Congress this time. “Let me reiterate what our position is, and it is unequivocal,” Obama spokesman Jay Carney said. “We will not negotiate with Republicans in Congress over responsibility to pay the bills that Congress has racked up, period.”

### PC KEY

#### PC key to debt ceiling

Mike Lillis and Erik Wasson - 09/07/13 12:03 PM ET Fears of wounding Obama weigh heavily on Dems ahead of vote Read more: http://thehill.com/homenews/house/320829-fears-of-wounding-obama-weigh-heavily-on-democrats#ixzz2eEze5C3U Follow us: @thehill on Twitter | TheHill on Facebook

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.

#### PC key to debt ceiling negotiations

Jonathan Weisman, 9-12-13 http://www.nytimes.com/2013/09/13/us/politics/at-meeting-with-treasury-secretary-boehner-pressed-for-debt-ceiling-deal.html?\_r=0

WASHINGTON — With the Syrian crisis receding on Capitol Hill, Congress on Thursday plunged back into its bitter fiscal standoff as Speaker John A. Boehner appealed to the Obama administration and Democratic leaders to help him resolve divisions in the Republican ranks that could lead to a government shutdown. In meetings with Democratic and Republican Congressional leaders on Thursday after a session with Treasury Secretary Jacob J. Lew on Wednesday, Mr. Boehner pleaded for a resumption of negotiations that could keep the government running and yield a deficit-reduction deal that would convince recalcitrant conservatives to raise the government’s borrowing limit. Much of the federal government will shut down Oct. 1 unless Congress approves new spending bills to replace expiring ones, and by mid-October, the Treasury Department will lose the borrowing authority to finance the government and pay its debts.

#### The plan is a huge win for the tea party.

Grim 2013 (Ryan Grim, June 11, 2013, “Divisions Over National Security State Scramble Old Alliances, Political Coalitions,” Huffington Post, http://www.huffingtonpost.com/2013/06/11/nsa-leak\_n\_3421415.html)

The contours of the debate around security and civil liberties that began the day after the 9/11 attacks have been steadily shifting ever since, but have recently become contorted in the wake of revelations about the depth and breadth of the National Security Agency's secret surveillance. The debate coincides and overlaps with disagreement over indefinite detention, the use of force abroad and, specifically, the employment of drones in a sprawling array of countries in the so-called global war on terror.¶ The debate has taken on a partisan bent, with grassroots Democrats broadly lining up in surveys to defend the administration, and Republicans charging that presidential authority goes too far. But among the leaders in Washington and the media, alliances are scrambling, with the greatest dissension within conservative ranks.¶ The battle inside the GOP has left leading tea party figures such as Sens. Rand Paul (R-Ky.) and Mike Lee (R-Utah), Glenn Beck and Rush Limbaugh in uncomfortable alignment with independent Sen. Bernie Sanders, a self-described Democratic socialist from Vermont who caucuses with Democrats; Michael Moore; Glenn Greenwald; Julian Assange and Daniel Ellsberg. They are pitted against establishment figures from both sides, such as Republican Sen. Lindsey Graham (S.C.), liberal Democratic Sen. Barbara Boxer (Calif.), and diplomat Richard Haass.¶ Democrats, owing partly to the simple fact that they control the levers of executive power, are more likely to back the extensive use of that authority. Two recent surveys differed in how respondents reacted to the NSA's surveillance programs, but they found similar patterns of partisanship.

#### Tea party members are unwilling to compromise on the budget when in power

McConnell and Todd 11 (Dugald and Brian, "Analysis: Debt fight shows tea party's influence - so far," July 30, politicalticker.blogs.cnn.com/2011/07/30/analysis-debt-fight-shows-tea-partys-influence-so-far/)

As lawmakers this weekend try to reconcile the two dueling debt bills in the House and Senate, one of the strongest forces they have to reckon with is the influence of the tea party lawmakers.¶ Their numbers are not overwhelming – of the 435 lawmakers in the House of Representatives, only 60 are members of the tea party caucus. Still, analysts say they have wielded outsized influence on the trajectory of the debt fight so far - but are also using tactics that could risk a backlash with the public. Their influence was clear on Thursday night, when House Speaker John Boehner had to postpone a vote on his debt-ceiling bill. On Friday, Boehner added a balanced budget amendment requirement - a provision dear to conservatives - to assure the bill passed.¶ Of the lawmakers who forced the change, thanks to their willingness to vote "no," more than half were members of the tea party caucus, according to an analysis by the blog fivethirtyeight.¶ The change in the bill means that, in whatever negotiations ensue to reconcile the Republican bill from the House and the Democratic bill in the Senate, House Republican leaders begin from a more conservative starting point.¶ "The tea party has forced Speaker Boehner more to the right. That involves deeper spending cuts, and also support for the balanced budget amendment," Darrell West at the Brookings Institution said. "They have had disproportionate impact on the entire congressional debate."¶ West says it is their unity, their determination and their inflexibility that have allowed the tea party lawmakers to punch far above their weight.¶ Last fall the tea party captured political lightning in a bottle and helped elect dozens of new members of Congress. They came to Washington in January on the promise to shock the political system into spending less and cutting more.¶ Their unwillingness to compromise has changed the debate in Washington over the way the government handles its debt.¶

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# 1NR

## Prolif

### Oil prices can’t collapse the U.S. economy, multiple scenarios prove

Clifford Singer, January 08 Professor of Political Science at the University of Illinois

[“Oil and Security,” published by the Stanley Foundation, http://www.policypointers.org/page\_7028.html]

Nevertheless, there is little doubt that concerns about who had control of Iraq’s large oil revenue potential brought particular attention to that price increases in 1998 and 2007, no dire effects on the US or global economy have yet been observed or are clearly in the offing, for reasons discussed below. […] While outside intervention in Mideast conflicts has not been effective in stabilizing oil prices, the question of what to do about oil price instability remains. One viable answer is: nothing. After all, prices for many raw materials fluctuate substantially, and life goes on. If oil is viewed not as a strategic commodity but rather just another commodity, then there is nothing special about it.15 From a global perspective, such price fluctuations do nothing except move money around. The foreign exchange that flows to oil producers has at some point to be reinvested or used for purchases that stimulate the economies in countries from which the purchases are made—i.e., windfall profits from oil-producing and exporting countries inevitably find their way into investments in oil-receiving or importing countries.16 Oil price fluctuations themselves thus do not cause global economic recession.17 Only when they trigger or coincide with other financial instabilities do such fluctuations cause or appear to cause global economic problems. Barsky and Kilian attribute the US stagflations of 1973-1975 and 1979-1982 primarily to a response to money supply overexpansion, with oil price shocks only accounting for part of the accompanying recessions.18 The subsequent economic malaise of the early 1980s was further compounded by problems resulting from inadequate regulation of US savings and loan institutions.19 In 2007 an oil price spike coincided with exposure of overreach in the subprime mortgage market. However, in the 1970s the US economy was twice as oil-intensive as it had been when the occupation of Iraq started in 2003;20 and in 2007 the Federal Reserve responded to the downturn in the housing market with a measured reduction of interest rates in a much less difficult monetary policy environment than it had faced during the stagflations in the previous effective oil cartel period.21 There was no guarantee that monetary policy would continue to be exercised in a way that would avoid recession, but with the target for federal funds rates still at 4.5 percent in the final quarter of 2007 there remained ample room for doing so.

#### No oil shock; Economies are better adapted to changes and will adjust

Kansas City Star Online October 29, 2007

In recent years, the U.S. and world economies have typically shrugged off oil price increases. By contrast, oil price increases are a major part of the conventional story of the economic turmoil of the 1970s. Why the difference? We economists do not have a complete answer, but we have some clues. … The economy is far more energy-efficient today than it was in the past, in part because economic activity is based more on services and less on manufacturing. [We have] flexible labor markets, better monetary policy, and a bit of luck.

#### **Iran wont start the war.**

RT’12 http://rt.com/usa/us-israel-iran-burgess-533/Edited time: February 17, 2012 01:16

In a briefing over the escalating hostilities between the US and Iran, American intelligence officials say it is unlikely that Iran will initiate any military action against the United States.¶ If and when the US does launch a strike on Iran, however, the consequences could be catastrophic.¶ Speaking from Washington, DC this week, Defense Intelligence Agency Director Lieutenant General Ronald Burgess said an attack at the hands of Iran is unlikely, unless, of course, the US acts first. Burgess also added that, despite increased sanctions imposed by the US and a build up of American military forces surrounding the country, Iran is unlikely to halt the nuclear program that has become the cause of international concern.

#### Iran prolif is inevitable- sanctions will fail

Waltz 2012 [Kenneth N. Waltz is Senior Research Scholar at the Saltzman Institute of War and Peace Studies and Adjunct Professor of Political Science at Columbia University Jul/Aug 2012 Foreign Affairs Vol. 91, Issue 4 “Why Iran Should Get the Bomb” Ebsco]

The crisis over Iran's nuclear program could end in three different ways. First, diplomacy coupled with serious sanctions could convince Iran to abandon its pursuit of a nuclear weapon. But this outcome is unlikely: the historical record indicates that a country bent on acquiring nuclear weapons can rarely be dissuaded from doing so. Punishing a state through economic sanctions does not inexorably derail its nuclear program. Take North Korea, which succeeded in building its weapons despite countless rounds of sanctions and un Security Council resolutions. If Tehran determines that its security depends on possessing nuclear weapons, sanctions are unlikely to change its mind. In fact, adding still more sanctions now could make Iran feel even more vulnerable, giving it still more reason to seek the protection of the ultimate deterrent.

#### Israeli belligerence makes it inevitable

Waltz 2012 [Kenneth N. Waltz is Senior Research Scholar at the Saltzman Institute of War and Peace Studies and Adjunct Professor of Political Science at Columbia University Jul/Aug 2012 Foreign Affairs Vol. 91, Issue 4 “Why Iran Should Get the Bomb” Ebsco]

The second possible outcome is that Iran stops short of testing a nuclear weapon but develops a breakout capability, the capacity to build and test one quite quickly. Iran would not be the first country to acquire a sophisticated nuclear program without building an actual bomb. Japan, for instance, maintains a vast civilian¶ nuclear infrastructure. Experts believe that it could produce a nuclear weapon on short notice.¶ Such a breakout capability might satisfy the domestic political needs of Iran's rulers by assuring hard-liners that they can enjoy all the benefits of having a bomb (such as greater security) without the downsides (such as international isolation and condemnation). The problem is that a breakout capability might not work as intended.¶ The United States and its European allies are primarily concerned with weaponization, so they might accept a scenario in which Iran stops short of a nuclear weapon. Israel, however, has made it clear that it views a significant Iranian enrichment capacity alone as an unacceptable threat. It is possible, then, that a verifiable commitment from Iran to stop short of a weapon could appease major Western powers but leave the Israelis unsatisfied. Israel would be less intimidated by a virtual nuclear weapon than it would be by an actual one and therefore would likely continue its risky efforts at subverting Iran's nuclear program through sabotage and assassination-which could lead Iran to conclude that a breakout capability is an insufficient deterrent, after all, and that only weaponization can provide it with the security it seeks.

## Moderates

#### No nuclear terrorism. If they haven’t done it with more power over 15 years, they won’t now.

Sigger, 10 (Jason, Defense Policy Analyst focusing on Chemical, Biological, Radiological and Nuclear Defense issues, “Terrorism Experts Can Be Alarmists, Too”, http://armchairgeneralist.typepad.com/my\_weblog/2010/01/terrorism-experts-can-be-alarmists-too-1.html)

You find the famous bin Laden 1998 quote about WMDs, references from George "slam dunk" Tenet's book on al Qaeda intentions and actions in the desert, meetings between Muslim scientists and suppliers, statements by terrorists that were obtained under "interrogations," and yes, even Jose Padilla's "dirty bomb" - a charge which people may remember the US government dropped because it had no evidence on this point. And no discussion about AQ would be complete without the "mobtaker" device that never really emerged in any plot against the West. That is to say, we have a collection of weak evidence of intent without any feasible capability and zero WMD incidents - over a period of fifteen years, when AQ was at the top of their game, they could not develop even a crude CBRN hazard, let alone a WMD capability. Mowatt-Larsen doesn't attempt to answer the obvious question - why didn't AQ develop this capability by now? He points to a June 2003 article where the Bush administration reported to the UN Security Council that there was a "high probability" that al Qaeda would attack with a WMD within two years. The point that the Bush administration could have been creating a facade for its invasion into Iraq must have occurred to Mowatt-Larsen, but he dodges the issue. This is an important report to read, but not for the purposes that the author intended. It demonstrates the extremely thin thread that so many terrorist experts and scientists hang on when they claim that terrorists are coming straight at the United States with WMD capabilities.

#### No risk of nuclear terrorism – too many obstacles preventing terrorists from getting nukes

Asia Times, 2010. Asia Times Online, 4/16/10, “Terrorism: The nuclear summit’s ‘straw man’”, http://www.atimes.com/atimes/Middle\_East/LD16Ak02.html

In actuality, the threat of terrorists acquiring a working nuclear device [is] relatively remote. Building nuclear weapons is a complex and resource intensive business; if it were not, more countries would already possess them. That leaves the option of stealing a weapon. But pilfering a nuclear weapon is not simply a case of planning a sophisticated smash-and-grab operation. Nuclear weapons have multi-layered security systems, both technological and human. For example, access to nuclear facilities and weapons follows strict chains of command. Warheads are usually stored in several different pieces that require a cross-expertise and technical sophistication to assemble. In addition, they employ security features called Permissive Action Links (PAL) that use either external enabling devices or advanced encryption to secure the weapon. Older security systems include anti-tamper devices capable of exploding the device without a nuclear chain reaction. Not to mention that effectively delivering a nuclear device comes with its own hefty challenges. Thus, there are many serious obstacles to terrorists actually obtaining and setting off a nuclear bomb.

## SOP

#### **Hegemony is a myth—absolute power doesn’t translate into influence—overwhelming empirics go negative**

Doran, ‘09 [Charles F., Andrew W. Mellon Prof. of International Relations, Director of the Global Theory and History Program, Director of the Center for Canadian Studies @ Johns Hopkins U., “Fooling Oneself: The Mythology of Hegemony” International Studies Review, Vol. 11.1, <http://onlinelibrary.wiley.com/doi/10.1111/j.1468-2486.2008.01832.x/pdf>]

Yet, led by a groundswell of neo-conservative foreign policy thought (Krauthamer 1991; Mastanduno 1997; Wohlforth 1999; Kagan 2002; Barnett 2004),¶ intellectual elites have so committed themselves to the hegemonic thesis that¶ they have blinded themselves to the consequences of their own speculation.¶ Should they be surprised when the ‘‘hierarchy’’ of international relations turns¶ out to be non-existent, or the capacity to control even very weak and divided polities is met with frustration? Americans have invented a mythology of hegemonic¶ domination that corresponds so poorly to the position they actually ﬁnd themselves in that they cannot comprehend the responses of other governments to¶ their actions.¶ Bobrow and his fellow writers show the dozens of ways that other governments¶ ﬁnd to evade, and to subvert, the proscriptions and fulminations emanating¶ from Washington. By creating a mythology of hegemony rather than learning to¶ work with the (properly conceived) balance of power, the United States has¶ complicated its foreign policy and vastly raised the costs of its operation (Brown¶ et al. 2000; Brzezinski 2004). By destroying a secular, albeit brutal, Sunni Arab¶ center of power in Iraq, the United States must now contend with a far greater¶ problem (Fearon 2006) of itself having to hold the country together and to¶ balance a resurgent Iran. Bogged down in Iraq, it is unable to deter aggression¶ against allies elsewhere such as Georgia and the Ukraine, or to stop the growing¶ Russian penetration of Latin America. By waving the ﬂag of hegemony, the¶ United States ﬁnds that very few other governments see the need to assist¶ it, because hegemony is supposed to be self-ﬁnancing, self-enforcing, and¶ self-sufﬁcient.¶ Bobrow creates a highly useful typology of approaches short of actual balancing that smaller states have used to avoid compliance with the preferences of a¶ larger state. Fifteen carefully delineated tactics indicate how governments like¶ North Korea, Zimbabwe, or Sudan have dodged the foreign policy clutches of¶ the United States and the other major countries.¶ The tactic ‘‘craziness and martyrdom’’ has been employed repeatedly by Iran,¶ and especially by North Korea, to escape the proscription of the larger powers,¶ not just the United States, when they tried to force these smaller states into halting their nuclear weapons programs. Too small to balance other larger governments, as Walt (2005) reminds us, and unable to ﬁnd another state with which¶ to bandwagon on these issues, these states at times try to appear irrational¶ (Jervis 1976) as a conscious expression of opposition and resistance. North Korea¶ got away with this form of irrational-cum-rational behavior (Bueno De¶ 178 Mythology of HegemonyMesquita 2003) in pursuit of the single-minded purpose of acquiring eight¶ nuclear weapons.¶ A particularly interesting tactic short of balance involves ‘‘bloc creation.’’¶ China attempted to achieve ‘‘bloc creation’’ by excluding the United States from¶ regional multilateral economic organizations. The purpose was to indicate to the¶ United States that although China could not write the rules of the WTO, for¶ example, it could obtain enough regional support to exclude the United States¶ from a regional organization designed to discuss economic questions.¶ According to Bobrow, both Israel and Russia have employed ‘‘consent and¶ exploit’’ tactics to agree with US policy preferences ofﬁcially, but unofﬁcially to¶ pursue exactly the opposite policies. Israel built its wall vis-a`-vis the Palestinians¶ and Russia fought its war over Chechnya while in principle accepting American¶ proscriptions. Each of the contributors to the book applies to one extent or¶ another the lessons Bobrow draws in the ﬁrst chapter.¶ Steve Chan writes about ‘‘soft deterrence’’ as employed by China to evade¶ American-backed norms. He notes that when a smaller state entices the United¶ States to over-commit by abetting its ambitions and causing it to act with overconﬁdence, the smaller state undermines the US capacity for leadership or coercion. China and other similar countries try to affect American incentives and¶ deterrent calculations (Chan and Tessman 2004) rather than confronting America directly in political or military terms.¶ Dennis Gormley, writing on missile defense, argues that the United States, by¶ becoming more transparent in its programs and plans and by including China in¶ the Missile Technology Control Regime, will better thwart proliferation (James¶ and Zhang 2004) and an arms race in space. But agreeing with Chan, Gormley¶ sees a China that resists U.S. preferences by ‘‘consenting to the regime’s guidelines while exploiting its intentions through deceptive practices’’ (p. 142).¶ John Kuderle examines international tax evasion. The EU tried to act as the¶ supposed ‘‘economic hegemon,’’ proposing, through the OECD, a Harmful Tax¶ Competition treaty that sought to limit nominal corporate location. But international business regarded tax avoidance as legitimate ‘‘tax planning.’’ The United¶ States supported this position, and the EU ended up with only a watered-down¶ provision to enhance transparency and information sharing. On ﬁnancial, trade,¶ and commercial matters, this case study reveals the extent to which a balance¶ exists in economic terms between the US and the EU.¶ Alexander Ochs and Detlef Sprinz’s essay reinforces the necessity of US-EU¶ coordination if anything signiﬁcant is to happen after Kyoto in the international¶ attempt to achieve reductions on global warming. Judith Wilkenfeld reveals how¶ NGOs can have an inﬂuential intermediary role in outﬂanking US policy preferences, as in the negotiations leading to the Framework Convention on Tobacco¶ Control. Diana Tussie claims that ‘‘left-leaning regimes’’ in Latin America were¶ motivated to ‘‘shore up their popularity’’ (p. 181) by enacting a civil society¶ agenda that challenged Washington orthodoxy on international trade.¶ Siegmar Schmidt documents how the Schroeder Government mixed German¶ domestic, election-year politics with foreign policy to oppose US Iraq strategy.¶ Jeremy Pressman looks at Iraq from inside and examines how elements of the¶ Iraqi government, including the Kurds, were able to ﬂout many of the guidelines¶ and procedures the United States sought to put into place. Ilter Turan, in the¶ most explicit attempt in the book to apply the Bobrow framework of foreign¶ ‘‘restraint’’ tactics, shows how Turkey eluded the US invocation to curb poppy¶ (heroin) production, and later to support Iraq policy.¶ In the only empirically based essay in the book, Thomas Volgy and colleagues¶ reveal some of the variables that contribute to impaired cohesion (Schweller¶ 1992; Russett and Oneal 2001) within the G-7. Implied is the provocative question whether these challenges to US leadership during the two George W. Bush¶ Charles F. Doran 179administrations would actually have been much different, apart from style, if a¶ president like Bill Clinton had been in ofﬁce.¶ Much like Imbalance of Power (Zartman 2008), this book illustrates the weakness¶ of the America-as-hegemon thesis. For the most part since the middle of the¶ twentieth century, the United States has demanded very little of other countries.¶ They in turn have demanded comparatively little of it. Following the end of the¶ Cold War, no abrupt rise of hegemony has taken place. Nor, more recently, has¶ an abrupt decline occurred. Corresponding to the criteria established by Ranke¶ for the status of a Great Power in terms of its own territorial defense, the United¶ States can ‘‘stand alone.’’¶ The United States remains the most powerful state in the system. But defensive¶ power does not translate into the power to control. After reading this book, no¶ reader should be surprised by the discovery that in the case of the United States,¶ neither its presence nor its policies (Balancing Acts 2000; Layne 2006) have led¶ to a covert military effort by other countries to seek a counterbalance. They have¶ found other ways to make the balance ‘‘balance.’’¶ In diplomacy, fooling other people is commonplace. But fooling oneself is¶ ludicrous.

#### Heg doesn’t solve war

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Another rationale for attempting to manage global security is that a world without U.S. hegemony would soon degenerate into a tangle of chaos and instability, in which weapons proliferation, genocide, terrorism, and other offensive activities would be rampant. Prophets of such a development hint that if the United States fails to exercise robust political and military leadership today, the world is condemned to repeat the biggest mistakes of the 20th century—or perhaps do something even worse. Such thinking is seriously flawed. First, instability in the international system is nothing new, and most episodes do not affect U.S. vital interests. Furthermore, to assert that U.S. global leadership can stave off otherwise inevitable global chaos vastly overstates the power of any single country to influence world events. Indeed, many of the problems that plague the world today, such as civil wars and ethnic strife, are largely impervious to external solutions. There is little to back up an assertion that only Washington’s management of international security can save the world from political, economic, or military conflagration.