# **1AC**

Same as round 1

# 2AC

## T- Restriction

#### We meet- president can’t use indefinite detention after the aff passes

#### Restriction doesn’t make the topic bidirectional- you have to increase and decrease war powers

#### Restrictions operates in the context of detainee prosecution and detainee transfer.

William M. Hains, 2011 (received his Juris Doctor from the J. Reuben Clark Law School Brigham Young University Law Review, Brigham Young University Law Review, Retrieved 6/1/2013 from Lexis/Nexis)

Louis Fisher has warned that "the precise jurisdictions and fields of operation for Congress and the President will always elude us." n4 Regardless of the difficulty in reaching an ultimate conclusion, a comprehensive framework is necessary for evaluating the scope of Congress's constitutional authority when Congress seeks to limit the President's wartime or foreign affairs authority. This Comment argues that Congress may constitutionally constrain the President as long as the legislative action does not violate a mandatory provision or express restriction of the Constitution and does not impede on an exclusive presidential power. Therefore, an appropriate analytical framework should involve the following considerations: (1) mandatory provisions of the Constitution; (2) express restrictions on the authority of Congress or the federal government; (3) the scope of the relevant constitutional grants of power for each branch; and (4) whether a particular power is exclusively lodged in one branch. As the following discussion will suggest, the constitutionality of a particular restriction is a highly contextual analysis that depends on the specific powers in question. This Comment argues that under this framework, the recent restrictions on the President's authority to prosecute detainees and the restrictions on the transfer of detainees to other countries are constitutional.

#### Limits DA- You would overlimit the topic to 8 affs- destroys research incentives

#### Moots the point of a new topic

#### Specifically drones- kills affs about targeted killing vs signature strikes because you would have to ban both- we lose that education

#### Hostilities affs about any specific country would be impossible, would have to ban introducing forces- makes aff debate impossible

#### Reasonability is best- otherwise race to the bottom

## Soft Power

### Alliance add on

#### Alliances and soft power are distinct- our soft power evidence indicates the US would not be able to use diplomacy with countries because we undermine the rule of law and aren’t upholding it- alliances is an intel argument on intel

#### indefinite detention undermines international coop and alliances

Martin Scheinin 12 is Professor of International Law and Former UN Special Rapporteur on Human Rights and Counter-Terrorism, "Should Human Rights Take a Back Seat in Wartime?" 1-11-12, www.realclearworld.com/articles/2012/01/11/national\_defense\_authorization\_act\_scheinin\_interview-full.html, DOA: 7-23-13, Y2K

CLC: As a world leader and active promoter of universal human rights, the practice of indefinite detention without charge would seem to clash with U.S. ideals. Could you comment on this contradiction? MS: One of the main lessons learned in the international fight against terrorism is that counter-terrorism professionals have gradually come to learn and admit that human rights violations are not an acceptable shortcut in an effective fight against terrorism. Such measures tend to backfire in multiple ways. They result in legal problems by hampering prosecution, trial and punishment. The use of torture is a clear example here. They also tend to alienate the communities with which authorities should be working in order to detect and prevent terrorism. And they add to causes of terrorism, both by perpetuating "root causes" that involve the alienation of communities and by providing "triggering causes" through which bitter individuals make the morally inexcusable decision to turn to methods of terrorism. The NDAA is just one more step in the wrong direction, by aggravating the counterproductive effects of human rights violating measures put in place in the name of countering terrorism. CLC: Does the NDAA afford the U.S. a practical advantage in the fight against terrorism? Or might the law undermine its global credibility? MS: It is hard to see any practical advantage gained through the NDAA. It is just another form of what I call symbolic legislation, enacted because the legislators want to be seen as being "tough" or as "doing something." The law is written as just affirming existing powers and practices and hence not providing any meaningful new tools in the combat of terrorism. By constraining the choices by the executive, it nevertheless hampers effective counter-terrorism work, including criminal investigation and prosecution, as well as international counter-terrorism cooperation, markedly in the issue of closing the Guantanamo Bay detention facility. Hence, it carries the risk of distancing the United States from its closest allies and the international community generally. And of course these kinds of legal provisions are always open for bad faith copying by repressive governments that will use them for their own political purposes. CLC: Do you think the U.S. adoption of the indefinite detention provisions sets a precedent for other countries to do so? MS: Of course, these kinds of legal provisions are always open for bad faith copying by repressive governments that will use them for their own political purposes. Nevertheless, one of the conclusions I drew at the end of my six-year tenure as United Nations Special Rapporteur on human rights and counter-terrorism was that such copying of bad laws is less frequent than expected. It is much more common that countries are willing to learn from each other about what really works in the fight against terrorism, and for my part I did my best to identify and promote such best practice. There are a lot of good models showing how laws can at the same time comply with human rights and produce real results in the fight against terrorism. I don't think countries genuinely concerned about terrorism will be tempted to follow the NDAA approach. But repressive governments may do so for their own political purposes.

#### Alliances prevent nuclear war---key to burden sharing

Douglas Ross 99 is professor of political science at Simon Fraser University, Winter 1998/1999, Canada’s functional

isolationism and the future of weapons of mass destruction, International Journal, p. lexis

Thus, an easily accessible tax base has long been available for spending much more on international security than recent governments have been willing to contemplate. ? Negotiating the landmines ban, discouraging trade in small arms, promoting the United Nations arms register are all worthwhile, popular activities that polish the national ? self-image. But they should all be supplements to, not substitutes for, a proportionately equitable commitment of resources to the management and ? prevention of international conflict – and thus the containment of the WMD threat. Future American governments will not ‘police the ? world’ alone. For almost fifty years the Soviet threat compelled disproportionate military expenditures and sacrifice by the United States. That world is gone. Only by ? enmeshing the capabilities of the United States and other leading powers in a co-operative security management regime where the ? burdens are widely shared does the world community have any plausible hope of avoiding warfare involving nuclear or other WMD.

#### Alliance is key to hegemony

Joseph S. Nye 13 Jr. is a professor at Harvard’s Kennedy School of Government, “American power in the 21st century will be defined by the ‘rise of the rest’” 6-28-13, <http://articles.washingtonpost.com/2013-06-28/opinions/40255646_1_american-power-u-s-economy-united-states>, DOA: 7-23-13, y2k

In the last century, the United States rose from the status of second-tier power to being the world’s sole superpower. Some worry that the United States will be eclipsed in this century by China, but that is not the problem. There is never just one possible outcome. Instead, there are always a range of possibilities, particularly regarding political change in China. Aside from the political uncertainties, China’s size and high rate of economic growth will almost certainly increase its strength in relation to the United States. But even when China becomes the world’s largest economy, it will lag decades behind the United States in per-capita income, which is a better measure of an economy’s sophistication. Moreover, given our energy resources, the U.S. economy will be less vulnerable than the Chinese economy to external shocks. Growth will bring China closer to the United States in power resources, but as Singapore’s former prime minister Lee Kwan Yew has noted, that does not necessarily mean that China will surpass the United States as the world’s most powerful country. Even if China suffers no major domestic political setbacks, projections based on growth in gross domestic product alone ignore U.S. military and “soft power” advantages as well as China’s geopolitical disadvantages in the Asian balance of power. The U.S. culture of openness and innovation will keep this country central in an information age in which networks supplement, if not fully replace, hierarchical power. The United States is well positioned to benefit from such networks and alliances if our leaders follow smart strategies. In structural terms, it matters that the two entities with per-capita income and sophisticated economies similar to that of the United States — Europe and Japan — are both allied with the United States. In terms of balances-of-power resources, that makes a large difference for the net position of American power, but only if U.S. leaders maintain the alliances and institutional cooperation. In addition, in a more positive sum view of power with, rather than over, other countries, Europe and Japan provide the largest pools of resources for dealing with common transnational problems. On the question of absolute — rather than relative — American decline, the United States faces serious domestic problems in debt, secondary education and political gridlock. But these issues are only part of the picture. Of the many possible futures, stronger cases can be made for the positive over the negative. Among the negative futures, the most plausible is one in which the United States overreacts to terrorist attacks by turning inward and closing itself off to the strength it obtains from openness. But barring such mistaken strategies, there are, over a longer term, solutions to the major problems that preoccupy us. Of course, for political or other reasons, such solutions may remain forever out of reach. But it is important to distinguish between situations that have no solutions and those that, at least in principle, can be solved. Decline is a misleading metaphor and, fortunately, President Obama has rejected the suggested strategy of “managing decline.” As a leader in research and development, higher education and entrepreneurial activity, the United States is not in absolute decline, as happened in ancient Rome. In relative terms, there is a reasonable probability that the United States is likely to remain more powerful than any single state in the coming decades. We do not live in a “post-American world,” but neither do we live any longer in the “American era” of the late 20th century. In terms of primacy, the United States will be “first” but not “sole.” No one has a crystal ball, but the National Intelligence Council (which I once chaired) may be correct in its 2012 projection that although the unipolar moment is over, the United States probably will remain first among equals among the other great powers in 2030 because of the multifaceted nature of its power and legacies of its leadership. The power resources of many states and non-state actors will rise in the coming years. U.S. presidents will face an increasing number of issues in which obtaining our preferred outcomes will require power with others as much as power over others. Our leaders’ capacity to maintain alliances and create networks will be an important dimension of our hard and soft power. Simply put, the problem of American power in the 21st century is not one of a poorly specified “decline” or being eclipsed by China but, rather, the “rise of the rest.” The paradox of American power is that even the largest country will not be able to achieve the outcomes it wants without the help of others.

## Legitimacy

#### The threat is high – fissile material goes missing every year – al Qaeda has nuclear ambitions

Dahl, 2013 (Fredrik Dahl, Reuters, July 1, 2013, “Governments warn about nuclear terrorism threat” <http://www.reuters.com/article/2013/07/01/us-nuclear-security-idUSBRE96010E20130701>)

\*NSEG=Nuclear Security Governance Experts Group

Cites Yukiya Amano, director general of the IAEA

Analysts say radical groups could theoretically build a crude but deadly nuclear bomb if they had the money, technical knowledge and materials needed. Ministers remained "concerned about the threat of nuclear and radiological terrorism ... More needs to be done to further strengthen nuclear security worldwide", the statement said. The document "encouraged" states to take various measures such as minimizing the use of highly-enriched uranium, but some diplomats said they would have preferred firmer commitments. Many countries regard nuclear security as a sensitive political issue that should be handled primarily by national authorities. This was reflected in the statement's language. Still, Yukiya Amano, director general of the International Atomic Energy Agency (IAEA), which hosted the conference, said the agreement was "very robust" and represented a major step forward. RADICAL GROUPS' "NUCLEAR AMBITIONS" Amano earlier warned the IAEA-hosted conference against a "false sense of security" over the danger of nuclear terrorism. Holding up a small lead container that was used to try to traffic highly enriched uranium in Moldova two years ago, the U.N. nuclear chief said it showed a "worrying level of knowledge on the part of the smugglers". "This case ended well," he said, referring to the fact that the material was seized and arrests were made. But he added: "We cannot be sure if such cases are just the tip of the iceberg." Obtaining weapons-grade fissile material - highly enriched uranium or plutonium - poses the biggest challenge for militant groups, so it must be kept secure both at civilian and military facilities, experts say. An apple-sized amount of plutonium in a nuclear device and detonated in a highly populated area could instantly kill or wound hundreds of thousands of people, according to the Nuclear Security Governance Experts Group (NSGEG) lobby group. But experts say a so-called "dirty bomb" is a more likely threat than a nuclear bomb. In a dirty bomb, conventional explosives are used to disperse radiation from a radioactive source, which can be found in hospitals or other places that are generally not very well protected. More than a hundred incidents of thefts and other unauthorized activities involving nuclear and radioactive material are reported to the IAEA every year, Amano said. "Some material goes missing and is never found," he said. U.S. Energy Secretary Ernest Moniz said al Qaeda was still likely to be trying to obtain nuclear material for a weapon. "Despite the strides we have made in dismantling core al Qaeda we should expect its adherents ... to continue trying to achieve their nuclear ambitions," he said.

#### Its try or die – catastrophic terrorism is inevitable

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.

## Exec SR- 2AC

#### Interp- reject object fiat

#### The president is the object of the resolution

#### The CP would fiat a mindset of the object

#### Justifies a CP to not go to war with X country to solve all of our advantages

#### Not a fair test of the lit – we test how to DEAL with power not how to use the power you have

#### Destroys limits- there are an infinite number of ways to use power and an infinite number of things you could attack or not attack

#### Condo bad- strat skew/ fairness- not reciprocal/ not real world/ one dispo solves your offense

#### Perm do both

#### Perm do the CP

#### Executive self restraint solves none of the aff- it’s secret

#### CP doesn’t set up a world to deal with the people already detained- you just say we won’t detain any extra people

#### Obama will lie- past speeches on gitmo closure proves he can’t be trusted to keep his word on indefinite detention policy

#### Obama speech does not signal policy changes – his record proves speeches do not translate into actionGlenn Greenwald, columnist on civil liberties and US national security issues, May 27, 2013 guardian.co.uk, “Obama's terrorism speech: seeing what you want to see” <http://www.guardian.co.uk/commentisfree/2013/may/27/obama-war-on-terror-speech>

The hallmark of a skilled politician is the ability to speak to a group of people holding widely disparate views, and have all of them walk away believing they heard what they wanted to hear. Other than Bill Clinton, I've personally never seen a politician even in the same league as Barack Obama when it comes to that ability. His most consequential speeches are shaped by their simultaneous affirmation of conflicting values and even antithetical beliefs, allowing listeners with irreconcilable positions to conclude that Obama agrees with them.

The highly touted speech Obama delivered last week on US terrorism policy was a master class in that technique. If one longed to hear that the end of the "war on terror" is imminent, there are several good passages that will be quite satisfactory. If one wanted to hear that the war will continue indefinitely, perhaps even in expanded form, one could easily have found that. And if one wanted to know that the president who has spent almost five years killing people in multiple countries around the world feels personal "anguish" and moral conflict as he does it, because these issues are so very complicated, this speech will be like a gourmet meal. But whatever else is true, what should be beyond dispute at this point is that Obama's speeches have very little to do with Obama's actions, except to the extent that they often signal what he intends not to do. How many times does Obama have to deliver a speech embracing a set of values and polices, only to watch as he then proceeds to do the opposite, before one ceases to view his public proclamations as predictive of his future choices? Speeches, especially presidential ones, can be significant unto themselves in shaping public perceptions and setting the terms of the debate, so Obama's explicit discussion of the "ultimate" ending of the war on terror can be reasonably viewed as positive. But it signals nothing about what he actually will do. I'm genuinely amazed that there are still smart people who treat these speeches as though they do. As Esquire's Tom Junod put it after the speech: "if the Lethal Presidency reminds us of anything, it's that we should be a long way from judging this president on his rhetoric or his portrayal of himself as a moral actor." The Atlantic's Conor Friedersdorf added that Obama "has a long record of broken promises and misleading rhetoric on civil liberties, and it would be naive to assume that he'll follow through on everything he said on Thursday."

#### Doesn’t solve legitimacy- congressional limitations are key to set a legal basis for policy decisions- leads to court legitimacy on future decisions

#### CP links to the terror DA- executive regulation of legal questions leads to court over stepping and ending of things like wire tapping and torture which are key to solve terror

#### The plan is a process in which Congress would declare indefinite detention illegal at a time when it is politically strategic to do so- the executive can’t do this which means we solve your flex arguments

#### Has to be congressional authorization **T.A. Ridout 05/12/2013** The Indefinite Detention of Justice at Guantanamo<http://www.huffingtonpost.com/t-a-ridout/the-indefinite-detention-_b_3260537.html>

[Clear courses of action present themselves](http://www.huffingtonpost.com/marjorie-cohn/death-is-preferable-to-li_b_3248608.html). Obama can set free the 86 detainees already cleared for release; continuing to hold them is unconscionable. He can end his self-imposed moratorium and send the cleared Yemenis home; it's not their fault their country became unstable after we arbitrarily detained them. He can direct the Justice Department to either bring swift charges against the remaining inmates or start laying the groundwork to set them free. Obama can reduce Guantanamo's population in the near term using executive authority alone, but he will need [Congressional action](http://www.slate.com/articles/news_and_politics/view_from_chicago/2013/05/president_obama_can_shut_guantanamo_whenever_he_wants_to.html) in order to transfer inmates such as Khalid Sheikh Mohammad to U.S. prisons. Closing Guantanamo will be an important step in restoring the American morality that has been lost since the day we first "enhanced" the interrogation of a suspected terrorist, since the first innocent man was "extraordinarily rendered," since we [haphazardly rounded people up](http://www.guardian.co.uk/world/2011/apr/25/guantanamo-files-wrong-place-time) in Afghanistan and Pakistan and made them disappear into dark places without bothering to investigate whether they had done anything wrong. We have not reckoned with our own abuses, and [doing so is long overdue](http://www.foreignpolicy.com/articles/2013/05/10/dirty_secrets_CIA_war_on_terror?page=0,0). If President Obama is concerned about his legacy, closing Guantanamo should be at the top of his list. [President Bush created this mess, but it has fallen to Obama to fix it](http://www.salon.com/2013/05/04/guantanamo_its_obamas_disgrace_now/). Sometimes a leader has to ignore the polls and simply do what is right. Ending indefinite detention without charge or trial is the right thing to do, plain and simple

#### War powers are unnecessary and cause more wars than they preventBy Margaret Talev - May 24, 2013 3:01 PM CTObama Sees Sunset on Sept. 11 War Powers in Drone Limits

<http://www.bloomberg.com/news/2013-05-24/obama-sees-sunset-on-sept-11-war-powers-in-drone-limits.html>

President [Barack Obama](http://topics.bloomberg.com/barack-obama/) said the broad war powers Congress approved to fight al-Qaeda after the Sept. 11, 2001, attacks shouldn’t continue forever and that he’s reining in drone strikes and paving the way to close the prison at Guantanamo Bay, Cuba. “In the years to come, not every collection of thugs that labels themselves al-Qaeda will pose a credible threat to the [United States](http://topics.bloomberg.com/united-states/),” the president said in an hour-long address yesterday at National Defense University in Washington. “Unless we discipline our thinking, our definitions, 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. “This war, like all wars, must end. That’s what history advises. That’s what our democracy demands.” The president’s speech was months in the works and came a day after he signed a classified document shared with key members of Congress containing details of the changes. While calling the U.S. drone campaign justified and legal, Obama said he was tightening the rules governing who can be targeted in the strikes by unmanned aircraft. The U.S. military, instead of the Central Intelligence Agency, will be the lead authority for drone strikes, administration officials said. Obama said he will work with Congress on how to add scrutiny to a largely secret program.

## Politics 2AC

#### Economic decline doesn’t cause war

Tir 10 [Jaroslav Tir - Ph.D. in Political Science, University of Illinois at Urbana-Champaign and is an Associate Professor in the Department of International Affairs at the University of Georgia, “Territorial Diversion: Diversionary Theory of War and Territorial Conflict”, The Journal of Politics, 2010, Volume 72: 413-425)]

Empirical support for the economic growth rate is much weaker. The finding that poor economic performance is associated with a higher likelihood of territorial conflict initiation is significant only in Models 3–4.14 The weak results are not altogether surprising given the findings from prior literature. In accordance with the insignificant relationships of Models 1–2 and 5–6, Ostrom and Job (1986), for example, note that the likelihood that a U.S. President will use force is uncertain, as the bad economy might create incentives both to divert the public’s attention with a foreign adventure and to focus on solving the economic problem, thus reducing the inclination to act abroad. Similarly, Fordham (1998a, 1998b), DeRouen (1995), and Gowa (1998) find no relation between a poor economy and U.S. use of force. Furthermore, Leeds and Davis (1997) conclude that the conflict-initiating behavior of 18 industrialized democracies is unrelated to economic conditions as do Pickering and Kisangani (2005) and Russett and Oneal (2001) in global studies. In contrast and more in line with my findings of a significant relationship (in Models 3–4), Hess and Orphanides (1995), for example, argue that economic recessions are linked with forceful action by an incumbent U.S. president. Furthermore, Fordham’s (2002) revision of Gowa’s (1998) analysis shows some effect of a bad economy and DeRouen and Peake (2002) report that U.S. use of force diverts the public’s attention from a poor economy. Among cross-national studies, Oneal and Russett (1997) report that slow growth increases the incidence of militarized disputes, as does Russett (1990)—but only for the United States; slow growth does not affect the behavior of other countries. Kisangani and Pickering (2007) report some significant associations, but they are sensitive to model specification, while Tir and Jasinski (2008) find a clearer link between economic underperformance and increased attacks on domestic ethnic minorities. While none of these works has focused on territorial diversions, my own inconsistent findings for economic growth fit well with the mixed results reported in the literature.15 Hypothesis 1 thus receives strong support via the unpopularity variable but only weak support via the economic growth variable. These results suggest that embattled leaders are much more likely to respond with territorial diversions to direct signs of their unpopularity (e.g., strikes, protests, riots) than to general background conditions such as economic malaise. Presumably, protesters can be distracted via territorial diversions while fixing the economy would take a more concerted and prolonged policy effort. Bad economic conditions seem to motivate only the most serious, fatal territorial confrontations. This implies that leaders may be reserving the most high-profile and risky diversions for the times when they are the most desperate, that is when their power is threatened both by signs of discontent with their rule and by more systemic problems plaguing the country (i.e., an underperforming economy).

#### They’ve got nothing—polarization & deficit reductions are the nail in the coffin for now

Weisman 9-12 (Boehner Seeking Democrats’ Help on Fiscal Talks By JONATHAN WEISMAN

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

Senator Richard J. Durbin of Illinois, the second ranking Democrat, said, “Sometimes I sympathize with Speaker Boehner, but the fact of the matter is, if he wants to lead for the good of the nation, he has to step beyond the Tea Party faction of his caucus.” Republican divisions were manifest not only in the tactics they have proposed but also in the strategic aims of those tactics. Mr. Boehner continued to emphasize taming the budget deficit as the price for a debt-ceiling increase. But the urgency of that mission was undercut by government financing figures released Thursday by the Treasury, which showed the smallest annual shortfall since 2008. In the first 11 months of the current fiscal year, the deficit reached $755.8 billion, with tax revenues rising and spending falling. The deficit in fiscal 2012 was $1.1 trillion. With no resolution in sight, Republican leaders said decisions would have to be made next week on a way forward — with Democratic votes, or Republican unity. But Mr. Boehner gave no indication he knew which way to turn. “There are a million options that are being discussed by a lot of people,” he said. “When we have something to report, we’ll let you know.”

#### PC doesn’t solve and the perception of talks causes the DA

Everett 13 (Lew reiterates Obama won't negotiate over debt limit By BURGESS EVERETT | 7/28/13 9:02 AM EDT http://www.politico.com/blogs/politico-live/2013/07/lew-reiterates-obama-wont-negotiate-over-debt-limit-169332.html)

Treasury Secretary Jack Lew says President Barack Obama will not sign government funding bills that cut domestic spending and will not negotiate over the debt limit with Republicans seeking spending cuts. "Congress can't let us default. Congress has to do its work," Lew said Sunday on ABC's "This Week," adding the president has has been "crystal clear" that raising the country's debt limit this fall is not an issue of negotiation between Congress and the White House. Senate Majority Leader Harry Reid also said last week he'll not negotiate over raising the country's borrowing limit, a position that echoes that of the Obama administration. House Republicans hope to use the debt ceiling as leverage to extract more spending cuts, and a group in both chambers has stated they are opposing any spending bill that funds Obamacare. "I certainly hope that Congress isn't looking to create confrontations and false crises because we did see, in 2011, how bad that is for the American economy," Lew said. "The mere fact of negotiating over the debt limit, after 2011, would introduce this notion that somehow there's a question about whether or not we're going to pay our bills, whether or not we're going to protect the full faith and credit of the United States."

#### Court fights drain capital

Miami Herald 6-10

“Obama Congress Fight over Judges,” http://www.miamiherald.com/2013/06/07/3439550/obama-congress-fight-over-judges.html

Do you know the team chant “Be Aggressive! B-E Aggressive! B-E-A-G-G . . .”? I hummed it as I watched President Obama announce that he is simultaneously lining up three nominees for the U.S. Court of Appeals for the District of Columbia Circuit. This is an in-your-face response to Republican obstructionism. In other words, it’s totally unlike Obama, who has been especially slow to put up nominees for the appeals courts and the district courts. But at this moment in time, it is very much in his self-interest. The president needs these judges to cement his own legacy, since the D.C. Circuit is second in importance only to the Supreme Court.¶ Obama is also safeguarding the power the Constitution gives every president to select federal judges. It’s the Senate’s job to advise and consent, but that is not supposed to mean automatic stonewalling by the minority, which Republicans have done much of since Obama took office. It’s time to take the fight to them rather than sit back. Nominating three candidates at once makes the problem of judicial vacancies far more visible than it has been since Obama was elected. That should up the political price for GOP obstructionism. And it should also force Obama to put real political capital into shaping the courts. Plus this will be a great fight to watch — involving all the branches of government.¶ The D.C. Circuit had four open slots from 2006 (out of 11) until last month, when the Senate finally confirmed an Obama nominee, Sri Srinivasan, by a vote of 97-0. That came after the long and bitter filibuster of Obama’s first pick, Caitlin Halligan. With Srinivasan on the bench, there are four judges chosen by Democratic presidents, four chosen by Republicans, and six more senior judges who also hear cases. Five of those senior judges were chosen by Republicans (in fact, 15 of the past 19 vacancies have been filled by GOP presidents, according to Nan Aron of the liberal court-watching group the Alliance for Justice). The D.C. Circuit hears cases in panels of three. Because the senior judges pick up a sizable share of the workload, “almost 80 percent of the panels in 2013 were composed of exclusively or a majority of Republicans,” Moshe Marvit writes in Dissent. “The results of this partisan court are not surprising. Many of the D.C. Circuit’s recent decisions have skewed heavily to the right.”

#### A logical policy maker would do both

#### Fiat solves the link

#### The squo costs more capital than the plan- bipartisan opposition, public popularity, and rights groups

[Bansi Bhatt](http://www.policymic.com/profiles/27672/bansi-bhatt) January 2013
NDAA 2013 Allows Indefinite Detention Of U.S. Citizens By President
<http://www.policymic.com/articles/22288/ndaa-2013-allows-indefinite-detention-of-u-s-citizens-by-president>

This notion of detaining U.S. citizens has people screaming on both sides of the aisle, such as Senator Dianne Feinstein (D - Calif.) and Senator Rand Paul (R - Ky.). Some argue that the bill does not allow the indefinite detention of U.S. citizens because one part of the bill states that it will not change the law in regards to the detention of U.S. citizens. However, with further examination, it becomes clear that another part of the bill actually states that it will change the law. From this, another argument arises which is that the provisions are too vague. With all this in mind, it should be noted that it is left up to the executive branch to decide whether or not it will adopt these powers. The president has made it clear that his administration will not be detaining U.S. citizens. But nonetheless, this provision in particular has civil liberties activists barking mad. Civil liberties groups believe that this bill further strengthens the power of the federal government and continues to infringe upon our constitutional rights as citizens of the United States of America. Civil liberties groups point out that this is not the only time Obama has signed a bill that he threatened to veto. Executive director of the Bill of Rights Defense Committee, Shahid Buttar, made a public statement in regards to the president signing the NDAA. Very poignantly, [Buttarnoted](http://www.salon.com/2013/01/03/obama_signs_ndaa_again/), “Once again, Obama has failed to lead on Guantánamo and surrendered closure issues to his political opponents in Congress. In one fell swoop, he has belied his recent lip-service about a continued commitment to closing Guantánamo.” This argument is shared by many Americans who are disappointed that Obama has signed the NDAA, and argue that he has failed to keep his promise and has failed to take appropriate action when it comes to Guantánamo. But overall, this is a clear example of “politics as usual” and the failure of politicians to act on their promises.

#### Political capital is a joke- Congressional voting is determined by ideology

Richard **Fleisher** Fordham University Professor Department of Political Science Jon R. **Bond** Texas A&M University Professor Department of Political Science **and** B. Dan **Wood** Texas A&M University Professor Department of Political Science “Which Presidents Are Uncommonly Successful in Congress?” **2008**. In Bert A. Rockman and Richard W. Waterman (eds.), Presidential Leadership: The Vortex of Power. Oxford University Press, pp. 191-213 http://webdoc.sub.gwdg.de/ebook/p/2005/american\_congress/congress.wustl.edu/fleisher.pdf

Presidency scholars claim that presidential success is a function of both skill and political conditions. Although students of presidential-congressional relations have been unable to demonstrate convincingly that presidential activities systematically affect success, the literature provides substantial theory and evidence regarding the political conditions that determine presidential success in Congress. Our analysis contributes additional evidence that presidential success on the floor of Congress is determined primarily by whether political conditions are favorable or unfavorable. Although our model leaves some variance unexplained, few of the residuals would be considered outliers. That is, none of the ten presidents analyzed here were uncommonly successful or unsuccessful relative to the conditions they faced. The few instances of uncommon success could occur by random chance. Presidential skill, nonetheless, continues to occupy a central, if not dominant, position in the literature. This analysis cannot refute skill as an explanation. Previous research has found a number of interesting and important cases on which a skilled performance (or lack of it) made the difference between success and failure. But the debate over the relative importance of skills cannot be resolved simply by agreeing that skills matter some of the time on some issues. If presidential skill is to provide a theoretical understanding of presidential success on par with that provided by political conditions, then we should be able to observe more than idiosyncratic effects on a small number of issues. The burden of providing systematic evidence rests on proponents of the skill part of the explanation. The persistent failure to find systematic evidence should raise doubts about skill as scientific theory. We should also continue to work to improve our understanding of the conditions that affect presidential success, and how they operate. Our finding of significant interactions of party polarization with public approval and majority control is noteworthy. Party control sets the basic condition for presidential success, and presidents do somewhat better in their honeymoon year. The marginal effect of public opinion on success is conditioned by the level of partisanship in Congress. At low levels of partisanship, the president’s standing with the public has a modest positive effect on success. But at high levels of partisanship, which have characterized Congress in recent decades, the marginal effect of public approval diminishes (and even turns negative in the House). Party polarization also interacts with party control, enhancing the benefit of majority status. Thus, polarized parties further reduce the ability of presidential activities to affect success even at the margins. In polarized periods, electoral processes reduce the number of moderate and cross-pressured members, the very members who are most inclined to search beyond the primary cues of party and ideology for guidance in making decisions. Fewer members who look beyond party and ideology, means fewer members subject to presidential persuasion. This condition places a high premium on having majorities in the House and Senate. Unless the level of partisanship in Congress declines, a rational strategy for a president who seeks to improve his legislative success is to focus on maintaining or winning partisan majorities in the House and Senate. President Bush seems to have successfully followed this strategy in the 2002 midterm elections. Ironically, electoral activities aimed at electing sympathetic majorities in Congress are likely to contribute to more party polarization.

#### Avoiding the debt ceiling is inevitable—because political incentives, not capital

Ezra Klein, WaPo, 1/2/13, The lessons of the fiscal cliff, www.washingtonpost.com/blogs/wonkblog/wp/2013/01/02/the-lessons-of-the-fiscal-cliff/?wprss=rss\_ezra-klein

Republicans swear they are crazy enough to push the country into default, and they promise that the White House isn’t strong enough to stand by and let it happen. If they’re right, and the White House agrees to big spending cuts absent significant tax increases in order to avert default, then Republicans will have held taxes far lower than anyone thought possible.

But both Republicans and Democrats can’t be right. If we take the lessons of this negotiation, here’s what will happen: The White House will negotiate over the debt ceiling. They’ll say they’re not negotiating over the debt ceiling, and in the end, they may well refuse to be held hostage over the debt ceiling, but the debt ceiling will be part of the pressure Republicans use to force the next deal. The White House fears default, and in the end, they always negotiate.

That said, the Republicans aren’t quite as crazy as they’d like the Democrats to believe. They were scared to take the country over the fiscal cliff. They’re going to be terrified to force the country into default, as the economic consequences would be calamitous. They know they need to offer the White House a deal that the White House can actually take — or at least a deal that, if the White House doesn’t take it, doesn’t lead to Republicans shouldering the blame for crashing the global economy. That deal will have to include taxes, though the tax increases could come through reform rather than higher rates.

The Republicans also have a problem the White House doesn’t: The public broadly believes they’re less reasonable and willing to negotiate than the Democrats are. The White House has a reputation for, if anything, being too quick to fold. They have more room to avoid blame for a default than the Republicans do. In the end, if the White House holds its ground, Republicans will likely compromise — though only after the White House has done quite a bit of compromising, too.

#### No impact – credit rating agencies are unconcerned with the debt ceiling fight, and even a downgrade would not adversely affect the economy.

Dan Weil 9-13 Credit Ratings Agencies More Sanguine About Debt Limit This Year Friday, 13 Sep 2013 08:28 AM http://www.moneynews.com/Economy/Credit-ratings-S-P-Congress/2013/09/13/id/525502#ixzz2emJAwe3T

As Congress and the White House fought over raising the debt ceiling in the summer of 2011, credit ratings agencies warned that a broad deficit reduction deal was necessary for the government to retain its triple-A credit rating. And Standard & Poor's ended up cutting its rating. But as Congress prepares to deal with the budget and another increase in the debt limit in the coming weeks, the credit rating agencies are a lot more congenial, The Hill reports. Their changed attitude stems from a shrinking budget deficit and perhaps a desire to avoid another fight with Congress, according to the news service. The Congressional Budget Office forecasts a deficit of $670 billion for the year ending Sept. 30, a sharp contraction from the $1.1 trillion deficit for fiscal 2012. "We expect the continuing [budget] resolution to pass, and we expect the debt ceiling to be raised, albeit not necessarily smoothly," says Marie Cavanaugh, managing director of S&P's sovereign ratings group, according to The Hill. "The kind of extreme brinkmanship one saw in 2011 didn't serve the economy. It probably didn't serve anyone. There's major incentive in our opinion to reach an agreement." Steven Hess, senior vice president at Moody's, agrees. "From a credit rating perspective, we are not too concerned about either [government funding or the debt ceiling]," he tells The Hill. "We don't foresee that these short-term issues are likely to change that [stable] outlook." The first downgrade from S&P didn't seem to have much of an impact on the U.S. economy or Treasurys. In fact, investors still rushed to Treasury bonds as a safe haven. "We did get downgraded, and the sky didn't fall. The sun came up the next morning, and rates did not go through the roof," says Brian Gardner, senior vice president for Washington research at Keefe, Bruyette and Woods. "We're kind of left with the question of, 'OK, does it really matter?'"

#### Congress won’t backlash against itself

* “We get to weigh our aff”
	+ Already read 8 minutes of a speech, to nullify that is bad for debate
	+ Everything we said was in the context of the plan, we can’t shift the stasis point of the debate now
	+ Fairness question
	+ Topic was given to us before the tournament, we have to defend it
	+ Role of the ballot is to be a policymaker

#### Ontology does not precede policy – it just distracts from solving actual problems and causes extinction

David McClean (philosopher, writer and business consultant, conducted graduate work in philosophy at NYU) 2001 “The cultural left and the limits of social hope” http://www.american-philosophy.org/archives/past\_conference\_programs/pc2001/Discussion%20papers/david\_mcclean.htm

There is a lot of philosophical prose on the general subject of social justice. Some of this is quite good, and some of it is quite bad. What distinguishes the good from the bad is not merely the level of erudition. Displays of high erudition are gratuitously reflected in much of the writing by those, for example, still clinging to Marxian ontology and is often just a useful smokescreen which shrouds a near total disconnect from empirical reality. This kind of political writing likes to make a lot of references to other obscure, jargon-laden essays and tedious books written by other true believers - the crowd that takes the fusion of Marxian and Freudian private fantasies seriously. Nor is it the lack of scholarship that makes this prose bad. Much of it is well "supported" by footnotes referencing a lode of other works, some of which are actually quite good. Rather, what makes this prose bad is its utter lack of relevance to extant and critical policy debates, the passage of actual laws, and the amendment of existing regulations that might actually do some good for someone else. The writers of this bad prose are too interested in our arrival at some social place wherein we will finally emerge from our "inauthentic" state into something called "reality." Most of this stuff, of course, comes from those steeped in the Continental tradition (particularly post-Kant). While that tradition has much to offer and has helped shape my own philosophical sensibilities, it is anything but useful when it comes to truly relevant philosophical analysis, and no self-respecting Pragmatist can really take seriously the strong poetry of formations like "authenticity looming on the ever remote horizons of fetishization." What Pragmatists see instead is the hope that we can fix some of the social ills that face us if we treat policy and reform as more important than Spirit and Utopia.

* Perm
	+ Perm do both “either the alt should be able to overcome the plan, which means the permutation solves, or if can’t overcome the plan, the alt can’t solve other instances of security in the status quo.”
	+ Perm do the plan then the alt in every other instance (big alts)
	+ Perm do the plan then the alt (small alts)
* “Alt can’t solve”
	+ Can’t solve the case impacts
	+ Can’t solve its own impacts
	+ **Rejection of the aff can’t solve their terminal impacts.**
* “alt illegitimate”
	+ Vagueness
	+ Not reciprocal “we fiat one government, and they fiat every person”
	+ Agentless

#### Alt cant solve – behind closed doors elites like Bush will still speak the language of power you cant change their minds

John Mearsheimer, pub. date: 2001, “The Tragedy of Great Power Politics”

Because Americans dislike realpolitik, public discourse about foreign policy in the United States is usually couched in the language of liberalism. Hence the pronouncements of the policy elites are heavily flavored with optimism and moralism. American academics are especially good at promoting liberal thinking in the marketplace of idea. Behind closed doors, however, the elites who make national security policy speak mostly the language of power not that of principle and the United States acts in the international system according to the dictates of realist logic. In essence, a discernible gap separates public rhetoric from the actual conduct of American foreign policy

#### International politics is a cold-hearted system of selfish intentions- securitization is necessary. For short-term and long-term survivial

John J. Mearsheimer 2001 *the tradgedy of great power politics*

States in the international system also aim to guarantee their own survival. Beacause other states are potential threats, and because there is no higher authority to come to their rescue when they dial 911, states cannot depend on others for their own security. Each state tends to see itself as vulnerable and alone, and therefore it aims to provide for tis own survivial. In intentional politics, God helps those who help themselves. This emphasis on self-help does not preclude states from forming alliances. But alliances are only temporary marriages of convenience: today’s alliance partner might be tomorrow’s enemy, and today’s enemy might be tomorrow’s alliance partner. For example, the United States fought with China and the Soviet Union against Germany and Japan in World War II, but soon thereafter flip-flopped enemies and partners and allied with West Germany and Japan against China and the Soviet Union during the Cold War. States operating in a self-help world almost always act according to their own self-interest and do not subordinate their interests to the interests of other states, or to the interests of the so-called international community. The reason is simple: it pays to be selfish in a self-help world. This is true in the short term as well as in the long term, because if a state loses in the short run, it might not be around for the long haul.

* **Even if they win that security is the root cause of our impacts, the aff timeframe doesn’t just disappear, we have to solve the impacts in the short term**
* **They have to win that the alt can solve the aff impacts, or the case is a disad to the alt**
* **They also have to win that the alt can solve their impacts, otherwise you vote aff on presumption**
* **Utopian fiat bad- you can’t fiat the mindset of 7 billion people, means they could solve any aff impact by saying “nobody will engage in war” or “everybody will stop using CO2”**
	+ **Independent voter for fairness and education**

# 1AR

### Impact

#### Countries turn inward – creates peace

Lloyd deMause, director of The Institute for Psychohistory, “Nuclear War as an Anti-Sexual Group Fantasy” Updated December 18th 2002, http://www.geocities.com/kidhistory/ja/nucsex.htm

The nation "turns inward" during this depressed phase of the cycle. Empirical studies have clearly demonstrated that major economic downswings are accompanied by "introverted" foreign policy moods, characterized by fewer armed expeditions, less interest in foreign affairs in the speeches of leaders, reduced military expenditures, etc. (Klingberg, 1952; Holmes, 1985). Just as depressed people experience little conscious rage--feeling "I deserve to be killed" rather than "I want to kill others" (Fenichel, 1945, p. 393)--interest in military adventures during the depressed phase wanes, arms expeditures decrease and peace treaties multiply.

#### Domestic opposition outweighs – support for military adventures

Daniel Deudney, Hewlett Fellow in Science, Technology, and Society at the Center for Energy and Environmental Studies @ Princeton University, Bulletin of Atomic Scientists, Environment and Security: Muddled and Thinking April 1991, proquest

In addition, economic decline does not necessarily produce conflict. How societies respond to economic decline may largely depend upon the rate at which such declines occur. And as people get poorer, they may become less willing to spend scarce resources for military forces. As Bernard Brodie observed about the modern era, “The predisposing factors to military aggression are full bellies, not empty ones.” The experience of economic depressions over the last two centuries may be irrelevant, because such depressions were characterized by under-utilized production capacity and falling resource prices. In the 1930s, increased military spending stimulated economies, but if economic growth is retarded by environmental constraints, military spending will exacerbate the problem.

### PC not key

#### Syria decimated Obama’s PC – everyone is fighting him – kills the rest of his agenda – post-dates their ev

Khan, 9-11 (Naureen Khan, Al-Jazeera America, September 11, 2013, “Obama pays high political price for fumbling on Syria” <http://america.aljazeera.com/articles/2013/9/11/obama-pays-high-politicalpriceforhandlingofsyria.html>)

\*\*Cites Larry Sabato, political scientist at the University of Virginia

 “Obviously, this has not been well-handled, and the president’s made a couple of 180-degree turns, from the red line to doing nothing to then the military action, and now this diplomatic solution,” said Larry Sabato, political scientist at the University of Virginia. “Here’s his problem: Democrats, Republicans, conservatives, liberals, independents are all opposed to going into Syria. Good luck.” Sabato said that the diplomatic solution looks like the best exit strategy for the president but that there have already been holes punched in his credibility. “Some damage is done because he does look indecisive,” he said. All probable resolutions are still rife with peril for a president who was elected, as he said last week, “to end wars, not start them.” A diplomatic agreement with Russia and Syria will allow the White House to save face and scrap an intensely unpopular plan for military action but will almost certainly be viewed by some as a retreat. There are legitimate questions about how such disarmament would work in practice and whether Syria or Russia should be trusted. If Obama overrides Congress and pursues strikes over lawmakers' objections, he would burn all good will with a body he must work with to reach a deal on the debt ceiling and pass a budget in the fall. There would also almost certainly be increased rumblings about impeachment proceedings if, after extolling the virtues of a constitutional democracy, the president decided to do as he wanted. Public opinion polls showed disapproval of the strikes actually hardening as Obama pushed for authorization. A poll released by the Pew Research Center for the People and the Press Monday showed the American opposition to the strikes surging within the last week from 48 percent to 63 percent. The president's approval rating is also in negative territory at 44 percent, with only a third of Americans favoring his approach to foreign policy — an all-time low. Opponents of the administration seized on the less-than-flattering moment to criticize Obama's entire approach to engaging with the world as well as his blunders on Syria. Fire came from usually friendly quarters too. Liberal Sen. Bernie Sanders, I-Vt., assailed the president and Congress for not focusing on a domestic agenda. “What about our kids?” he asked. “What kind of future are they going to have in a country where the middle class continues to disappear?” Obama’s priorities are indeed on hold for the short-term. Immigration reform has not been discussed at all this week, and even pressing debt ceiling negotiations are on the back burner. Ron Bonjean, a former GOP aide to House and Senate leadership, said the president has weakened his hand on upcoming issues by burning his political capital on Syria. “If members of Congress are willing to stand up to him on Syria, and it looks like they can win, then there’s no reason they wouldn’t take him on other issues as well — over the debt ceiling and the budget talks that will happen this fall,” he said. “Accidental diplomacy,” Bonjean said, was no way to exude leadership.