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## Soft Power

#### Indefinite detention is ineffective---fosters terrorism and damages soft power

Daphne Eviatar 10 is Senior Associate @ Human Rights First, "Indefinite Detention Would Harm, Not Help, National Security," 11-19-10, www.humanrightsfirst.org/2010/11/19/indefinite-detention-would-harm-not-help-national-security/ DOA: 7-23-13, y2k

Wittes and Goldsmith are correct that fighters in enemy forces can be held in military detention until the war is over. But that’s a law of war aimed at foreign soldiers who have not committed crimes, but pose a future danger by virtue of their status as enemy soldiers. They are to be released once hostilities have ceased. It makes no sense in the context of admitted mass murderers who committed the most heinous terrorist strike in history on U.S. soil. The “war on terror” of which they are supposedly a part will, by definition, have no end.

To the extent that Goldsmith and Wittes are arguing merely for detaining suspected terrorists a few more years until the political tides turn, it’s worth remembering that justice delayed is often justice denied.

The challenges the government faced in convicting Ghailani all stemmed from his having been held for a prolonged period in military and CIA custody. First, none of his statements could be used because, as the government admitted, the CIA had coerced them out of him. And much of the other evidence was compromised by the passage of time. At least one witness available in the earlier successful 1998 bombings trial in 2001 was now dead. And many of the witnesses brought in 12 years after the crime couldn’t remember what they’d seen or said just after the bombing happened. On the witness stand, they appeared to be contradicting their earlier statements to the FBI. Ghailani’s defense team effectively used that to question their credibility and raise doubts in the jurors’ minds about what role Ghailani really played in the terrorist plot hatched more than a dozen years ago.

Sitting in the courtroom, I was constantly aware that the witnesses flown in from Tanzania and Kenya were being asked to remember such minute details as which of two people with the same name in a shop in Dar es Salaam in 1998 handed over the cash to purchase a truck or a gas tank (one of them was Ghailani), or what Ghailani told a friend once about his future travel plans, more than a decade later and often after dozens of interrogations by the FBI. I had to wonder if they were really testifying based on memory, or based on what the government might have suggested it wanted to hear. The jury may well have been wondering the same thing.

Prolonged indefinite detention, then, only complicates the government’s ability to prove a terrorist’s guilt later. It could mean the inability to ever hold serious criminals accountable at all. The victims of the 9/11 terror attacks – and the potential victims of all forms of terrorism — deserve better than that.

Of course, those who favor indefinite military detention without trial may respond that “justice” isn’t really their concern. The most important thing is U.S. security, and if we can incapacitate terrorists by locking them away for the rest of their lives without a trial to make sure we’ve got the right ones, well, that’s the price we need to pay.

Setting aside any constitutional arguments with that, even if one believes that national security trumps all, the failure to provide a fair trial to suspected terrorists will ultimately do far more harm to U.S. national security than it will do good. Nothing enrages people more than hypocrisy, and the failure to adhere to the basic principles of fairness and due process that we press others to adopt around the world would only help al Qaeda win new and more vicious recruits. If the United States’ experiment with torture techniques taught us anything, it’s that our global reputation is fragile and that abusive detention and interrogation of suspects won’t win the war on terrorism; on the contrary, it will fuel further attacks.

Now is not the time to resign ourselves to abandoning both law and principle in the name of national security. We already know that going down that path will lead to just the opposite.

#### Specifically- Human rights credibility---now is key to set the global standard for human rights protection

Suzanne Nossel 12 is executive director of Amnesty International USA, "Time for a Reset on Human Rights," 11-7-12, www.foreignpolicy.com/articles/2012/11/07/time\_for\_a\_reset\_on\_human\_rights?page=0,1, DOA: 7-22-13, Y2K

In 2008, Barack Obama's election thrilled many human rights activists. For eight years under George W. Bush, the U.S. government had used torture, held hundreds in long-term detention without trial, and committed abuses at wartime prisons such as Iraq's Abu Ghraib. Rights advocates hoped -- and, based on many of Obama's election-season remarks, reasonably expected -- that the unlawful renditions, secret prisons, and unfair trials would give way to a new American commitment the Constitution and international law. Although Obama faced truculent political opposition in his first term, his weak record on human rights cannot be explained away by economic exigencies or even congressional defiance. Obama now openly embraces the concept of a global "war on terror" as grounds to override international human rights norms and reinterpret the Constitution. Osama Bin Laden's killing was not only the chief talking point of his campaign but a synecdoche for his approach to the terrorist threat, one in which the administration writes its own rules. Although preventing attacks on U.S. soil represents an important human rights victory, this should not overshadow the worrisome direction of U.S. human rights policy and its long-term consequences. If the president's legacy is to include reclaiming U.S. human rights credibility, he needs to face up to his troubling record, and fix it. The Obama administration has led in some areas of human rights policy; examples include advancing gay and lesbian rights, bolstering U.N. human rights mechanisms, and promoting Internet freedom. But where human rights norms are pitted against counterterrorism tactics, it has fallen down. Blocked by Congress, Obama broke his first-term promise to close Guantánamo. Four years later, that failure barely seems to register as a disappointment; 167 men languish in the prison, including 55 who are cleared for release but have not been transferred. Recent weeks have revealed details of an Orwellian "disposition matrix" -- a kill list of top terrorist targets that keeps getting longer. The administration claims the authority to kill those named, anytime and anywhere, based on secret information and unreviewable judgments. The administration has declared any man killed by a drone to be an enemy terrorist, and defends such killings regardless of resulting civilian casualties. With the U.S. withdrawing from Afghanistan, these extraordinary powers are detached from any major battlefield or conventional war. The administration is now backed into claiming that a war exists because it has convinced itself it cannot function without a broad license to kill. Short of al Qaeda suing for peace, this war may never end. The administration's reshaping of the concept of war risks undoing over 100 years of evolution of the laws of war, and the protections those laws have delivered. The next four years will define whether this rewriting of the rules becomes a bipartisan "new normal" in the United States, and implicit permission for the rest of the world to sidestep human rights. Absent swift progress to close Guantánamo, the men now held will likely die there of old age decades from now, since no future president is likely to renew Obama's ill-fated pledge to close the facility. And even if the Guantánamo detainees are transferred to a U.S. prison, bringing indefinite detention onshore, it is hard to fathom the practice will not be used again to deal with future threats. The bipartisan affirmation of drone use will make those weapons routine for the United States and any other government with a kill list of its own.

#### AND- US is key to global human rights protection---indefinite detention undermines US credibility and American interests

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What has been far more problematic over the last few years than random disparities between domestic and international interpretations of human rights law has been a fundamental disparagement of the authority of the international community itself. Such depreciation started early: in 2000 Condoleezza Rice, then foreign policy advisor to candidate George W. Bush, wrote in Foreign Affairs magazine, “Foreign policy in a Republican administration…will proceed from the firm ground of the national interest, not from the interests of an illusory international community [emphasis added].” Over the past seven years the U.S. has repeatedly demonstrated its contempt for that allegedly chimerical community by doing such things as “unsigning” the Rome statute of the International Criminal Court (ICC); declaring the Geneva Conventions inapplicable to prisoners at Guantanamo Bay and other so-called “unlawful combatants;” ignoring UN findings and resolutions in the run-up to the Iraq War; or refusing to stand for election to the UN Human Rights Council. The consequences have been devastating for the reputations both of the U.S., which has seen its favorability ratings drop precipitously around the world,5 and, paradoxically, of human rights themselves. The U.S. has long prided itself on being a champion of human rights and with much good reason. We would have had no Universal Declaration of Human Rights had it not been for Eleanor and Franklin Roosevelt; the U.S. pushed hard for the civil rights provisions of the Helsinki Accords, thereby contributing to the eventual liberation of Eastern Europe; the U.S. judicial system with its wide array of due process protections has been a model emulated by newly emerging countries around the world; U.S. diplomats have frequently intervened on behalf of political dissidents; the Kosovo War was spearheaded by an American commitment to prevent ethnic cleansing; and the annual State Department human rights reports have long been an invaluable resource to the cause of human rights. The current U.S. administration’s commitment to battling HIV/AIDS in Africa and its outspokenness on Darfur are consistent with this tradition. But for the most powerful nation in the world, long looked to as a model of human rights virtue, to undermine the international system itself—the very framework upon which human rights are predicated—is to cause immeasurable damage to the struggle for liberty. Backtracking on our commitments to international treaties and norms in the name of defending human rights is not just ironic. One of the consequences of the Iraq War with its latter-day human rights rationale and of the “War on Terror” with its oft-stated goals of defending freedom and the rule of law is that human rights themselves have come to be identified with America’s worldwide ambitions. For human rights to be conflated with, fairly or not, in the words of the critic David Rieff, “the official ideology of American empire,”6 only exacerbates the customary suspicion in which human rights have been held by some in the developing world who see them as a guise for the imposition of Western values. The truth is that if human rights and the U.S.’s pursuit of them are discredited, American interests are put in peril. Reserving the option to torture prisoners, denying them habeas corpus, sending them into “black site” prisons—all this makes it harder to defend America against the charge of hypocrisy; the claim that we are carrying out a war in defense of the rule of law by abandoning that very rule. Such a charge hands fodder for recruitment to our adversaries and makes the world less safe for Americans. No country can claim protection for its own citizens overseas (be they soldiers taken as prisoners, nationals charged with crimes, or corporations faced with extortion) if it fails to respect international norms at home. Global relations are based in good part on reciprocity. Nor can the U.S. offer effective objection to the human rights violations of others if it is guilty of those same violations itself or has shunned cooperation with international allies. No nation, no matter how powerful, can successfully pursue improvements in human rights around the world independent of the international community. Unilateral sanctions imposed upon a country to protest human rights abuses will inevitably fail if they lack the support of others

#### Credibility key to foster foreign cooperation and hegemony

John Ikenberry 4 Professor of Politics and International Affairs at Princeton, “Liberal Realism: The Foundations of a Democratic Foreign Policy”, The National Interest, Fall

The Bush Administration's disregard for legitimacy has had devastating consequences for America's standing in the world, particularly among Europeans. The country that for decades was seen to be at the forefront of progressive change is now regarded as a threat to the international system. During the heyday of American legitimacy amid the Cold War, it would have been unthinkable for a German chancellor to rescue his bid for re-election by insisting that Berlin stand up to Washington. Not only did Gerhard Schroder do so in 2002, but candidates in other countries--Spain, Brazil and South Korea--have thrived by distancing themselves from the United States. In a world of degraded American legitimacy, other countries are more reluctant to cooperate with the United States. Over the longer term--and in a thousand different ways--countries will take steps to separate themselves from the United States, to resist its leadership and to organize their regions of the world in opposition to Washington. From the perspective of liberal realism, legitimacy is an intrinsic aspect of power. To care about legitimacy is not to cede American power to the UN or any other party. Instead, it is to exercise American power in a manner that continues to attract the support of others. Successive American presidents have found ways to do so because they realized that to legitimate American power was to turn coercion and domination into authority and consent. In Jean-Jacques Rousseau's famous formulation from The Social Contract: "The strongest is never strong enough to be always master, unless he transforms strength into right and obedience into duty."

#### Soft-power is key to leadership

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Indeed anti-American sentiment is sweeping the world after the Iraq war. It has, of course, been aggravated by the aggressive style of the present American President. Under George Bush, anti-Americanism is widely thought to have reached new heights. In the coming years the USA will lose more of its ability to lead others if it decides to act unilaterally. If other states step aside and question the USA's policies and objectives and seek to de-legitimise them, the problems of the USA will increase manifold. American success will lie in melding power and cooperation and generating a belief in other countries that their interests will be served by working with instead of opposing the United States. It is aptly said that use of power without cooperation becomes dictatorial and breeds resistance and resentment. But cooperation without power produces posturing and no concrete progress. There is also another disquieting development. It seems American soft power is waning and it is losing its allure as a model society. Much of the rest of the world is no longer looking up to the USA as a beacon. Rising religiosity, rank hostility to the UN, Bush's doctrine of preventive war, Guantanamo Bay etc are creating disquiet in the minds of many and turning them off America. This diminution of America's soft power will also create disenchantment and may gradually affect American pre-eminence.

#### History is on our side – theres zero chance that war erupts or escalates in a world of the aff – there is only a risk of war if you vote neg

Bradley Thayer (Associate Professor in the Department of Defense and Strategic Studies, Missouri State University) 2007 “American Empire” Routledge, page 42

Peace, like good health, is not often noticed, but certainly is missed when absent. Throughout history, peace and stability have been a major benefit of empires. In fact, pax Romana in Latin means the Roman peace, or the stabil-ity brought about by the Roman Empire. Rome’s power was so overwhelming that no one could challenge it successfully for hundreds of years. The result was stability within the Roman Empire. Where Rome conquered, peace, law, order, education, a common language, and much else followed. That was true of the British Empire (pax Britannica) too. So it is with the United States today. Peace and stability are major benefits of the American Empire. The fact that America is so powerful actually reduces the likelihood of major war. Scholars of international politics have found that the presence of a dominant state in international politics actually reduces the likelihood of war because weaker states, including even great powers, know that it is unlikely that they could challenge the dominant state and win. They may resort to other mechanisms or tactics to challenge the dominant coun-try, but are unlikely to do so directly. This means that there will be no wars between great powers. At least, not until a challenger (certainly China) thinks it can overthrow the dominant state (the United States). But there will be intense security competition—both China and the United States will watch each other closely, with their intelligence communities increasingly focused on each other, their diplomats striving to ensure that countries around the world do not align with the other, and their militaries seeing the other as their principal threat. This is not unusual in international politics but, in fact, is its “normal” condition. Americans may not pay much attention to it until a crisis occurs. But right now states are competing with one another. This is because international politics does not sleep; it never takes a rest.

#### No impact turns---hegemonic decline emboldens rising power and challengers---US intervention is inevitable, only a question of effectiveness.

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But the question is not whether promises to bring home troops and reduce military spending can be sold in an election year -- the question is what impact would retrenchment have on future U.S. and global security. If history is any guide, the answer is troubling: Over the past century, each of America's attempts to reduce its role in the world was met by rising global threats, eventually requiring a major U.S. re-engagement. This is not to argue that the U.S. should sustain its muscular post-9/11 global posture or continue its land war in Afghanistan. It is to urge caution against a growing belief that scaling back American power in the world will be without risks or costs. History shows that in the aftermath of America's major wars of the 20th century -- World War I, World War II and Vietnam -- the American public and powerful leaders in Washington demanded strict new limits in foreign policy. After World War I, that meant rejecting participation in the League of Nations and receding into isolation. After World War II, it meant embarking on one of the largest voluntary military demobilizations in world history. And after Vietnam, it meant placing new restrictions on a president's ability to conduct overseas operations. But in each case, hopes were soon dashed by global challengers who took advantage of America's effort to draw back from the world stage -- Germany and Japan in the 1930s, the Soviet Union in the immediate post-World War II period and the Soviet Union again after Vietnam. In each case, the United States was forced back into a paramount global leadership role -- in World War II, the Cold War and the military build-up and proxy wars of the 1980s. Similar effects have also followed the withdrawal of U.S. troops from global hot spots, as in Somalia in 1993. America's need to extricate itself from that calamitous humanitarian mission, in which 18 U.S. soldiers were killed, was clear. But the withdrawal came at a huge strategic cost: It emboldened the narrative of the emerging al Qaeda network that America was a "paper tiger," setting the stage for the escalating terrorist attacks of the 1990s and September 11, 2001. The Afghan war: When friends are enemies U.S. steps up Mideast military presence Military option for Pres. Obama in Libya Obama's desire to withdraw from costly and unpopular foreign conflicts and refocus on domestic issues is understandable. And he is by no means an isolationist, as his intensified war on al Qaeda can attest. But Obama's assertion that his recalibration of U.S. foreign policy -- centered on withdrawing U.S. troops from Mideast wars and leaning more on allies and the United Nations -- has awakened "a new confidence in our leadership" is without foundation. Like Great Britain in the 19th century, America since the turn of the 20th century has been the world's pivotal global power. Fair or not, in moments when America seemed unsure of its role in the world, the world noticed and reacted. There is no reason to believe now is different. Indeed, in many ways looming opportunists are more obvious today than the 1930s, 1970s and 1990s. These include al Qaeda and other Islamist movements spinning U.S. troop withdrawals from Iraq and Afghanistan as strategic defeats; an emboldened Iran on the cusp of attaining nuclear weapons; and a rising China flexing its muscles in the South China Sea. To his credit, Romney has strongly warned against a world with more limited American leadership. He has also promised to reverse Obama's defense cuts and offer his own increases. But while Obama's approach may be shortsighted, Romney's would face an uphill battle against fiscal and popular sentiment. These issues must certainly be raised in the upcoming presidential debates. Whoever wins in November will confront not just an increasingly dangerous world, but also an increasingly isolationist public. The great challenge will be to convince the American people that robust U.S. leadership in the world remains vital to their security and prosperity and convince the world it remains unwavering. History shows that doing otherwise only raises the stakes down the line.

#### Even if they win their offense, legitimacy smooths the transition---key to global stability

Kevin Fujimoto 12, Lt. Colonel, U.S. Army, January 11, 2012, “Preserving U.S. National Security Interests Through a Liberal World Construct,” online: <http://www.strategicstudiesinstitute.army.mil/index.cfm/articles/Preserving-US-National-Security-Interests-Liberal-World-Construct/2012/1/11>

The emergence of peer competitors, not terrorism, presents the greatest long-term threat to our national security. Over the past decade, while the United States concentrated its geopolitical focus on fighting two land wars in Iraq and Afghanistan, China has quietly begun implementing a strategy to emerge as the dominant imperial power within Southeast Asia and the Indian Ocean. Within the next 2 decades, China will likely replace the United States as the Asia-Pacific regional hegemonic power, if not replace us as the global superpower.1 Although China presents its rise as peaceful and non-hegemonic, its construction of naval bases in neighboring countries and military expansion in the region contradict that argument. With a credible threat to its leading position in a unipolar global order, the United States should adopt a grand strategy of “investment,” building legitimacy and capacity in the very institutions that will protect our interests in a liberal global construct of the future when we are no longer the dominant imperial power. Similar to the Clinton era's grand strategy of “enlargement,”2 investment supports a world order predicated upon a system of basic rules and principles, however, it differs in that the United States should concentrate on the institutions (i.e., United Nations, World Trade Organization, ASEAN, alliances, etc.) that support a world order, as opposed to expanding democracy as a system of governance for other sovereign nations. Despite its claims of a benevolent expansion, China is already executing a strategy of expansion similar to that of Imperial Japan's Manchukuo policy during the 1930s.3 This three-part strategy involves: “(i) (providing) significant investments in economic infrastructure for extracting natural resources; (ii) (conducting) military interventions (to) protect economic interests; and, (iii) . . . (annexing) via installation of puppet governments.”4 China has already solidified its control over neighboring North Korea and Burma, and has similarly begun more ambitious engagements in Africa and Central Asia where it seeks to expand its frontier.5 Noted political scientist Samuel P. Huntington provides further analysis of the motives behind China's imperial aspirations. He contends that “China (has) historically conceived itself as encompassing a “‘Sinic Zone'. . . (with) two goals: to become the champion of Chinese culture . . . and to resume its historical position, which it lost in the nineteenth century, as the hegemonic power in East Asia.”6 Furthermore, China holds one quarter of the world's population, and rapid economic growth will increase its demand for natural resources from outside its borders as its people seek a standard of living comparable to that of Western civilization. The rise of peer competitors has historically resulted in regional instability and one should compare “the emergence of China to the rise of. . . Germany as the dominant power in Europe in the late nineteenth century.”7 Furthermore, the rise of another peer competitor on the level of the Soviet Union of the Cold War ultimately threatens U.S. global influence, challenging its concepts of human rights, liberalism, and democracy; as well as its ability to co-opt other nations to accept them.8 This decline in influence, while initially limited to the Asia-Pacific region, threatens to result in significant conflict if it ultimately leads to a paradigm shift in the ideas and principles that govern the existing world order. A grand strategy of investment to address the threat of China requires investing in institutions, addressing ungoverned states, and building legitimacy through multilateralism. The United States must build capacity in the existing institutions and alliances accepted globally as legitimate representative bodies of the world's governments. For true legitimacy, the United States must support these institutions, not only when convenient, in order to avoid the appearance of unilateralism, which would ultimately undermine the very organizations upon whom it will rely when it is no longer the global hegemon. The United States must also address ungoverned states, not only as breeding grounds for terrorism, but as conflicts that threaten to spread into regional instability, thereby drawing in superpowers with competing interests. Huntington proposes that the greatest source of conflict will come from what he defines as one “core” nation's involvement in a conflict between another core nation and a minor state within its immediate sphere of influence.9 For example, regional instability in South Asia10 threatens to involve combatants from the United States, India, China, and the surrounding nations. Appropriately, the United States, as a global power, must apply all elements of its national power now to address the problem of weak and failing states, which threaten to k,l as the principal catalysts of future global conflicts.11 Admittedly, the application of American power in the internal affairs of a sovereign nation raises issues. Experts have posed the question of whether the United States should act as the world's enforcer of stability, imposing its concepts of human rights on other states. In response to this concern, The International Commission on Intervention and State Sovereignty authored a study titled, The Responsibility to Protect,12 calling for revisions to the understanding of sovereignty within the United Nations (UN) charter. This commission places the responsibility to protect peoples of sovereign nations on both the state itself and, more importantly, on the international community.13 If approved, this revision will establish a precedent whereby the United States has not only the authority and responsibility to act within the internal affairs of a repressive government, but does so with global legitimacy if done under the auspices of a UN mandate. Any effort to legitimize and support a liberal world construct requires the United States to adopt a multilateral doctrine which avoids the precepts of the previous administration: “preemptive war, democratization, and U.S. primacy of unilateralism,”14 which have resulted in the alienation of former allies worldwide. Predominantly Muslim nations, whose citizens had previously looked to the United States as an example of representative governance, viewed the Iraq invasion as the seminal dividing action between the Western and the Islamic world. Appropriately, any future American interventions into the internal affairs of another sovereign nation must first seek to establish consensus by gaining the approval of a body representing global opinion, and must reject military unilateralism as a threat to that governing body's legitimacy. Despite the long-standing U.S. tradition of a liberal foreign policy since the start of the Cold War, the famous liberal leviathan, John Ikenberry, argues that “the post-9/11 doctrine of national security strategy . . . has been based on . . . American global dominance, the preventative use of force, coalitions of the willing, and the struggle between liberty and evil.”15 American foreign policy has misguidedly focused on spreading democracy, as opposed to building a liberal international order based on universally accepted principles that actually set the conditions for individual nation states to select their own system of governance. Anne-Marie Slaughter, the former Dean of the Woodrow Wilson School of Public and International Affairs, argues that true Wilsonian idealists “support liberal democracy, but reject the possibility of democratizing peoples . . .”16 and reject military primacy in favor of supporting a rules-based system of order. Investment in a liberal world order would also set the conditions for the United States to garner support from noncommitted regional powers (i.e., Russia, India, Japan, etc.), or “swing civilizations,” in countering China's increasing hegemonic influence.17 These states reside within close proximity to the Indian Ocean, which will likely emerge as the geopolitical focus of the American foreign policy during the 21st century, and appropriately have the ability to offset China's imperial dominance in the region.18 Critics of a liberal world construct argue that idealism is not necessary, based on the assumption that nations that trade together will not go to war with each other.19 In response, foreign affairs columnist Thomas L. Friedman rebukes their arguments, acknowledging the predicate of commercial interdependence as a factor only in the decision to go to war, and argues that while globalization is creating a new international order, differences between civilizations still create friction that may overcome all other factors and lead to conflict.20 Detractors also warn that as China grows in power, it will no longer observe “the basic rules and principles of a liberal international order,” which largely result from Western concepts of foreign relations. Ikenberry addresses this risk, citing that China's leaders already recognize that they will gain more authority within the existing liberal order, as opposed to contesting it. China's leaders “want the protection and rights that come from the international order's . . . defense of sovereignty,”21 from which they have benefitted during their recent history of economic growth and international expansion. Even if China executes a peaceful rise and the United States overestimates a Sinic threat to its national security interest, the emergence of a new imperial power will challenge American leadership in the Indian Ocean and Asia-Pacific region. That being said, it is more likely that China, as evidenced by its military and economic expansion, will displace the United States as the regional hegemonic power. Recognizing this threat now, the United States must prepare for the eventual transition and immediately begin building the legitimacy and support of a system of rules that will protect its interests later when we are no longer the world's only superpower

#### Soft power prevents extinction – disease, climate change, terrorism, and great power war

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Power always depends on context, and in today's world, it is distributed in a pattern that resembles a complex three-dimensional chess game. On the top chessboard, military power is largely unipolar and likely to remain so for some time. But on the middle chessboard, economic power is already multi-polar, with the US, Europe, Japan and China as the major players, and others gaining in importance. The bottom chessboard is the realm of transnational relations that cross borders outside of government control, and it includes actors as diverse as bankers electronically transferring sums larger than most national budgets at one extreme, and terrorists transferring weapons or hackers disrupting Internet operations at the other. It also includes new challenges like pandemics and climate change. On this bottom board, power is widely dispersed, and it makes no sense to speak of unipolarity, multi-polarity or hegemony. Even in the aftermath of the financial crisis, the giddy pace of technological change is likely to continue to drive globalisation, but the political effects will be quite different for the world of nation states and the world of non-state actors. In inter-state politics, the most important factor will be the continuing "return of Asia". In 1750, Asia had three-fifths of the world population and three-fifths of the world's product. By 1900, after the industrial revolution in Europe and America, Asia's share shrank to one-fifth of the world product. By 2040, Asia will be well on its way back to its historical share. The "rise" in the power of China and India may create instability, but it is a problem with precedents, and we can learn from history about how our policies can affect the outcome. A century ago, Britain managed the rise of American power without conflict, but the world's failure to manage the rise of German power led to two devastating world wars. In transnational politics, the information revolution is dramatically reducing the costs of computing and communication. Forty years ago, instantaneous global communication was possible but costly, and restricted to governments and corporations. Today it is virtually free to anyone with the means to enter an internet café. The barriers to entry into world politics have been lowered, and non-state actors now crowd the stage. In 2001, a non-state group killed more Americans than the government of Japan killed at Pearl Harbor. A pandemic spread by birds or travelers on jet aircraft could kill more people than perished in the first or second world wars. This is a new world politics with which we have less experience. The problems of power diffusion (away from states) may turn out to be more difficult than power transition among states. The problem for American power in the 21st century is that there are more and more things outside the control of even the most powerful state. Although the United States does well on the traditional measures, there is increasingly more going on in the world that those measures fail to capture. Under the influence of the information revolution and globalisation, world politics is changing in a way that means Americans cannot achieve all their international goals acting alone. For example, international financial stability is vital to the prosperity of Americans, but the United States needs the cooperation of others to ensure it. Global climate change too will affect the quality of life, but the United States cannot manage the problem alone. And in a world where borders are becoming more porous than ever to everything from drugs to infectious diseases to terrorism, America must mobilise international coalitions to address shared threats and challenges. As the largest country, American leadership will remain crucial. The problem of American power after this crisis is not one of decline, but realisation that even the largest country cannot achieve its aims without the help of others.

## Supremacy

#### The plan returns power from the Courts to the Congress empowering the Congress to reassert its authority

Robin West ‘94 Prof. of Law. Georgetown (*Progressive Constitutionalism* p. 218-220)

The concluding section of this chapter argues that even in the short term, and certainly in the long term, there are good reasons for developing an alternative, non- or postliberal, and explicitly progressive paradigm of constitutional interpretation, even if it is clear, as it seems to be, that the present conservative Supreme Court will not embrace it. It also argues, however, that for both strategic and theoretical reasons, the proper audi­ence for the development of a progressive interpretation of the Constitution is Congress rather than the courts. The progressive Constitution should be meant for, and therefore must be aimed toward, legislative rather than adjudicative change. The strategic reasons for this proposed reorientation of progressive con­stitutional discourse should be self-evident. Although the progressive Con­stitution is arguably consistent with some aspects of the liberal-legalist paradigm of the middle of this century, it is utterly incompatible with the conservative paradigm now dominating constitutional adjudication. It does not follow, however, that the progressive Constitution is incompatible with all constitutional decision making: both legislatures and citizens have constitutional obligations, engage in constitutional discourse, and can be moved, presumably, to bring electoral politics in line with the progressive mandates of the Constitution, as those mandates have been understood and interpreted by progressive constitutional lawyers and theorists. I also argue, however, that for theoretical and strategic reasons, the long-range success, the sense, and even more modestly the relevance of the progressive interpretation of the Constitution depend not only on the merits of its interpretive claims but also, and perhaps more fundamentally, on a federal Congress reenlivened to its constitutional obligations. First, of course, it is Congress, not the Supreme Court, that is specifically mandated under the Fourteenth Amendment to take positive action to ensure equal protection and due process rights—the core constitutional tools for attack­ing illegitimate social and private power. If Congress is ever to fulfill this obligation, it will need the guidance of interpretive theories of the mean­ing of equal protection, due process, equality, and liberty that are aimed explicitly toward the context of legislative action and are not constrained by the possibilities and limits of adjudicative law. But more fundamentally, the progressive Constitution, I argue, will never achieve its full meaning—and worse, will remain riddled with paradox and contradiction—so long as it remains in an adjudicative forum. This is not only because of the probable political composition of the Court over the next few decades, but also because of the philosophical and political meanings of adjudi­cative law itself: the possibilities of adjudicative law are constrained by precisely the same profoundly conservative attitudes toward social power that underlie conservative constitutionalism. By acquiescing in a definition of the Constitution as a source of adjudicative law, progressives seriously undermine its progressive potential. Only by reconceptualizing the Consti­tution as a source of inspiration and guidance for legislation, rather than a superstructural constraint on adjudication, can we make good on its richly progressive promise. Therefore, the concluding section of this chapter argues that, for struc­tural long-term as well as strategic short-term reasons, the progressive Constitution—the cluster of meanings found or implanted in constitu­tional guarantees by modern progressive scholars—should be addressed to the Congress and to the citizenry rather than to the courts. The goal of progressive constitutionalists, both in the academy and at the bar, over the coming decades should be to create what Bruce Ackerman has called in other contexts a "constitutional moment" 20 and what Owen Fiss might call more dramatically an "interpretive crisis.' Progressives need to cre­ate a world in which it is clear that a progressive Congress has embraced one set of constitutional meanings, and the conservative Court a contrast­ing and incompatible set. The Supreme Court does, and always has, as Fiss reminds us, read the Constitution so as to avoid crisis.22 The lesson to draw is surely that only when faced with such a constitutional moment will this conservative Court change paths.

#### Two Impacts:

#### First is popular constitutionalism

#### Ending judicial supremacy is key to revive democracy worldwide

Robert Justin Lipkin ‘6 Professor of Law, Widener University School of Law (28 Cardozo L. Rev. 1055)

Even when the Court gets the right interpretation three problems remain: (1) Delegating the ultimate question of constitutionality to the courts discourages the polity from engaging in unfettered conversation about constitutional meaning, [193](https://www.lexis.com/research/retrieve?_m=b00d8e40303bbd2f1abee242874ec95d&csvc=le&cform=byCitation&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzb-zSkAb&_md5=7a15214eaa1deb8f698148329bfaa541" \l "n193" \t "_self) a conversation not directed primarily toward the courts. [194](https://www.lexis.com/research/retrieve?_m=b00d8e40303bbd2f1abee242874ec95d&csvc=le&cform=byCitation&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzb-zSkAb&_md5=7a15214eaa1deb8f698148329bfaa541" \l "n194" \t "_self) (2) A related point maintains that judicial  [\*1121]  constitutionalism has created a language decidedly more legal than the language of contextual political philosophy. (3) The question of who checks the Court is never institutionally addressed. Keep in mind that no one would argue that the Court always produces the correct interpretation. Not even the Court would entertain such an argument. Indeed, everyone believes that the Court has made dreadfully bad decisions in the past and will in all likelihood do so again in the future. We just disagree on which decisions were bad. Where such reasonable disagreement exists, the solution in a republican democracy should be to subject constitutional meaning to a complex interbranch process with the final say in the hands of an elected branch and therefore ultimately in the hands of the people. American constitutionalism has become the antithesis of its origin in the revolutionary era. Removing constitutional supremacy from the courts forces the electorate to be more involved in deciding constitutional meaning. This might enable constitutional discourse to be revivified and transformed from the language of lawyers to the language of sovereign republican democratic citizens. [195](https://www.lexis.com/research/retrieve?_m=b00d8e40303bbd2f1abee242874ec95d&csvc=le&cform=byCitation&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzb-zSkAb&_md5=7a15214eaa1deb8f698148329bfaa541" \l "n195" \t "_self) Providing a congressional override is one step in bringing the Constitution back to its roots.

#### The impact is extinction

Carl Boggs**, National University,** 1997,Theory and Society, December, Volume 26, Number 6, p. 773-4

The decline of the public sphere in late twentieth-century America poses a series of great dilemmas and challenges. Many ideological currents scrutinized here -- localism, metaphysics, spontaneism, post-modernism, Deep Ecology -- intersect with and reinforce each other. While these currents have deep origins in popular movements of the 1960s and 1970s, they remain very much alive in the 1990s. Despite their different outlooks and trajectories, they all share one thing in common: a depoliticized expression of struggles to combat and overcome alienation.

The false sense of empowerment that comes with such mesmerizing impulses is accompanied by a loss of public engagement, an erosion of citizenship and a depleted capacity of individuals in large groups to work for social change. As this ideological quagmire worsens, urgent problems that are destroying the fabric of American society will go unsolved -- perhaps even unrecognized -- only to fester more ominously into the future. And such problems (ecological crisis, poverty, urban decay, spread of infectious diseases, technological displacement of workers) cannot be understood outside the larger social and global context of internationalized markets, finance, and communications. Paradoxically, the widespread retreat from politics, often inspired by localist sentiment, comes at a time when agendas that ignore or side-step these global realities will, more than ever, be reduced to impotence. In his commentary on the state of citizenship today, Wolin refers to the increasing sublimation and dilution of politics, as larger numbers of people turn away from public concerns toward private ones. By diluting the life of common involvements, we negate the very idea of politics as a source of public ideals and visions. In the meantime, **the fate of the world hangs in the balance**. The unyielding truth is that, even as the ethos of anti-politics becomes more compelling and even fashionable in the United States, it is the vagaries of political power that will continue to decide the fate of human societies.

This last point demands further elaboration. The shrinkage of politics hardly means that corporate colonization will be less of a reality, that social hierarchies will somehow disappear, or that gigantic state and military structures will lose their hold over people's lives. Far from it: the space abdicated by a broad citizenry, well-informed and ready to participate at many levels, can in fact be filled by authoritarian and reactionary elites -- an already familiar dynamic in many lesser developed countries. The fragmentation and chaos of a Hobbesian world, not very far removed from the rampant individualism, social Darwinism, and civic violence that have been so much a part of the American landscape, could be the prelude to a powerful Leviathan designed to impose order in the face of disunity and atomized retreat. In this way the eclipse of politics might set the stage for a reassertion of politics in more virulent guise -- or it might help further rationalize the existing power structure. In either case, the state would likely become what Hobbes anticipated: the embodiment of those universal, collective interests that had vanished from civil society.

#### Second is Modeling

#### Status quo emerging democracies model US judicial supremacy -- only an abandonment of judicial supremacy in the US can end its presence worldwide

Janet L. **Hiebert ‘4** Associate Professor of Political Studies, Queen's University, Canada (82 Tex. L. Rev. 1963)

The reason for caution does not arise out of any inherent conceptual shortcomings with this model, but from the **strong influence of American constitutional ideas**. Despite the innovative approach these models take, it remains to be seen to what extent these political communities can resist the emphasis on judicial hegemony when interpreting rights and resolving legislative conflicts where rights claims arise. It seems remarkable that the idea of judicial hegemony remains so influential, particularly in light of the cumulative force of challenges posed first by Legal Realists [95](https://www.lexis.com/research/retrieve?_m=da6b68717a4dcefdc7e0ff7e0605712c&csvc=le&cform=byCitation&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzb-zSkAb&_md5=dabf2713bbd696ec04dcb00d5c610e39#n95) and reinforced by a diverse range of critical perspectives from Critical Legal Studies, [96](https://www.lexis.com/research/retrieve?_m=da6b68717a4dcefdc7e0ff7e0605712c&csvc=le&cform=byCitation&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzb-zSkAb&_md5=dabf2713bbd696ec04dcb00d5c610e39#n96) feminist, [97](https://www.lexis.com/research/retrieve?_m=da6b68717a4dcefdc7e0ff7e0605712c&csvc=le&cform=byCitation&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzb-zSkAb&_md5=dabf2713bbd696ec04dcb00d5c610e39#n97) critical race, [98](https://www.lexis.com/research/retrieve?_m=da6b68717a4dcefdc7e0ff7e0605712c&csvc=le&cform=byCitation&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzb-zSkAb&_md5=dabf2713bbd696ec04dcb00d5c610e39#n98) and lesbian and gay [99](https://www.lexis.com/research/retrieve?_m=da6b68717a4dcefdc7e0ff7e0605712c&csvc=le&cform=byCitation&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzb-zSkAb&_md5=dabf2713bbd696ec04dcb00d5c610e39" \l "n99" \t "_self) scholarship, all of which have  [\*1987]  challenged the idea that legal reasoning and methodology embody objective principles that negate the political ideology of the judge or the influence of dominant social norms. It is equally remarkable that this judicial hegemony would be accepted in a contemporary environment where bills of rights are overlaid against a modern welfare state that presumes and requires substantial state involvement. Answers to questions of whether a right has been infringed can rarely be assessed by reference to abstract associations of the limited state in classical liberal theory, which assumes that the state is the enemy of freedom. Rather, these resolutions must address numerous questions: How does the activity associated with a claim to a right relate to the normative reasons for protecting certain human activities from the coercive powers of the modern state? How important are the values or objectives that the impugned legislation seeks to advance? Are these values consistent with a free and democratic society? But since these questions may give rise to a range of reasonable answers, it makes little sense to pretend that judges have superior or exclusive insights. [100](https://www.lexis.com/research/retrieve?_m=da6b68717a4dcefdc7e0ff7e0605712c&csvc=le&cform=byCitation&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzb-zSkAb&_md5=dabf2713bbd696ec04dcb00d5c610e39" \l "n100" \t "_self) Nevertheless, the power of this assumption transcends American constitutional ideas. It influences the assumptions about appropriate political behavior even within polities that have constructed an alternative model recognizing the **legitimacy of legislative judgments**, and even where these are different from judicial judgments. Only time will tell whether it is possible to establish a bill of rights that will evolve in a manner that can resist the notion that **judicial hegemony** is required for responsible judgments about rights.

#### US detention policies spill over and are modeled- Israel proves[**Adam Horowitz**](http://mondoweiss.net/author/adamhorowitz)**on February 20, 2012**Greenwald: Indefinite detention policies have become normalized legally, politically and culturally in Israel and the US

<http://mondoweiss.net/2012/02/greenwald-indefinite-detention-policies-have-be-come-normalized-legally-politically-and-culturally-in-israel-and-the-us.html>

Of course, the U.S. has its own system of indefinite detention [now firmly in place](http://www.nytimes.com/2010/01/22/us/22gitmo.html?hpw). Both [within war zones](http://www.nytimes.com/2009/02/22/washington/22bagram.html?_r=1&scp=2&sq=bagram&st=cse) and [outside of them](http://www.nytimes.com/2010/01/22/us/22gitmo.html?hpw), the Obama administration continues to hold hundreds of prisoners who have never been charged with any crime even as they have remained captive for many years. Put another way, both the U.S. and its closest client state have completely normalized exactly the type of arbitrary, due-process-free imprisonment the U.S. has long condemned as the defining attribute of despotism. And, of course, the U.S. Congress just enacted, and President Obama just signed, a law that [expressly permits](http://www.salon.com/2011/12/15/obama_to_sign_indefinite_detention_bill_into_law/) indefinite detention.

#### Judicial hegemony entrenches elite power and makes transition to democracy impossible

Ran **Hirschl ‘4** Professor of Political Science & Law, University of Toronto (*Towards Juristocracy* p. 1-2)

While the benefits of constitutionalization for economic libertarians and judicial elites appear obvious, its appeal for hegemonic sociopolitical forces and their political representatives may at first glance look questionable. However, when their policy preferences have been, or are likely to be, in­creasingly challenged in majoritarian decision-making arenas, elites that possess disproportionate access to, and influence over, the legal arena may initiate a constitutional entrenchment of rights and judicial review in order to transfer power to supreme courts. Based on the courts' relatively high public reputation for professionalism and political impartiality, their record of adjudication, and the justices' ideological preferences, these elites may safely assume that their policy preferences will be less effectively contested under the new arrangement. Judicial empowerment through constitution­alization may provide an efficient institutional solution for influential groups who seek to preserve their hegemony and who, given an erosion in their popular support, may find strategic drawbacks in adhering to majoritarian policy-making processes. More "demographically representa­tive" political processes are, in other words, a catalyst, not an outcome, of constitutionalization. The constitutionalization of rights is therefore often not a reflection of a genuinely progressive revolution in a polity; rather, it is evidence that the rhetoric of rights and judicial review has been appropri­ated by threatened elites to bolster their own position in the polity. By keep­ing popular decision-making mechanisms at the forefront of the formal democratic political process while shifting the power to formulate and pro­mulgate certain policies to semiautonomous professional policy-making bodies, those who possess disproportionate access to, and have a decisive in­fluence upon, such bodies minimize the potential threat to their hegemony. '

#### This turns their disads and causes global war

Edward D. Mansfield, associate professor of political science at Columbia, and Jack Snyder, professor of political science and director of the institute of war and peace studies at Columbia, 2006 National Interest

THE BUSH Administration has argued that promoting democracy in the Islamic world, rogue states and China will enhance America's security, because tyranny breeds violence and democracies co-exist peacefully. But recent experience in Iraq and elsewhere reveals that the early stages of transitions to electoral politics have often been rife with violence. These episodes are not just a speed bump on the road to the democratic peace. Instead, they reflect a fundamental problem with the Bush Administration's strategy of forced-pace democratization in countries that lack the political institutions needed to manage political competition. Without a coherent state **grounded in a consensus** on which citizens will exercise self-determination, unfettered electoral politics often gives rise to nationalism and violence at home and abroad. Absent these preconditions, **democracy is deformed, and transitions toward democracy revert to autocracy or generate chaos**. Pushing countries too soon into competitive electoral politics not only risks **stoking war, sectarianism and terrorism**, but **it also makes the future consolidation of democracy more difficult**.

#### Congressional restrictions of the president solve best- better flexibility and recognition of politics and foreign policy– Bellia ‘2

Patricia Bellia; “Executive Power in Youngstown’s Shadows”; Constitutional Commentary; Spring 2002

We can in fact detect the seeds of this reluctance to give content to the President's constitutional powers in Justice Jackson's concurrence. Recall Justice Jackson's observation about his second category of executive action, where Congress is silent. **Congressional silence**, he wrote, may "**invite[] measures on independent presidential responsibility**." (269) The outcome of the dispute is likely to turn more on "contemporary imponderables" than "on abstract theories of law." (270) If Justice Jackson's statement was purely predictive, he was right. Justiciability doctrines require or permit courts to avoid resolving many significant separation of powers disputes. (271) But Justice Jackson's claim that **powers "fluctuate" according to Congress's will also yields two related normative conclusions**. The first is a prudential point that **the task of policing the Executive should fall to Congress, not the courts, because the political branches are more likely to arrive at a narrow resolution that will preserve the Government's flexibility in later, unforeseen circumstances**. This view seemed to animate Justice Powell's concurrence in the Supreme Court's decision to deny review in Goldwater v. Carter, (272) a dispute over President Carter's termination of the United States' mutual defense treaty with Taiwan. Justice Powell argued that judicial intervention was inappropriate because Congress and the President had not yet reached a "constitutional impasse." (273) The Senate had considered a resolution declaring that Senate approval is necessary for termination of a treaty but had taken no final action. (274) Justice Powell suggested that "[i]t cannot be said that either the Senate or the House has rejected the President's claim. If the Congress chooses not to confront the President, it is not our task to do so." (275) In other words, so long as Congress was silent, Justice Powell saw no role for the Court in resolving questions about the appropriate division of power. (276) The second normative point that flows from Justice Jackson's **claim that powers "fluctuate" is one made by some executive primacy scholars--that because the Constitution confers authority over foreign affairs and national security to the political branches, there is a "risk that judicial intervention will itself be a serious violation of separation of powers**." (277) Under this theory, **judicial intervention would be inappropriate where Congress is silent, and may not even be appropriate when there is a conflict between congressional and presidential will**. Four of the Justices who concurred in the decision not to grant review in Goldwater took this view. Because the Justices found no constitutional provision expressly governing the termination of treaties, the dispute presented a political question that "should be left for resolution by the Executive and Legislative Branches of the Government." (278) The concurring Justices observed **that a court's resolution of a political question can create "disruption among the three coequal branches of government."**

## Plan:

#### The US Congress should substantially increase its statutory restrictions on the war powers authority of the President by repealing the NDAA authorization to indefinitely detain terrorist suspects

## Solvency

#### Plan solves detention and transfers detainees to trials

Dave Nalle June 14, 2013
Effort to block indefinite detention (NDAA) fails in U.S. House
<http://communities.washingtontimes.com/neighborhood/liberty-our-times/2013/jun/14/effort-block-indefinite-detention-fails-us-house/>

Indefinite detention remains in effect, but this week an effort was made to fix the problem with the Smith-Gibson amendment to the 2014 NDAA act. This bi-partisan amendment, sponsored by Republican Chris Gibson of New York and Democrat Adam Smith of Washington, would have guaranteed any detainee a trial and prohibited the transfer of anyone arrested in the United States to military custody. As happened with the substantially similar Smith-Amash amendment last year, this effort failed by a close 226 to 200 vote on the floor of the House. The House Armed Services Committee and House GOP leadership urged Republican representatives to vote “no.” Despite that pressure, many of the more libertarian Republicans in the House voted for the amendment, including recently elected representatives Thomas Massie, Mark Sanford, Kerry Bentivolio and Ted Yoho, who were all endorsed by the Republican Liberty Caucus. Notably absent from the list were two long-time RLC endorsees, Dana Rohrabacher of California, and Steve Stockman from Texas.

#### Collaboration with Congress is key to efficacy + legitimacy of counter terrorism operations

Prieto 9 (Daniel, Council on Foreign Relations, “War About Terror: Civil Liberties and National Security After 9/11”, February 2009, <http://pubs.mantisintel.com/Civil_Liberties_WorkingPaper.pdf>, RSR)

Within the Bush administration, policy development and decision-making on a number of critical ¶ counterterrorism programs took place within a very small circle. For example, at the direction of the ¶ White House, the Justice Department’s Office of Legal Counsel did not solicit input from the State ¶ Department as it developed the controversial August 2002 opinion on enhanced interrogation techniques.136In another example, NSA lawyers were not given access to the OLC’s legal memoranda on ¶ the NSA’s activities related to the Terrorist Surveillance Program. Getting counterterrorism policies ¶ right after 9/11 was hampered by the administration’s strategy of self-reliance at a time when presidential actions and counterterrorism policy could have been strengthened by a more meaningful involvement of Congress. Greater transparency and a more sustained effort to work with Congress ¶ could have helped mitigate the controversies that have undermined and hampered U.S. counterterrorism policies, provide a more solid legal basis for counterterrorism efforts, and defend against criticisms regarding the legitimacy of many new policies.

## Soft Power

#### Indefinite detention is ineffective---fosters terrorism and damages soft power

Daphne Eviatar 10 is Senior Associate @ Human Rights First, "Indefinite Detention Would Harm, Not Help, National Security," 11-19-10, www.humanrightsfirst.org/2010/11/19/indefinite-detention-would-harm-not-help-national-security/ DOA: 7-23-13, y2k

Wittes and Goldsmith are correct that fighters in enemy forces can be held in military detention until the war is over. But that’s a law of war aimed at foreign soldiers who have not committed crimes, but pose a future danger by virtue of their status as enemy soldiers. They are to be released once hostilities have ceased. It makes no sense in the context of admitted mass murderers who committed the most heinous terrorist strike in history on U.S. soil. The “war on terror” of which they are supposedly a part will, by definition, have no end.

To the extent that Goldsmith and Wittes are arguing merely for detaining suspected terrorists a few more years until the political tides turn, it’s worth remembering that justice delayed is often justice denied.

The challenges the government faced in convicting Ghailani all stemmed from his having been held for a prolonged period in military and CIA custody. First, none of his statements could be used because, as the government admitted, the CIA had coerced them out of him. And much of the other evidence was compromised by the passage of time. At least one witness available in the earlier successful 1998 bombings trial in 2001 was now dead. And many of the witnesses brought in 12 years after the crime couldn’t remember what they’d seen or said just after the bombing happened. On the witness stand, they appeared to be contradicting their earlier statements to the FBI. Ghailani’s defense team effectively used that to question their credibility and raise doubts in the jurors’ minds about what role Ghailani really played in the terrorist plot hatched more than a dozen years ago.

Sitting in the courtroom, I was constantly aware that the witnesses flown in from Tanzania and Kenya were being asked to remember such minute details as which of two people with the same name in a shop in Dar es Salaam in 1998 handed over the cash to purchase a truck or a gas tank (one of them was Ghailani), or what Ghailani told a friend once about his future travel plans, more than a decade later and often after dozens of interrogations by the FBI. I had to wonder if they were really testifying based on memory, or based on what the government might have suggested it wanted to hear. The jury may well have been wondering the same thing.

Prolonged indefinite detention, then, only complicates the government’s ability to prove a terrorist’s guilt later. It could mean the inability to ever hold serious criminals accountable at all. The victims of the 9/11 terror attacks – and the potential victims of all forms of terrorism — deserve better than that.

Of course, those who favor indefinite military detention without trial may respond that “justice” isn’t really their concern. The most important thing is U.S. security, and if we can incapacitate terrorists by locking them away for the rest of their lives without a trial to make sure we’ve got the right ones, well, that’s the price we need to pay.

Setting aside any constitutional arguments with that, even if one believes that national security trumps all, the failure to provide a fair trial to suspected terrorists will ultimately do far more harm to U.S. national security than it will do good. Nothing enrages people more than hypocrisy, and the failure to adhere to the basic principles of fairness and due process that we press others to adopt around the world would only help al Qaeda win new and more vicious recruits. If the United States’ experiment with torture techniques taught us anything, it’s that our global reputation is fragile and that abusive detention and interrogation of suspects won’t win the war on terrorism; on the contrary, it will fuel further attacks.

Now is not the time to resign ourselves to abandoning both law and principle in the name of national security. We already know that going down that path will lead to just the opposite.

#### Specifically- Human rights credibility---now is key to set the global standard for human rights protection

Suzanne Nossel 12 is executive director of Amnesty International USA, "Time for a Reset on Human Rights," 11-7-12, www.foreignpolicy.com/articles/2012/11/07/time\_for\_a\_reset\_on\_human\_rights?page=0,1, DOA: 7-22-13, Y2K

In 2008, Barack Obama's election thrilled many human rights activists. For eight years under George W. Bush, the U.S. government had used torture, held hundreds in long-term detention without trial, and committed abuses at wartime prisons such as Iraq's Abu Ghraib. Rights advocates hoped -- and, based on many of Obama's election-season remarks, reasonably expected -- that the unlawful renditions, secret prisons, and unfair trials would give way to a new American commitment the Constitution and international law. Although Obama faced truculent political opposition in his first term, his weak record on human rights cannot be explained away by economic exigencies or even congressional defiance. Obama now openly embraces the concept of a global "war on terror" as grounds to override international human rights norms and reinterpret the Constitution. Osama Bin Laden's killing was not only the chief talking point of his campaign but a synecdoche for his approach to the terrorist threat, one in which the administration writes its own rules. Although preventing attacks on U.S. soil represents an important human rights victory, this should not overshadow the worrisome direction of U.S. human rights policy and its long-term consequences. If the president's legacy is to include reclaiming U.S. human rights credibility, he needs to face up to his troubling record, and fix it. The Obama administration has led in some areas of human rights policy; examples include advancing gay and lesbian rights, bolstering U.N. human rights mechanisms, and promoting Internet freedom. But where human rights norms are pitted against counterterrorism tactics, it has fallen down. Blocked by Congress, Obama broke his first-term promise to close Guantánamo. Four years later, that failure barely seems to register as a disappointment; 167 men languish in the prison, including 55 who are cleared for release but have not been transferred. Recent weeks have revealed details of an Orwellian "disposition matrix" -- a kill list of top terrorist targets that keeps getting longer. The administration claims the authority to kill those named, anytime and anywhere, based on secret information and unreviewable judgments. The administration has declared any man killed by a drone to be an enemy terrorist, and defends such killings regardless of resulting civilian casualties. With the U.S. withdrawing from Afghanistan, these extraordinary powers are detached from any major battlefield or conventional war. The administration is now backed into claiming that a war exists because it has convinced itself it cannot function without a broad license to kill. Short of al Qaeda suing for peace, this war may never end. The administration's reshaping of the concept of war risks undoing over 100 years of evolution of the laws of war, and the protections those laws have delivered. The next four years will define whether this rewriting of the rules becomes a bipartisan "new normal" in the United States, and implicit permission for the rest of the world to sidestep human rights. Absent swift progress to close Guantánamo, the men now held will likely die there of old age decades from now, since no future president is likely to renew Obama's ill-fated pledge to close the facility. And even if the Guantánamo detainees are transferred to a U.S. prison, bringing indefinite detention onshore, it is hard to fathom the practice will not be used again to deal with future threats. The bipartisan affirmation of drone use will make those weapons routine for the United States and any other government with a kill list of its own.

#### AND- US is key to global human rights protection---indefinite detention undermines US credibility and American interests

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What has been far more problematic over the last few years than random disparities between domestic and international interpretations of human rights law has been a fundamental disparagement of the authority of the international community itself. Such depreciation started early: in 2000 Condoleezza Rice, then foreign policy advisor to candidate George W. Bush, wrote in Foreign Affairs magazine, “Foreign policy in a Republican administration…will proceed from the firm ground of the national interest, not from the interests of an illusory international community [emphasis added].” Over the past seven years the U.S. has repeatedly demonstrated its contempt for that allegedly chimerical community by doing such things as “unsigning” the Rome statute of the International Criminal Court (ICC); declaring the Geneva Conventions inapplicable to prisoners at Guantanamo Bay and other so-called “unlawful combatants;” ignoring UN findings and resolutions in the run-up to the Iraq War; or refusing to stand for election to the UN Human Rights Council. The consequences have been devastating for the reputations both of the U.S., which has seen its favorability ratings drop precipitously around the world,5 and, paradoxically, of human rights themselves. The U.S. has long prided itself on being a champion of human rights and with much good reason. We would have had no Universal Declaration of Human Rights had it not been for Eleanor and Franklin Roosevelt; the U.S. pushed hard for the civil rights provisions of the Helsinki Accords, thereby contributing to the eventual liberation of Eastern Europe; the U.S. judicial system with its wide array of due process protections has been a model emulated by newly emerging countries around the world; U.S. diplomats have frequently intervened on behalf of political dissidents; the Kosovo War was spearheaded by an American commitment to prevent ethnic cleansing; and the annual State Department human rights reports have long been an invaluable resource to the cause of human rights. The current U.S. administration’s commitment to battling HIV/AIDS in Africa and its outspokenness on Darfur are consistent with this tradition. But for the most powerful nation in the world, long looked to as a model of human rights virtue, to undermine the international system itself—the very framework upon which human rights are predicated—is to cause immeasurable damage to the struggle for liberty. Backtracking on our commitments to international treaties and norms in the name of defending human rights is not just ironic. One of the consequences of the Iraq War with its latter-day human rights rationale and of the “War on Terror” with its oft-stated goals of defending freedom and the rule of law is that human rights themselves have come to be identified with America’s worldwide ambitions. For human rights to be conflated with, fairly or not, in the words of the critic David Rieff, “the official ideology of American empire,”6 only exacerbates the customary suspicion in which human rights have been held by some in the developing world who see them as a guise for the imposition of Western values. The truth is that if human rights and the U.S.’s pursuit of them are discredited, American interests are put in peril. Reserving the option to torture prisoners, denying them habeas corpus, sending them into “black site” prisons—all this makes it harder to defend America against the charge of hypocrisy; the claim that we are carrying out a war in defense of the rule of law by abandoning that very rule. Such a charge hands fodder for recruitment to our adversaries and makes the world less safe for Americans. No country can claim protection for its own citizens overseas (be they soldiers taken as prisoners, nationals charged with crimes, or corporations faced with extortion) if it fails to respect international norms at home. Global relations are based in good part on reciprocity. Nor can the U.S. offer effective objection to the human rights violations of others if it is guilty of those same violations itself or has shunned cooperation with international allies. No nation, no matter how powerful, can successfully pursue improvements in human rights around the world independent of the international community. Unilateral sanctions imposed upon a country to protest human rights abuses will inevitably fail if they lack the support of others

#### Credibility key to foster foreign cooperation and hegemony

John Ikenberry 4 Professor of Politics and International Affairs at Princeton, “Liberal Realism: The Foundations of a Democratic Foreign Policy”, The National Interest, Fall

The Bush Administration's disregard for legitimacy has had devastating consequences for America's standing in the world, particularly among Europeans. The country that for decades was seen to be at the forefront of progressive change is now regarded as a threat to the international system. During the heyday of American legitimacy amid the Cold War, it would have been unthinkable for a German chancellor to rescue his bid for re-election by insisting that Berlin stand up to Washington. Not only did Gerhard Schroder do so in 2002, but candidates in other countries--Spain, Brazil and South Korea--have thrived by distancing themselves from the United States. In a world of degraded American legitimacy, other countries are more reluctant to cooperate with the United States. Over the longer term--and in a thousand different ways--countries will take steps to separate themselves from the United States, to resist its leadership and to organize their regions of the world in opposition to Washington. From the perspective of liberal realism, legitimacy is an intrinsic aspect of power. To care about legitimacy is not to cede American power to the UN or any other party. Instead, it is to exercise American power in a manner that continues to attract the support of others. Successive American presidents have found ways to do so because they realized that to legitimate American power was to turn coercion and domination into authority and consent. In Jean-Jacques Rousseau's famous formulation from The Social Contract: "The strongest is never strong enough to be always master, unless he transforms strength into right and obedience into duty."

#### Soft-power is key to leadership

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Indeed anti-American sentiment is sweeping the world after the Iraq war. It has, of course, been aggravated by the aggressive style of the present American President. Under George Bush, anti-Americanism is widely thought to have reached new heights. In the coming years the USA will lose more of its ability to lead others if it decides to act unilaterally. If other states step aside and question the USA's policies and objectives and seek to de-legitimise them, the problems of the USA will increase manifold. American success will lie in melding power and cooperation and generating a belief in other countries that their interests will be served by working with instead of opposing the United States. It is aptly said that use of power without cooperation becomes dictatorial and breeds resistance and resentment. But cooperation without power produces posturing and no concrete progress. There is also another disquieting development. It seems American soft power is waning and it is losing its allure as a model society. Much of the rest of the world is no longer looking up to the USA as a beacon. Rising religiosity, rank hostility to the UN, Bush's doctrine of preventive war, Guantanamo Bay etc are creating disquiet in the minds of many and turning them off America. This diminution of America's soft power will also create disenchantment and may gradually affect American pre-eminence.

#### History is on our side – theres zero chance that war erupts or escalates in a world of the aff – there is only a risk of war if you vote neg

Bradley Thayer (Associate Professor in the Department of Defense and Strategic Studies, Missouri State University) 2007 “American Empire” Routledge, page 42

Peace, like good health, is not often noticed, but certainly is missed when absent. Throughout history, peace and stability have been a major benefit of empires. In fact, pax Romana in Latin means the Roman peace, or the stabil-ity brought about by the Roman Empire. Rome’s power was so overwhelming that no one could challenge it successfully for hundreds of years. The result was stability within the Roman Empire. Where Rome conquered, peace, law, order, education, a common language, and much else followed. That was true of the British Empire (pax Britannica) too. So it is with the United States today. Peace and stability are major benefits of the American Empire. The fact that America is so powerful actually reduces the likelihood of major war. Scholars of international politics have found that the presence of a dominant state in international politics actually reduces the likelihood of war because weaker states, including even great powers, know that it is unlikely that they could challenge the dominant state and win. They may resort to other mechanisms or tactics to challenge the dominant coun-try, but are unlikely to do so directly. This means that there will be no wars between great powers. At least, not until a challenger (certainly China) thinks it can overthrow the dominant state (the United States). But there will be intense security competition—both China and the United States will watch each other closely, with their intelligence communities increasingly focused on each other, their diplomats striving to ensure that countries around the world do not align with the other, and their militaries seeing the other as their principal threat. This is not unusual in international politics but, in fact, is its “normal” condition. Americans may not pay much attention to it until a crisis occurs. But right now states are competing with one another. This is because international politics does not sleep; it never takes a rest.

#### No impact turns---hegemonic decline emboldens rising power and challengers---US intervention is inevitable, only a question of effectiveness.

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But the question is not whether promises to bring home troops and reduce military spending can be sold in an election year -- the question is what impact would retrenchment have on future U.S. and global security. If history is any guide, the answer is troubling: Over the past century, each of America's attempts to reduce its role in the world was met by rising global threats, eventually requiring a major U.S. re-engagement. This is not to argue that the U.S. should sustain its muscular post-9/11 global posture or continue its land war in Afghanistan. It is to urge caution against a growing belief that scaling back American power in the world will be without risks or costs. History shows that in the aftermath of America's major wars of the 20th century -- World War I, World War II and Vietnam -- the American public and powerful leaders in Washington demanded strict new limits in foreign policy. After World War I, that meant rejecting participation in the League of Nations and receding into isolation. After World War II, it meant embarking on one of the largest voluntary military demobilizations in world history. And after Vietnam, it meant placing new restrictions on a president's ability to conduct overseas operations. But in each case, hopes were soon dashed by global challengers who took advantage of America's effort to draw back from the world stage -- Germany and Japan in the 1930s, the Soviet Union in the immediate post-World War II period and the Soviet Union again after Vietnam. In each case, the United States was forced back into a paramount global leadership role -- in World War II, the Cold War and the military build-up and proxy wars of the 1980s. Similar effects have also followed the withdrawal of U.S. troops from global hot spots, as in Somalia in 1993. America's need to extricate itself from that calamitous humanitarian mission, in which 18 U.S. soldiers were killed, was clear. But the withdrawal came at a huge strategic cost: It emboldened the narrative of the emerging al Qaeda network that America was a "paper tiger," setting the stage for the escalating terrorist attacks of the 1990s and September 11, 2001. The Afghan war: When friends are enemies U.S. steps up Mideast military presence Military option for Pres. Obama in Libya Obama's desire to withdraw from costly and unpopular foreign conflicts and refocus on domestic issues is understandable. And he is by no means an isolationist, as his intensified war on al Qaeda can attest. But Obama's assertion that his recalibration of U.S. foreign policy -- centered on withdrawing U.S. troops from Mideast wars and leaning more on allies and the United Nations -- has awakened "a new confidence in our leadership" is without foundation. Like Great Britain in the 19th century, America since the turn of the 20th century has been the world's pivotal global power. Fair or not, in moments when America seemed unsure of its role in the world, the world noticed and reacted. There is no reason to believe now is different. Indeed, in many ways looming opportunists are more obvious today than the 1930s, 1970s and 1990s. These include al Qaeda and other Islamist movements spinning U.S. troop withdrawals from Iraq and Afghanistan as strategic defeats; an emboldened Iran on the cusp of attaining nuclear weapons; and a rising China flexing its muscles in the South China Sea. To his credit, Romney has strongly warned against a world with more limited American leadership. He has also promised to reverse Obama's defense cuts and offer his own increases. But while Obama's approach may be shortsighted, Romney's would face an uphill battle against fiscal and popular sentiment. These issues must certainly be raised in the upcoming presidential debates. Whoever wins in November will confront not just an increasingly dangerous world, but also an increasingly isolationist public. The great challenge will be to convince the American people that robust U.S. leadership in the world remains vital to their security and prosperity and convince the world it remains unwavering. History shows that doing otherwise only raises the stakes down the line.

#### Even if they win their offense, legitimacy smooths the transition---key to global stability

Kevin Fujimoto 12, Lt. Colonel, U.S. Army, January 11, 2012, “Preserving U.S. National Security Interests Through a Liberal World Construct,” online: <http://www.strategicstudiesinstitute.army.mil/index.cfm/articles/Preserving-US-National-Security-Interests-Liberal-World-Construct/2012/1/11>

The emergence of peer competitors, not terrorism, presents the greatest long-term threat to our national security. Over the past decade, while the United States concentrated its geopolitical focus on fighting two land wars in Iraq and Afghanistan, China has quietly begun implementing a strategy to emerge as the dominant imperial power within Southeast Asia and the Indian Ocean. Within the next 2 decades, China will likely replace the United States as the Asia-Pacific regional hegemonic power, if not replace us as the global superpower.1 Although China presents its rise as peaceful and non-hegemonic, its construction of naval bases in neighboring countries and military expansion in the region contradict that argument. With a credible threat to its leading position in a unipolar global order, the United States should adopt a grand strategy of “investment,” building legitimacy and capacity in the very institutions that will protect our interests in a liberal global construct of the future when we are no longer the dominant imperial power. Similar to the Clinton era's grand strategy of “enlargement,”2 investment supports a world order predicated upon a system of basic rules and principles, however, it differs in that the United States should concentrate on the institutions (i.e., United Nations, World Trade Organization, ASEAN, alliances, etc.) that support a world order, as opposed to expanding democracy as a system of governance for other sovereign nations. Despite its claims of a benevolent expansion, China is already executing a strategy of expansion similar to that of Imperial Japan's Manchukuo policy during the 1930s.3 This three-part strategy involves: “(i) (providing) significant investments in economic infrastructure for extracting natural resources; (ii) (conducting) military interventions (to) protect economic interests; and, (iii) . . . (annexing) via installation of puppet governments.”4 China has already solidified its control over neighboring North Korea and Burma, and has similarly begun more ambitious engagements in Africa and Central Asia where it seeks to expand its frontier.5 Noted political scientist Samuel P. Huntington provides further analysis of the motives behind China's imperial aspirations. He contends that “China (has) historically conceived itself as encompassing a “‘Sinic Zone'. . . (with) two goals: to become the champion of Chinese culture . . . and to resume its historical position, which it lost in the nineteenth century, as the hegemonic power in East Asia.”6 Furthermore, China holds one quarter of the world's population, and rapid economic growth will increase its demand for natural resources from outside its borders as its people seek a standard of living comparable to that of Western civilization. The rise of peer competitors has historically resulted in regional instability and one should compare “the emergence of China to the rise of. . . Germany as the dominant power in Europe in the late nineteenth century.”7 Furthermore, the rise of another peer competitor on the level of the Soviet Union of the Cold War ultimately threatens U.S. global influence, challenging its concepts of human rights, liberalism, and democracy; as well as its ability to co-opt other nations to accept them.8 This decline in influence, while initially limited to the Asia-Pacific region, threatens to result in significant conflict if it ultimately leads to a paradigm shift in the ideas and principles that govern the existing world order. A grand strategy of investment to address the threat of China requires investing in institutions, addressing ungoverned states, and building legitimacy through multilateralism. The United States must build capacity in the existing institutions and alliances accepted globally as legitimate representative bodies of the world's governments. For true legitimacy, the United States must support these institutions, not only when convenient, in order to avoid the appearance of unilateralism, which would ultimately undermine the very organizations upon whom it will rely when it is no longer the global hegemon. The United States must also address ungoverned states, not only as breeding grounds for terrorism, but as conflicts that threaten to spread into regional instability, thereby drawing in superpowers with competing interests. Huntington proposes that the greatest source of conflict will come from what he defines as one “core” nation's involvement in a conflict between another core nation and a minor state within its immediate sphere of influence.9 For example, regional instability in South Asia10 threatens to involve combatants from the United States, India, China, and the surrounding nations. Appropriately, the United States, as a global power, must apply all elements of its national power now to address the problem of weak and failing states, which threaten to k,l as the principal catalysts of future global conflicts.11 Admittedly, the application of American power in the internal affairs of a sovereign nation raises issues. Experts have posed the question of whether the United States should act as the world's enforcer of stability, imposing its concepts of human rights on other states. In response to this concern, The International Commission on Intervention and State Sovereignty authored a study titled, The Responsibility to Protect,12 calling for revisions to the understanding of sovereignty within the United Nations (UN) charter. This commission places the responsibility to protect peoples of sovereign nations on both the state itself and, more importantly, on the international community.13 If approved, this revision will establish a precedent whereby the United States has not only the authority and responsibility to act within the internal affairs of a repressive government, but does so with global legitimacy if done under the auspices of a UN mandate. Any effort to legitimize and support a liberal world construct requires the United States to adopt a multilateral doctrine which avoids the precepts of the previous administration: “preemptive war, democratization, and U.S. primacy of unilateralism,”14 which have resulted in the alienation of former allies worldwide. Predominantly Muslim nations, whose citizens had previously looked to the United States as an example of representative governance, viewed the Iraq invasion as the seminal dividing action between the Western and the Islamic world. Appropriately, any future American interventions into the internal affairs of another sovereign nation must first seek to establish consensus by gaining the approval of a body representing global opinion, and must reject military unilateralism as a threat to that governing body's legitimacy. Despite the long-standing U.S. tradition of a liberal foreign policy since the start of the Cold War, the famous liberal leviathan, John Ikenberry, argues that “the post-9/11 doctrine of national security strategy . . . has been based on . . . American global dominance, the preventative use of force, coalitions of the willing, and the struggle between liberty and evil.”15 American foreign policy has misguidedly focused on spreading democracy, as opposed to building a liberal international order based on universally accepted principles that actually set the conditions for individual nation states to select their own system of governance. Anne-Marie Slaughter, the former Dean of the Woodrow Wilson School of Public and International Affairs, argues that true Wilsonian idealists “support liberal democracy, but reject the possibility of democratizing peoples . . .”16 and reject military primacy in favor of supporting a rules-based system of order. Investment in a liberal world order would also set the conditions for the United States to garner support from noncommitted regional powers (i.e., Russia, India, Japan, etc.), or “swing civilizations,” in countering China's increasing hegemonic influence.17 These states reside within close proximity to the Indian Ocean, which will likely emerge as the geopolitical focus of the American foreign policy during the 21st century, and appropriately have the ability to offset China's imperial dominance in the region.18 Critics of a liberal world construct argue that idealism is not necessary, based on the assumption that nations that trade together will not go to war with each other.19 In response, foreign affairs columnist Thomas L. Friedman rebukes their arguments, acknowledging the predicate of commercial interdependence as a factor only in the decision to go to war, and argues that while globalization is creating a new international order, differences between civilizations still create friction that may overcome all other factors and lead to conflict.20 Detractors also warn that as China grows in power, it will no longer observe “the basic rules and principles of a liberal international order,” which largely result from Western concepts of foreign relations. Ikenberry addresses this risk, citing that China's leaders already recognize that they will gain more authority within the existing liberal order, as opposed to contesting it. China's leaders “want the protection and rights that come from the international order's . . . defense of sovereignty,”21 from which they have benefitted during their recent history of economic growth and international expansion. Even if China executes a peaceful rise and the United States overestimates a Sinic threat to its national security interest, the emergence of a new imperial power will challenge American leadership in the Indian Ocean and Asia-Pacific region. That being said, it is more likely that China, as evidenced by its military and economic expansion, will displace the United States as the regional hegemonic power. Recognizing this threat now, the United States must prepare for the eventual transition and immediately begin building the legitimacy and support of a system of rules that will protect its interests later when we are no longer the world's only superpower

#### Soft power prevents extinction – disease, climate change, terrorism, and great power war

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Power always depends on context, and in today's world, it is distributed in a pattern that resembles a complex three-dimensional chess game. On the top chessboard, military power is largely unipolar and likely to remain so for some time. But on the middle chessboard, economic power is already multi-polar, with the US, Europe, Japan and China as the major players, and others gaining in importance. The bottom chessboard is the realm of transnational relations that cross borders outside of government control, and it includes actors as diverse as bankers electronically transferring sums larger than most national budgets at one extreme, and terrorists transferring weapons or hackers disrupting Internet operations at the other. It also includes new challenges like pandemics and climate change. On this bottom board, power is widely dispersed, and it makes no sense to speak of unipolarity, multi-polarity or hegemony. Even in the aftermath of the financial crisis, the giddy pace of technological change is likely to continue to drive globalisation, but the political effects will be quite different for the world of nation states and the world of non-state actors. In inter-state politics, the most important factor will be the continuing "return of Asia". In 1750, Asia had three-fifths of the world population and three-fifths of the world's product. By 1900, after the industrial revolution in Europe and America, Asia's share shrank to one-fifth of the world product. By 2040, Asia will be well on its way back to its historical share. The "rise" in the power of China and India may create instability, but it is a problem with precedents, and we can learn from history about how our policies can affect the outcome. A century ago, Britain managed the rise of American power without conflict, but the world's failure to manage the rise of German power led to two devastating world wars. In transnational politics, the information revolution is dramatically reducing the costs of computing and communication. Forty years ago, instantaneous global communication was possible but costly, and restricted to governments and corporations. Today it is virtually free to anyone with the means to enter an internet café. The barriers to entry into world politics have been lowered, and non-state actors now crowd the stage. In 2001, a non-state group killed more Americans than the government of Japan killed at Pearl Harbor. A pandemic spread by birds or travelers on jet aircraft could kill more people than perished in the first or second world wars. This is a new world politics with which we have less experience. The problems of power diffusion (away from states) may turn out to be more difficult than power transition among states. The problem for American power in the 21st century is that there are more and more things outside the control of even the most powerful state. Although the United States does well on the traditional measures, there is increasingly more going on in the world that those measures fail to capture. Under the influence of the information revolution and globalisation, world politics is changing in a way that means Americans cannot achieve all their international goals acting alone. For example, international financial stability is vital to the prosperity of Americans, but the United States needs the cooperation of others to ensure it. Global climate change too will affect the quality of life, but the United States cannot manage the problem alone. And in a world where borders are becoming more porous than ever to everything from drugs to infectious diseases to terrorism, America must mobilise international coalitions to address shared threats and challenges. As the largest country, American leadership will remain crucial. The problem of American power after this crisis is not one of decline, but realisation that even the largest country cannot achieve its aims without the help of others.

## Supremacy

#### The plan returns power from the Courts to the Congress empowering the Congress to reassert its authority

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The concluding section of this chapter argues that even in the short term, and certainly in the long term, there are good reasons for developing an alternative, non- or postliberal, and explicitly progressive paradigm of constitutional interpretation, even if it is clear, as it seems to be, that the present conservative Supreme Court will not embrace it. It also argues, however, that for both strategic and theoretical reasons, the proper audi­ence for the development of a progressive interpretation of the Constitution is Congress rather than the courts. The progressive Constitution should be meant for, and therefore must be aimed toward, legislative rather than adjudicative change. The strategic reasons for this proposed reorientation of progressive con­stitutional discourse should be self-evident. Although the progressive Con­stitution is arguably consistent with some aspects of the liberal-legalist paradigm of the middle of this century, it is utterly incompatible with the conservative paradigm now dominating constitutional adjudication. It does not follow, however, that the progressive Constitution is incompatible with all constitutional decision making: both legislatures and citizens have constitutional obligations, engage in constitutional discourse, and can be moved, presumably, to bring electoral politics in line with the progressive mandates of the Constitution, as those mandates have been understood and interpreted by progressive constitutional lawyers and theorists. I also argue, however, that for theoretical and strategic reasons, the long-range success, the sense, and even more modestly the relevance of the progressive interpretation of the Constitution depend not only on the merits of its interpretive claims but also, and perhaps more fundamentally, on a federal Congress reenlivened to its constitutional obligations. First, of course, it is Congress, not the Supreme Court, that is specifically mandated under the Fourteenth Amendment to take positive action to ensure equal protection and due process rights—the core constitutional tools for attack­ing illegitimate social and private power. If Congress is ever to fulfill this obligation, it will need the guidance of interpretive theories of the mean­ing of equal protection, due process, equality, and liberty that are aimed explicitly toward the context of legislative action and are not constrained by the possibilities and limits of adjudicative law. But more fundamentally, the progressive Constitution, I argue, will never achieve its full meaning—and worse, will remain riddled with paradox and contradiction—so long as it remains in an adjudicative forum. This is not only because of the probable political composition of the Court over the next few decades, but also because of the philosophical and political meanings of adjudi­cative law itself: the possibilities of adjudicative law are constrained by precisely the same profoundly conservative attitudes toward social power that underlie conservative constitutionalism. By acquiescing in a definition of the Constitution as a source of adjudicative law, progressives seriously undermine its progressive potential. Only by reconceptualizing the Consti­tution as a source of inspiration and guidance for legislation, rather than a superstructural constraint on adjudication, can we make good on its richly progressive promise. Therefore, the concluding section of this chapter argues that, for struc­tural long-term as well as strategic short-term reasons, the progressive Constitution—the cluster of meanings found or implanted in constitu­tional guarantees by modern progressive scholars—should be addressed to the Congress and to the citizenry rather than to the courts. The goal of progressive constitutionalists, both in the academy and at the bar, over the coming decades should be to create what Bruce Ackerman has called in other contexts a "constitutional moment" 20 and what Owen Fiss might call more dramatically an "interpretive crisis.' Progressives need to cre­ate a world in which it is clear that a progressive Congress has embraced one set of constitutional meanings, and the conservative Court a contrast­ing and incompatible set. The Supreme Court does, and always has, as Fiss reminds us, read the Constitution so as to avoid crisis.22 The lesson to draw is surely that only when faced with such a constitutional moment will this conservative Court change paths.

#### Two Impacts:

#### First is popular constitutionalism

#### Ending judicial supremacy is key to revive democracy worldwide

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Even when the Court gets the right interpretation three problems remain: (1) Delegating the ultimate question of constitutionality to the courts discourages the polity from engaging in unfettered conversation about constitutional meaning, [193](https://www.lexis.com/research/retrieve?_m=b00d8e40303bbd2f1abee242874ec95d&csvc=le&cform=byCitation&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzb-zSkAb&_md5=7a15214eaa1deb8f698148329bfaa541#n193) a conversation not directed primarily toward the courts. [194](https://www.lexis.com/research/retrieve?_m=b00d8e40303bbd2f1abee242874ec95d&csvc=le&cform=byCitation&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzb-zSkAb&_md5=7a15214eaa1deb8f698148329bfaa541#n194) (2) A related point maintains that judicial  [\*1121]  constitutionalism has created a language decidedly more legal than the language of contextual political philosophy. (3) The question of who checks the Court is never institutionally addressed. Keep in mind that no one would argue that the Court always produces the correct interpretation. Not even the Court would entertain such an argument. Indeed, everyone believes that the Court has made dreadfully bad decisions in the past and will in all likelihood do so again in the future. We just disagree on which decisions were bad. Where such reasonable disagreement exists, the solution in a republican democracy should be to subject constitutional meaning to a complex interbranch process with the final say in the hands of an elected branch and therefore ultimately in the hands of the people. American constitutionalism has become the antithesis of its origin in the revolutionary era. Removing constitutional supremacy from the courts forces the electorate to be more involved in deciding constitutional meaning. This might enable constitutional discourse to be revivified and transformed from the language of lawyers to the language of sovereign republican democratic citizens. [195](https://www.lexis.com/research/retrieve?_m=b00d8e40303bbd2f1abee242874ec95d&csvc=le&cform=byCitation&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzb-zSkAb&_md5=7a15214eaa1deb8f698148329bfaa541#n195) Providing a congressional override is one step in bringing the Constitution back to its roots.

#### The impact is extinction

Carl Boggs**, National University,** 1997,Theory and Society, December, Volume 26, Number 6, p. 773-4

The decline of the public sphere in late twentieth-century America poses a series of great dilemmas and challenges. Many ideological currents scrutinized here -- localism, metaphysics, spontaneism, post-modernism, Deep Ecology -- intersect with and reinforce each other. While these currents have deep origins in popular movements of the 1960s and 1970s, they remain very much alive in the 1990s. Despite their different outlooks and trajectories, they all share one thing in common: a depoliticized expression of struggles to combat and overcome alienation.

The false sense of empowerment that comes with such mesmerizing impulses is accompanied by a loss of public engagement, an erosion of citizenship and a depleted capacity of individuals in large groups to work for social change. As this ideological quagmire worsens, urgent problems that are destroying the fabric of American society will go unsolved -- perhaps even unrecognized -- only to fester more ominously into the future. And such problems (ecological crisis, poverty, urban decay, spread of infectious diseases, technological displacement of workers) cannot be understood outside the larger social and global context of internationalized markets, finance, and communications. Paradoxically, the widespread retreat from politics, often inspired by localist sentiment, comes at a time when agendas that ignore or side-step these global realities will, more than ever, be reduced to impotence. In his commentary on the state of citizenship today, Wolin refers to the increasing sublimation and dilution of politics, as larger numbers of people turn away from public concerns toward private ones. By diluting the life of common involvements, we negate the very idea of politics as a source of public ideals and visions. In the meantime, **the fate of the world hangs in the balance**. The unyielding truth is that, even as the ethos of anti-politics becomes more compelling and even fashionable in the United States, it is the vagaries of political power that will continue to decide the fate of human societies.

This last point demands further elaboration. The shrinkage of politics hardly means that corporate colonization will be less of a reality, that social hierarchies will somehow disappear, or that gigantic state and military structures will lose their hold over people's lives. Far from it: the space abdicated by a broad citizenry, well-informed and ready to participate at many levels, can in fact be filled by authoritarian and reactionary elites -- an already familiar dynamic in many lesser developed countries. The fragmentation and chaos of a Hobbesian world, not very far removed from the rampant individualism, social Darwinism, and civic violence that have been so much a part of the American landscape, could be the prelude to a powerful Leviathan designed to impose order in the face of disunity and atomized retreat. In this way the eclipse of politics might set the stage for a reassertion of politics in more virulent guise -- or it might help further rationalize the existing power structure. In either case, the state would likely become what Hobbes anticipated: the embodiment of those universal, collective interests that had vanished from civil society.

#### Second is Modeling

#### Status quo emerging democracies model US judicial supremacy -- only an abandonment of judicial supremacy in the US can end its presence worldwide

Janet L. **Hiebert ‘4** Associate Professor of Political Studies, Queen's University, Canada (82 Tex. L. Rev. 1963)

The reason for caution does not arise out of any inherent conceptual shortcomings with this model, but from the **strong influence of American constitutional ideas**. Despite the innovative approach these models take, it remains to be seen to what extent these political communities can resist the emphasis on judicial hegemony when interpreting rights and resolving legislative conflicts where rights claims arise. It seems remarkable that the idea of judicial hegemony remains so influential, particularly in light of the cumulative force of challenges posed first by Legal Realists [95](https://www.lexis.com/research/retrieve?_m=da6b68717a4dcefdc7e0ff7e0605712c&csvc=le&cform=byCitation&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzb-zSkAb&_md5=dabf2713bbd696ec04dcb00d5c610e39#n95) and reinforced by a diverse range of critical perspectives from Critical Legal Studies, [96](https://www.lexis.com/research/retrieve?_m=da6b68717a4dcefdc7e0ff7e0605712c&csvc=le&cform=byCitation&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzb-zSkAb&_md5=dabf2713bbd696ec04dcb00d5c610e39#n96) feminist, [97](https://www.lexis.com/research/retrieve?_m=da6b68717a4dcefdc7e0ff7e0605712c&csvc=le&cform=byCitation&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzb-zSkAb&_md5=dabf2713bbd696ec04dcb00d5c610e39#n97) critical race, [98](https://www.lexis.com/research/retrieve?_m=da6b68717a4dcefdc7e0ff7e0605712c&csvc=le&cform=byCitation&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzb-zSkAb&_md5=dabf2713bbd696ec04dcb00d5c610e39#n98) and lesbian and gay [99](https://www.lexis.com/research/retrieve?_m=da6b68717a4dcefdc7e0ff7e0605712c&csvc=le&cform=byCitation&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzb-zSkAb&_md5=dabf2713bbd696ec04dcb00d5c610e39#n99) scholarship, all of which have  [\*1987]  challenged the idea that legal reasoning and methodology embody objective principles that negate the political ideology of the judge or the influence of dominant social norms. It is equally remarkable that this judicial hegemony would be accepted in a contemporary environment where bills of rights are overlaid against a modern welfare state that presumes and requires substantial state involvement. Answers to questions of whether a right has been infringed can rarely be assessed by reference to abstract associations of the limited state in classical liberal theory, which assumes that the state is the enemy of freedom. Rather, these resolutions must address numerous questions: How does the activity associated with a claim to a right relate to the normative reasons for protecting certain human activities from the coercive powers of the modern state? How important are the values or objectives that the impugned legislation seeks to advance? Are these values consistent with a free and democratic society? But since these questions may give rise to a range of reasonable answers, it makes little sense to pretend that judges have superior or exclusive insights. [100](https://www.lexis.com/research/retrieve?_m=da6b68717a4dcefdc7e0ff7e0605712c&csvc=le&cform=byCitation&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzb-zSkAb&_md5=dabf2713bbd696ec04dcb00d5c610e39#n100) Nevertheless, the power of this assumption transcends American constitutional ideas. It influences the assumptions about appropriate political behavior even within polities that have constructed an alternative model recognizing the **legitimacy of legislative judgments**, and even where these are different from judicial judgments. Only time will tell whether it is possible to establish a bill of rights that will evolve in a manner that can resist the notion that **judicial hegemony** is required for responsible judgments about rights.

#### US detention policies spill over and are modeled- Israel proves[**Adam Horowitz**](http://mondoweiss.net/author/adamhorowitz)**on February 20, 2012**Greenwald: Indefinite detention policies have become normalized legally, politically and culturally in Israel and the US

<http://mondoweiss.net/2012/02/greenwald-indefinite-detention-policies-have-be-come-normalized-legally-politically-and-culturally-in-israel-and-the-us.html>

Of course, the U.S. has its own system of indefinite detention [now firmly in place](http://www.nytimes.com/2010/01/22/us/22gitmo.html?hpw). Both [within war zones](http://www.nytimes.com/2009/02/22/washington/22bagram.html?_r=1&scp=2&sq=bagram&st=cse) and [outside of them](http://www.nytimes.com/2010/01/22/us/22gitmo.html?hpw), the Obama administration continues to hold hundreds of prisoners who have never been charged with any crime even as they have remained captive for many years. Put another way, both the U.S. and its closest client state have completely normalized exactly the type of arbitrary, due-process-free imprisonment the U.S. has long condemned as the defining attribute of despotism. And, of course, the U.S. Congress just enacted, and President Obama just signed, a law that [expressly permits](http://www.salon.com/2011/12/15/obama_to_sign_indefinite_detention_bill_into_law/) indefinite detention.

#### Judicial hegemony entrenches elite power and makes transition to democracy impossible

Ran **Hirschl ‘4** Professor of Political Science & Law, University of Toronto (*Towards Juristocracy* p. 1-2)

While the benefits of constitutionalization for economic libertarians and judicial elites appear obvious, its appeal for hegemonic sociopolitical forces and their political representatives may at first glance look questionable. However, when their policy preferences have been, or are likely to be, in­creasingly challenged in majoritarian decision-making arenas, elites that possess disproportionate access to, and influence over, the legal arena may initiate a constitutional entrenchment of rights and judicial review in order to transfer power to supreme courts. Based on the courts' relatively high public reputation for professionalism and political impartiality, their record of adjudication, and the justices' ideological preferences, these elites may safely assume that their policy preferences will be less effectively contested under the new arrangement. Judicial empowerment through constitution­alization may provide an efficient institutional solution for influential groups who seek to preserve their hegemony and who, given an erosion in their popular support, may find strategic drawbacks in adhering to majoritarian policy-making processes. More "demographically representa­tive" political processes are, in other words, a catalyst, not an outcome, of constitutionalization. The constitutionalization of rights is therefore often not a reflection of a genuinely progressive revolution in a polity; rather, it is evidence that the rhetoric of rights and judicial review has been appropri­ated by threatened elites to bolster their own position in the polity. By keep­ing popular decision-making mechanisms at the forefront of the formal democratic political process while shifting the power to formulate and pro­mulgate certain policies to semiautonomous professional policy-making bodies, those who possess disproportionate access to, and have a decisive in­fluence upon, such bodies minimize the potential threat to their hegemony. '

#### This turns their disads and causes global war

Edward D. Mansfield, associate professor of political science at Columbia, and Jack Snyder, professor of political science and director of the institute of war and peace studies at Columbia, 2006 National Interest

THE BUSH Administration has argued that promoting democracy in the Islamic world, rogue states and China will enhance America's security, because tyranny breeds violence and democracies co-exist peacefully. But recent experience in Iraq and elsewhere reveals that the early stages of transitions to electoral politics have often been rife with violence. These episodes are not just a speed bump on the road to the democratic peace. Instead, they reflect a fundamental problem with the Bush Administration's strategy of forced-pace democratization in countries that lack the political institutions needed to manage political competition. Without a coherent state **grounded in a consensus** on which citizens will exercise self-determination, unfettered electoral politics often gives rise to nationalism and violence at home and abroad. Absent these preconditions, **democracy is deformed, and transitions toward democracy revert to autocracy or generate chaos**. Pushing countries too soon into competitive electoral politics not only risks **stoking war, sectarianism and terrorism**, but **it also makes the future consolidation of democracy more difficult**.

#### Congressional restrictions of the president solve best- better flexibility and recognition of politics and foreign policy– Bellia ‘2

Patricia Bellia; “Executive Power in Youngstown’s Shadows”; Constitutional Commentary; Spring 2002

We can in fact detect the seeds of this reluctance to give content to the President's constitutional powers in Justice Jackson's concurrence. Recall Justice Jackson's observation about his second category of executive action, where Congress is silent. **Congressional silence**, he wrote, may "**invite[] measures on independent presidential responsibility**." (269) The outcome of the dispute is likely to turn more on "contemporary imponderables" than "on abstract theories of law." (270) If Justice Jackson's statement was purely predictive, he was right. Justiciability doctrines require or permit courts to avoid resolving many significant separation of powers disputes. (271) But Justice Jackson's claim that **powers "fluctuate" according to Congress's will also yields two related normative conclusions**. The first is a prudential point that **the task of policing the Executive should fall to Congress, not the courts, because the political branches are more likely to arrive at a narrow resolution that will preserve the Government's flexibility in later, unforeseen circumstances**. This view seemed to animate Justice Powell's concurrence in the Supreme Court's decision to deny review in Goldwater v. Carter, (272) a dispute over President Carter's termination of the United States' mutual defense treaty with Taiwan. Justice Powell argued that judicial intervention was inappropriate because Congress and the President had not yet reached a "constitutional impasse." (273) The Senate had considered a resolution declaring that Senate approval is necessary for termination of a treaty but had taken no final action. (274) Justice Powell suggested that "[i]t cannot be said that either the Senate or the House has rejected the President's claim. If the Congress chooses not to confront the President, it is not our task to do so." (275) In other words, so long as Congress was silent, Justice Powell saw no role for the Court in resolving questions about the appropriate division of power. (276) The second normative point that flows from Justice Jackson's **claim that powers "fluctuate" is one made by some executive primacy scholars--that because the Constitution confers authority over foreign affairs and national security to the political branches, there is a "risk that judicial intervention will itself be a serious violation of separation of powers**." (277) Under this theory, **judicial intervention would be inappropriate where Congress is silent, and may not even be appropriate when there is a conflict between congressional and presidential will**. Four of the Justices who concurred in the decision not to grant review in Goldwater took this view. Because the Justices found no constitutional provision expressly governing the termination of treaties, the dispute presented a political question that "should be left for resolution by the Executive and Legislative Branches of the Government." (278) The concurring Justices observed **that a court's resolution of a political question can create "disruption among the three coequal branches of government."**

## Plan:

#### The US Congress should substantially increase its statutory restrictions on the war powers authority of the President by repealing the NDAA authorization to indefinitely detain terrorist suspects

## Solvency

#### Plan solves detention and transfers detainees to trials

Dave Nalle June 14, 2013
Effort to block indefinite detention (NDAA) fails in U.S. House
<http://communities.washingtontimes.com/neighborhood/liberty-our-times/2013/jun/14/effort-block-indefinite-detention-fails-us-house/>

Indefinite detention remains in effect, but this week an effort was made to fix the problem with the Smith-Gibson amendment to the 2014 NDAA act. This bi-partisan amendment, sponsored by Republican Chris Gibson of New York and Democrat Adam Smith of Washington, would have guaranteed any detainee a trial and prohibited the transfer of anyone arrested in the United States to military custody. As happened with the substantially similar Smith-Amash amendment last year, this effort failed by a close 226 to 200 vote on the floor of the House. The House Armed Services Committee and House GOP leadership urged Republican representatives to vote “no.” Despite that pressure, many of the more libertarian Republicans in the House voted for the amendment, including recently elected representatives Thomas Massie, Mark Sanford, Kerry Bentivolio and Ted Yoho, who were all endorsed by the Republican Liberty Caucus. Notably absent from the list were two long-time RLC endorsees, Dana Rohrabacher of California, and Steve Stockman from Texas.

#### Collaboration with Congress is key to efficacy + legitimacy of counter terrorism operations

Prieto 9 (Daniel, Council on Foreign Relations, “War About Terror: Civil Liberties and National Security After 9/11”, February 2009, <http://pubs.mantisintel.com/Civil_Liberties_WorkingPaper.pdf>, RSR)

Within the Bush administration, policy development and decision-making on a number of critical ¶ counterterrorism programs took place within a very small circle. For example, at the direction of the ¶ White House, the Justice Department’s Office of Legal Counsel did not solicit input from the State ¶ Department as it developed the controversial August 2002 opinion on enhanced interrogation techniques.136In another example, NSA lawyers were not given access to the OLC’s legal memoranda on ¶ the NSA’s activities related to the Terrorist Surveillance Program. Getting counterterrorism policies ¶ right after 9/11 was hampered by the administration’s strategy of self-reliance at a time when presidential actions and counterterrorism policy could have been strengthened by a more meaningful involvement of Congress. Greater transparency and a more sustained effort to work with Congress ¶ could have helped mitigate the controversies that have undermined and hampered U.S. counterterrorism policies, provide a more solid legal basis for counterterrorism efforts, and defend against criticisms regarding the legitimacy of many new policies.

# 2AC

## Courts

#### Do both-

#### Plan then CP

#### Courts taking a stance for indefinite detention now on the basis that it’s constitutional

By Bernard Vaughan

NEW YORK | Wed Jul 17, 2013 2:30pm EDT

<http://www.reuters.com/article/2013/07/17/us-usa-security-lawsuit-idUSBRE96G0XN20130717>

A federal appeals court on Wednesday lifted a lower court order that would have prevented the U.S. military from indefinitely detaining people believed to have helped al Qaeda or the Taliban. The 3-0 decision by a panel of the 2nd U.S. Circuit Court of Appeals in New York was a setback for journalists, activists and others who had argued that the law put them in danger of indefinite detention. It was a victory for the Obama administration, which said the practice is needed to fight terrorism. The 2nd U.S. Circuit Court of Appeals in New York said the plaintiffs lacked standing to challenge the law.

#### Won’t solve supremacy- it’s an impact turn to courts- the CP is an example of the courts taking power to constitutionally limit the president- links to modeling DA

#### Congressional restrictions of the president solve best- better flexibility and recognition of politics and foreign policy– Bellia ‘2 solves your flex net benefits

#### Also means that you cannot access soft power- indefinite detention ruling needs to come from the branch that conducts foreign relations

#### CONTROVERSIAL COURT DECISIONS SPARK CONGRESSIONAL BACKLASH – CITIZENS PROVES.

ZELENY 10 JEFF, “Political fallout from the Supreme Court ruling” New York Times -- Jan 21 -- <http://thecaucus.blogs.nytimes.com/2010/01/21/political-fallout-from-the-supreme-court-ruling/>

Today’s ruling upends the nation’s campaign finance laws, allowing corporations and labor unions to spend freely on behalf of political candidates. With less than 11 months before the fall elections, the floodgates for political contributions will open wide, adding another element of intrigue to the fight for control of Congress.¶ At first blush, Republican candidates would seem to benefit from this change in how political campaigns are conducted in America. The political environment – an angry, frustrated electorate seeking change in Washington – was already favoring Republicans. Now corporations, labor unions and a host of other organizations can weigh in like never before.¶ But the populist showdown that was already brewing – President Obama on Thursday sought to limit the size of the nation’s banks – will surely only intensify by the Supreme Court’s ruling. The development means that both sides will have even louder megaphones to make their voices and viewpoints heard.¶ Mr. Obama issued a statement – a rare instance of a president immediately weighing in on a ruling from the high court – and said his administration would work with Congressional leaders “to develop a forceful response to this decision.”¶ “With its ruling today, the Supreme Court has given a green light to a new stampede of special interest money in our politics,” Mr. Obama said. “It is a major victory for big oil, Wall Street banks, health insurance companies and the other powerful interests that marshal their power every day in Washington to drown out the voices of everyday Americans.”¶ Republicans, of course, hailed the ruling as a victory for the First Amendment.¶ “I am pleased that the Supreme Court has acted to protect the Constitution’s First Amendment rights of free speech and association,” said Senator John Cornyn of Texas, chairman of the National Republican Senatorial Committee. “These are the bedrock principles that underpin our system of governance and strengthen our democracy.”¶ Democrats, not surprisingly, said the ruling would be bad for democracy.¶ “Giving corporate interests an outsized role in our process will only mean citizens get heard less,” said Senator Robert Menendez of New Jersey, chairman of the Democratic Senatorial Campaign Committee. “We must look at legislative ways to make sure the ledger is not tipped so far for corporate interests that citizens voices are drowned out.”

## Warfighting DA

#### Presidential war powers lead to a state of perpetual warfare- the war on terror is unique- no metrics for measuring if we are winning or when the war will end[**Seth Weinberger**](http://ups.academia.edu/SethWeinberger) **NO DATE**

[Presidential War Powers in a Never-Ending War](http://academia.edu/174818/Presidential_War_Powers_in_a_Never-Ending_War)
<http://academia.edu/174818/Presidential_War_Powers_in_a_Never-Ending_War>

Even if the threat from al Qaeda is in fact, as President Bush has often asserted, an existential threat to the United States, it does not necessarily follow that the President should be freed from congressional restraints to pursue whatever policies the executive may deem necessary to fight that threat. In a “normal” war like either of the two world wars, an end can be envisioned, metrics exist for assessing progress towards that end, and extraordinary legislative powers ceded to the President by Congress can one day be given up. However, the “War on Terror” is not such a war. The enemy is unclear, as are the desired goals. Is the aim of the “War on Terror” defeating all terrorism, reducing terrorism to a nuisance, or simply lowering the likelihood of another large-scale attack? How can it be known if the U.S. is winning the war? Does an absence of attacks mean that the war is successful, or that the terrorists haven’t tried? At what point would victory, if victory is even possible, be declared, and any extraordinary legislative powers be given back to Congress by the President?

#### Prez powers bad outweighs their flex turn

Lobel 2008 (Jules Lobel, Professor of Law at University of Pittsburgh Law School, Ohio State Law Journal, 69 Ohio St. L.J. 391, Lexis)

One might argue, however, that the potential danger that Congress could enact impractical, and unduly restrictive legislation controlling the movement of troops in battle supports a constitutional rule that accords the President sole power in this area, even if the line that was drawn was somewhat vague or logically indefensible.¶ That argument fails for two reasons. First, such a line is unnecessary. Congress has never interfered with battle plans or troop movements in the course of battle, even during the Civil War when congressional intermeddling in military matters was at its height. There is no reason to believe that Congress is even remotely likely to do so in the future, or that it is even capable of doing so. The line drawing would not be in response to a real problem, but a speculative, highly remote hypothetical. Important constitutional distinctions ought not be based on imaginary problems.¶ Worse still, the purely speculative danger that Congress might in the future interfere with battle plans or troops movements in the course of warfare must be balanced against the very real and present danger that Presidents will use an exclusive power over troop movements to expand their power dramatically at Congress's expense.¶ Modern Presidents have done just that. They have sought to expand their narrow constitutional power to repel sudden attacks into a power to introduce U.S. troops into hostilities anywhere in the world where, in the President's opinion, the United States' national interests are threatened. They have argued that the President's narrow power to protect our troops precludes Congress from limiting offensive actions that significantly expand a war.¶ The current administration has gone further, arguing that the President's power to direct the movement of troops precludes Congress from absolutely forbidding torture, or warrantless spying against Americans. The potential for abuse of a narrow but theoretically expandable rule is enormous, ever-present, and demonstrated by history.¶ Congress has also generally not restricted the President's power to repel attacks on American troops. 288 But the President's power to repel attacks [\*462] should be viewed as an independent power that permits the Executive to act with speed and flexibility in the absence of congressional authority, but that Congress has the right to regulate and limit that power.

#### Prez could get retroactive approval for an emergency second strike

Fisher 1995 (Louis Fisher, Senior Specialist in Separation of Powers at the Congressional Research Service at The Library of Congress, 1994-95, Political Science Quarterly Volume 109 Number 5, JSTOR)

Does the specter of nuclear war - unknown to the Framers - require concentrating in the president the sole responsibility for launching missiles? That is a beguiling, but misleading proposition. There is a difference between first use of nuclear weapons (any initiation of war ¶ requires prior congressional authority) and retaliatory second strikes ¶ (a unilateral presidential power pursuant to the executive duty to repel ¶ sudden attacks). Policy makers generally assume that nuclear weapons ¶ would be used only after a conventional war escalates, over a period ¶ of weeks or months, to a nuclear confrontation. Time is available ¶ within the executive branch to debate and decide the use of nuclear ¶ weapons, permitting adequate opportunity for a congressional role." ¶ If presidents decide that an emergency requires action without first ¶ obtaining approval from Congress, it is far better for them to use ¶ military force on suspect authority and come later to Congress to ¶ explain what they did, why they acted, and request Congress to provide¶ retroactive authorization. The burden is wholly on the president to ¶ make the case. Congress is the only branch that can confer legitimacy ¶ on an emergency measure. That is the procedure Abraham Lincoln ¶ used in the Civil War. It is the model for all presidents. Congress ¶ should not attempt to provide advance authority for every type of ¶ emergency action. Having been burned on the Tonkin Gulf Resolution, ¶ the Senate Foreign Relations Committee concluded in 1969: ¶ Finally, should the president find himself confronted with a situation of such ¶ complexity and ambiguity as to leave him without guidelines for constitutional ¶ action, it would be far better for him to take the action he saw fit without ¶ attempting to justify it in advance and leave it to Congress or the courts to ¶ evaluate his action in retrospect. A single unconstitutional act, later explained ¶ or pronounced unconstitutional, is preferable to an act dressed up in some ¶ spurious, precedent-setting claim of legitimacy.12

#### 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

## K

#### The role of the ballot is to simulate enactment of the plan. That’s the most productive way to engage politics

Heydemann, director – Program on Philanthropy and Nonprofit Sector @ Social Science Research Council, frmr Prof Poli Sci – Columbia, ‘2

(Steve, “Defending the Discipline,” Journal of Democracy Vol. 13, No. 3, Muse)

Though Kramer's book is severely flawed, 2 the larger question remains: Is his diagnosis of the field accurate? Have we exaggerated the prospects for democratization and misread the state of politics in the Middle East? Are we guilty of uncritically applying inappropriate theories and methods? Have we neglected what really matters in pursuit of theoretical novelty?

The straightforward answer is that these perceptions of the field are misguided. When it comes to the study of democratization and economic reform—especially the past 10 to 15 years' work on the political economy of regime formation and transition—the field has been largely right. The persistence of authoritarianism, not the inevitability of democracy, has been the principal focus of research. The overwhelming sentiment among researchers has been not uncritical optimism about prospects for democratization but a cautious and critical skepticism, verging at times on frank pessimism. 3

Certainly, at the start of the 1990s scholars of the Middle East were anxious to explore the local effects of the changes then transforming the international system, including the possibility of political change from below, and with good reason. No one paying attention to events on the ground—the newfound interest among regimes circa 1990 in the rhetoric of pluralism, markets, and democracy; the growth of social movements around issues ranging from human rights to electoral reform to environmentalism; the increasingly visible signs of exhaustion among existing systems of rule—could have failed to note how the events of 1989 resonated across the Middle East, creating possibilities for change that had seemed quite remote only a few years earlier. Research on civil society, far less prominent in Middle East studies than in other fields, was one of several reactions to these new possibilities and helped turn the attention of researchers to modes of politics that previously had been neglected. 4

Nonetheless, from the early 1990s on, the main focus of research on the politics of reform in the Middle East has been to explain why reforms have been so limited; how authoritarian regimes have managed to exploit the rhetoric of reform to reconfigure and renew their political [End Page 103] power; why it is that in the Middle East vibrant civil societies coexist with durable authoritarian regimes, while elsewhere such civil societies have been central to democratic transitions; and how regimes in the Middle East have managed to separate economic and political reform, processes that have often been seen as interdependent. Research has centered on such notions as selective liberalization, defensive democratization, reform as a survival strategy, coalition management, and successful authoritarianism, and has explored whether the stability of authoritarianism can be taken as evidence of Middle Eastern exceptionalism. 5 In fact, the most recent wave of research is on failed liberalization, the reversal of reform, and how the political openings that took place in a number of Middle Eastern states in the late 1980s and early 1990s were shut down by regimes that came to fear their consequences.

Moreover, research on economic and political reform in the Middle East has clearly benefited from the use of comparative theories and methods by regional specialists. Given the interdependence of economic reform and democratization in much of the world, what accounts for the ability of regimes in the Middle East to liberalize their economies selectively without opening their political systems? Why has authoritarianism in the Middle East persisted despite the presence of virtually every factor that has been used to explain its collapse elsewhere, from failures of development to defeats in war? Since the massive use of coercion did not keep authoritarian regimes alive in Eastern Europe, Africa, or Latin America, how can we explain the persistence of such regimes in the Middle East simply by reference to their brutality? Does Tocqueville tell us anything relevant to this region? Does Islam make the Middle East exceptional, and if so, how? 6 How can we account for the absence or weakness of what might be called liberal Islam?

These questions, which get to the fundamental core of what matters about Middle Eastern politics today, are well represented within Middle East studies. Yet they cannot be answered by looking at the Middle East in isolation. These questions require not simply introspection but critical engagement with the larger disciplines within which the applicable tools and methods are developed, challenged, and refined.

Does such attention to theory lead the field down esoteric byways, detached from the concerns of policy makers? That research has an obligation to serve foreign policy goals is a dubious proposition, but interaction between research and policy on questions of reform is evident, even if the two often pull in different directions. On the one hand, U.S. policy favors stability in the short run, with little apparent regard for the longer-term costs of sustaining authoritarian regimes. Policy makers have tended to subordinate political reform to economic reform in the belief that markets will create the preconditions for political change—eventually. In other words, U.S. policy has evolved to favor markets now, democracy later. Academic specialists, on the other hand—including [End Page 104] some with high-level government experience—tend to be skeptical if not critical of this approach, generally preferring more assertive U.S. support for democratization. 7 Nonetheless, the feasibility of promoting markets without also seeking democracy—of supporting what has become a shift from populist to partially market-based forms of authoritarianism—is sadly consistent with the findings of the research literature. Moreover, this divergence between the policy and research communities is not an indicator of academic failure but a reflection of policy makers' neglect, whether intentional or not, of a research literature that has been largely accurate in assessing the rise and decline of political liberalization in the Middle East during the course of the 1990s.

#### Method focus causes endless paradigm wars

Wendt, professor of international security – Ohio State University, ‘98

(Alexander, “On Constitution and Causation in International Relations,” British International Studies Association)

As a community, we in the academic study of international politics spend too much time worrying about the kind of issues addressed in this essay. The central point of IR scholarship is to increase our knowledge of how the world works, not to worry about how (or whether) we can know how the world works. What matters for IR is ontology, not epistemology. This doesn’t mean that there are no interesting epistemological questions in IR, and even less does it mean that there are no important political or sociological aspects to those questions. Indeed there are, as I have suggested above, and as a discipline IR should have more awareness of these aspects. At the same time, however, these are questions best addressed by philosophers and sociologists of knowledge, not political scientists. Let’s face it: most IR scholars, including this one, have little or no proper training in epistemology, and as such the attempt to solve epistemological problems anyway will inevitably lead to confusion (after all, after 2000 years, even the specialists are still having a hard time). Moreover, as long as we let our research be driven in an open-minded fashion by substantive questions and problems rather than by epistemologies and methods, there is little need to answer epistemological questions either. It is simply not the case that we have to undertake an epistemological analysis of how we can know something before we can know it, a fact amply attested to by the success of the natural sciences, whose practitioners are only rarely forced by the results of their inquiries to consider epistemological questions. In important respects we do know how international politics works, and it doesn’t much matter how we came to that knowledge. In that light, going into the epistemology business will distract us from the real business of IR, which is international politics. Our great debates should be about first-order issues of substance, like the ‘first debate’ between Realists and Idealists, not second-order issues of method.

Unfortunately, it is no longer a simple matter for IR scholars to ‘just say no’ to epistemological discourse. The problem is that this discourse has already contamin- ated our thinking about international politics, helping to polarize the discipline into ‘paradigm wars’. Although the resurgence of these wars in the 1980s and 90s is due in large part to the rise of post-positivism, its roots lie in the epistemological anxiety of positivists, who since the 1950s have been very concerned to establish the authority of their work as Science. This is an important goal, one that I share, but its implementation has been marred by an overly narrow conception of science as being concerned only with causal questions that can be answered using the methods of natural science. The effect has been to marginalize historical and interpretive work that does not fit this mould, and to encourage scholars interested in that kind of work to see themselves as somehow not engaged in science. One has to wonder whether the two sides should be happy with the result. Do positivists really mean to suggest that it is not part of science to ask questions about how things are constituted, questions which if those things happen to be made of ideas might only be answerable by interpretive methods? If so, then they seem to be saying that the double-helix model of DNA, and perhaps much of rational choice theory, is not science. And do post-positivists really mean to suggest that students of social life should not ask causal questions or attempt to test their claims against empirical evidence? If so, then it is not clear by what criteria their work should be judged, or how it differs from art or revelation. On both sides, in other words, the result of the Third Debate’s sparring over epistemology is often one-sided, intolerant caricatures of science.

#### Perm do both

#### Perm do plan and then ALT

#### Perm do plan and ALT in every non-competitive instances – solves the residual links or they can’t overcome the SQ links

#### Perm do the ALT and do the plan for the purpose of embracing war to overcome it – exploits the K’s double turn

#### Case = da to quo

#### Violence is proximately caused – root cause logic is poor scholarship

**Sharpe**, lecturer, philosophy and psychoanalytic studies, and Goucher, senior lecturer, literary and psychoanalytic studies – Deakin University, **‘10**

(Matthew and Geoff, Žižek and Politics: An Introduction, p. 231 – 233)

We realise that this argument, which we propose as a new ‘quilting’ framework to explain Žižek’s theoretical oscillations and political prescriptions, raises some large issues of its own. While this is not the place to further that discussion, we think its analytic force leads into a much wider critique of ‘Theory’ in parts of the latertwentieth- century academy, which emerged following the ‘cultural turn’ of the 1960s and 1970s in the wake of the collapse of Marxism. Žižek’s paradigm to try to generate all his theory of culture, subjectivity, ideology, politics and religion is psychoanalysis. But a similar criticism would apply, for instance, to theorists who feel that the method Jacques Derrida developed for criticising philosophical texts can meaningfully supplant the methodologies of political science, philosophy, economics, sociology and so forth, when it comes to thinking about ‘the political’. Or, differently, thinkers who opt for Deleuze (or Deleuze’s and Guattari’s) Nietzschean Spinozism as a new metaphysics to explain ethics, politics, aesthetics, ontology and so forth, seem to us candidates for the same type of **criticism, as a reductive passing over** the **empirical and analytic distinctness of** the **different** object **fields in complex societies.**

In truth, we feel that Theory, and the continuing line of ‘master thinkers’ who regularly appear particularly in the English- speaking world, is the last gasp of what used to be called First Philosophy. The philosopher ascends out of the city, Plato tells us, from whence she can espie the Higher Truth, which she must then bring back down to political earth. From outside the city, we can well imagine that she can see much more widely than her benighted political contemporaries. But from these philosophical heights, we can equally suspect that the ‘master thinker’ is also **always in danger of passing over** the **salient differences** and features of political life – differences only too evident to people ‘on the ground’. Political life, after all, is always a more complex affair than a bunch of ideologically duped fools staring at and enacting a wall (or ‘politically correct screen’) of ideologically produced illusions, from Plato’s timeless cave allegory to Žižek’s theory of ideology.

We know that Theory largely understands itself as avowedly ‘post- metaphysical’. It aims to erect its new claims on the gravestone of First Philosophy as the West has known it. But it also tells us that people very often do not know what they do. And so it seems to us that too many of its proponents and their followers are mourners who remain in the graveyard, propping up the gravestone of Western philosophy under the sign of some totalising account of absolutely everything – enjoyment, différance, biopower . . . Perhaps the time has come, we would argue, less for one more would- be global, allpurpose existential and political Theory than for a **multi- dimensional and interdisciplinary** critical **theory** that would challenge the chaotic specialisation neoliberalism speeds up in academe, which mirrors and accelerates the splintering of the Left over the last four decades. This would mean that we would have to shun the hope that one method, one perspective, or one master thinker could single- handedly decipher all the complexity of socio- political life, the concerns of really existing social movements – which specifi cally does not mean mindlessly celebrating difference, marginalisation and multiplicity as if they could be suffi cient ends for a new politics. **It would be to reopen critical theory and non- analytic philosophy to the other intellectual disciplines**, most of **whom** today **pointedly reject Theory’s legitimacy,** neither reading it nor taking it seriously.

#### Chernus doesn’t say we need to embrace war itself

#### His theory disables concrete political engagement with nuclear weapons

Stuart Z. Charne, Rutgers, December 1991, “Book Reviews,” Review of Religious Research, v. 33, no. 2, p. jstor

This book demonstrates many of the strengths and weaknesses of psycho-historical interpretations. Much of the argument is carried by suggestive analogies and heuristic metaphors, extended descriptions of suprapersonal entities like nations, cultures, and civilizations “as if’ they operated according to individual psychodynamics. Chernus himself sprinkles disclaimers throughout his book denying that his interpretations are empirically verifiable or indeed are anything more than useful fictions to stimulate thought. By the end of the book, however, Chernus’ commitment to a particular psychological and metaphysical perspective is more than metaphorical. In his rush to reconnect to an archetypal world of symbols and images, he tends to be somewhat dismissive of more concrete political, economic, historical and scientific perspectives relating to nuclear arms.

#### The reduction of the soul/psyche to a metaphoric concept like “war” devalues consciousness and prevents the alternative from solving.

Winther, psychologist and empiricist, psychology writer, ‘99

(Mats, “Critique of Archetypal Psychology,” <http://home.swipnet.se/~w-73784/hillmcrit.htm>)

To the phenomenologists not only natural objects but also psychological objects (contents) or "ideal" objects, like any kind of abstract principle, can be made conscious, that is, they can become fully perceivable. It has then not merely become a representation of the psychic object - it is actually the psychic object made evident.  Such a phenomenological viewpoint is not consonant with analytical psychology. Jungian theorists emphasizes that the archetype, as a numinous entity, cannot be made fully conscious. The archetypal feeling cannot be pinpointed in an image that will remain accurate and persuasive over time. They emphasize that the evident image is not to be regarded as a psychic content which has become fully integrated with consciousness. But it is, actually, according to Hillman's psychology.  H. is said to reduce the importance of conscious understanding. But Hillman's reduction of the psychic content to a metaphorical image actually causes the reverse since a metaphorical image is entirely comprehensible by consciousness. Contrary to this, the Jungian notion of the symbol is much more profound. A symbol cannot be fully grasped by way of abstract conscious categories. It ought to be experienced and differentiated, using active imagination and amplification. A content is never merely an image, like H. says. A content can be expressed symbolically and the image is always connected to other contents that lie beyond consciousness. Hillman's phenomenology implies a devaluation of the unconscious. Today, there are very many people who have experienced the unconscious and who can verify that images are amplifiable and that they have consciousness-transcending symbolic properties.

#### Representations of nuclear war are key broad based activism

Susan T. Fiske, Department of Psychology, Tobin Hall, University of Massachusetts, Amherst, 1987, “People's Reactions to Nuclear War: Implications for Psychologists” American Psychologist Issue: Volume 42(3), March 1987, p 207–217

As defined here, even the antinuclear activist's typical activities are few and modest: writing congressional representatives and donating money to an antinuclear group. Nevertheless, this is far more than the average person does and far more than people's usual levels of political activity. Even this humble degree of antinuclear protest is worth examining. Factors that motivate antinuclear protest most centrally include an extreme chronic salience of the issue and an unusual sense of political efficacy, as well as some attitudinal and demographic factors. Chronic personal salience of the nuclear issue clearly distinguishes the activist. Antinuclear activists report frequently thinking about the issue (Fiske et al., 1983; Hamilton, Chavez, & Keilin, 1986; Pavelchak & Schofield, 1985), on the order of several minutes a day. Having the issue on their minds apparently creates detailed and concrete images of nuclear war (Fiske et al., 1983; Milburn & Watanabe, 1985) like those mentioned earlier: images of dismembered bodies, people screaming, buildings on fire, miles of rubble, and barren landscapes. Presumably, their uniquely salient concrete images are motivating for antinuclear activists. Moreover, the combination of high perceived severity and high perceived likelihood of nuclear war is a good predictor of intent to become involved in antinuclear activity (Wolf et al., 1986). A strong sense of political efficacy also distinguishes the activist (Garrett, 1985; Flamenbaum, Hunter, Silverstein, & Yatani, 1985; Hamilton et al., 1985; Milburn & Watanabe, 1985; Oskamp et al., 1985; Tyler & McGraw, 1983); this is true of political activists in general (Nie & Verba, 1975). The antinuclear activist believes that nuclear war is preventable, not inevitable, and that citizens working together can influence government action to decrease the chance of a nuclear war. The antinuclear activist is specifically motivated by a sense of personal political capability combined with a belief in the efficacy of political action (Wolf et al., 1986). The correlation between political efficacy and behavioral intent is substantial by social science standards (Schofield & Pavelchak, 1984; Wolf et al., 1986). Moreover, although activists believe that governments create the risk of nuclear war, they also believe that citizens can and should be responsible for preventing it (Tyler & McGraw, 1983). Not surprisingly, considering their strong sense of political efficacy, antinuclear activists tend to participate in other types of political activity as well (Fiske et al., 1983; Milburn & Watanabe, 1985; Oskamp et al., 1985). Thus, their antinuclear activity is not a special case.

#### Psychoanalysis is a closed system of assertion that doesn’t describe reality

**Perpich 5** (Dian Professor of PHILOSOPHY AT Vanderbilt “Figurative Language and the ‘Face’ in Levinas’s Philosophy” Philosophy and Rhetoric vol. 38:2)

 Levinas’s hesitations about the value of psychoanalysis—indeed, what might be called his allergic reactions to psychoanalysis—are similarly based. Psychoanalysis, he writes, “casts a basic suspicion on the most unimpeachable testimony of self-consciousness” (1987b, 32). Psychological states in which the ego seems to have a “clear and distinct” grasp of itself are reread by psychoanalysis as symbols for a “reality that is totally inaccessible” to the self and that is the expression of “a social reality or a historical influence totally distinct from its [the ego’s] own intention” (34). Moreover, all of the ego’s protests against the interpretations of analysis are themselves subject to further analysis, leaving no point exterior to the analysis: “I am as it were shut up in my own portrait” (35). Psychoanalysis threatens an infinite regress of meaning, a recursive process that leads from one symbol to another, from one symptom to another with no end in sight and no way to break into or out of the chain of signifiers in the name of a signified. “The real world is transformed into a poetic world, that is, into a world without beginning in which one thinks without knowing what one thinks” (35). Put less poetically, Levinas’s worry is that psychoanalysis furnishes us with no fixed point or firm footing from which to launch a critique and to break with social and historical determinations of the psyche in order to judge society and history and to call both to account. Indeed, his uncharacteristic allusion to “clear and distinct” ideas betrays his intention: to seek, against both religious and psychoanalytic participations, for a relationship in which the ego is an “absolute,” “irreducible” singularity, within a totality but still separate from it, that is, still capable of a relation with exteriority. To seek such a relation is, Levinas says, “to ask whether a living man [sic] does not have the power to judge the history in which he is engaged, that is, whether the thinker as an ego, over and beyond all that he does with what he possesses, creates and leaves, does not have the substance of a cynic” (35). The naked being who confronts me with his or her alterity, the naked being that I am myself and whose being “counts as such” is now naked not with an erotic nudity but with the nudity of a cynic who has thrown off the cloak of culture in order to present him- or herself directly and “in person” through “this chaste bit of skin with brow, nose, eyes, and mouth” (41). Levinas picks up the thread of this worry about psychoanalysis in “Ethics and Discourse,” the main section of “The Ego and the Totality.” To affirm humankind as a power to judge history, he claims, is to affirm rationalism and to reject “the merely poetic thought which thinks without knowing what it things, or thinks as one dreams” (40). The impetus for psychoanalysis is philosophical, Levinas admits; that is, it shares initially in this affirmation of rationalism insofar as it affirms the need for reflection and for going “underneath” or getting behind unreflected consciousness and thought. However, if its impetus is philosophical, its issue is not insofar as the tools that it uses for reflection turn out to be “some fundamental, but elementary, fables ... which, incomprehensibly, would alone be unequivocal, alone not translate (or mask or symbolize) a reality more profound than themselves” (40). Psychoanalysis returns one, then, to the irrationalism of myth and poetry rather than liberating one from them. It resubmerges one within the cultural and historical ethos and mythos in a way that seems to Levinas to permit no end to interpretation and thus no power to judge. He imagines psychoanalysis as a swirling phantasmagoria in which language is all dissimulation and deception. “One can find one’s bearings in all this phantasmagoria, one can inaugurate the work of criticism only if one can begin with a fixed point. The fixed point cannot be some incontestable truth, a ‘certain’ statement that would always be sub ject to psychoanalysis; it can only be the absolute status of an interlocutor, a being, and not a truth about beings” (41). In this last claim, the fate of Heideggerian fundamental ontology that is an understanding of Being rather than a relation to beings (or to a being, a face) is hitched to the fate of psychoanalysis and both linked to participation, the “nocturnal chaos” that threatens to drown the ego in the totality.

#### Violence is declining

Steven **Pinker 11**, professor of psychology at Harvard, The Better Angels of our Nature, October, googlebooks

This book is about what may be the most important thing that has ever happened in human history. Believe it or not—and I know that most people do not—violence has declined over long stretches of time, and today we may be living in the most peaceable era in our species’ existence. The decline, to be sure, has not been smooth; it has not brought violence down to zero; and it is not guaranteed to continue. But it is an unmistakable development, visible on scales from millennia to years, from the waging of wars to the spanking of children. No aspect of life is untouched by the retreat from violence. Daily existence is very different if you always have to worry about being abducted, raped, or killed, and it’s hard to develop sophisticated arts, learning, or commerce if the institutions that support them are looted and burned as quickly as they are built. The historical trajectory of violence affects not only how life is lived but how it is understood. What could be more fundamental to our sense of meaning and purpose than a conception of whether the strivings of the human race over long stretches of time have left us better or worse off? How, in particular, are we to make sense of modernity—of the erosion of family, tribe, tradition, and religion by the forces of individualism, cosmopolitanism, reason, and science? So much depends on how we understand the legacy of this transition: whether we see our world as a nightmare of crime, terrorism, genocide, and war, or as a period that, by the standards of history, is blessed by unprecedented levels of peaceful coexistence. The question of whether the arithmetic sign of trends in violence is positive or negative also bears on our conception of human nature. Though theories of human nature rooted in biology are often associated with fatalism about violence, and the theory that the mind is a blank slate is associated with progress, in my view it is the other way around. How are we to understand the natural state of life when our species first emerged and the processes of history began? The belief that violence has increased suggests that the world we made has contaminated us, perhaps irretrievably. The belief that it has decreased suggests that we started off nasty and that the artifices of civilization have moved us in a noble direction, one in which we can hope to continue. This is a big book, but it has to be. First I have to convince you that violence really has gone down over the course of history, knowing that the very idea invites skepticism, incredulity, and sometimes anger. Our cognitive faculties predispose us to believe that we live in violent times, especially when they are stoked by media that follow the watchword “If it bleeds, it leads.” The human mind tends to estimate the probability of an event from the ease with which it can recall examples, and scenes of carnage are more likely to be beamed into our homes and burned into our memories than footage of people dying of old age.1 No matter how small the percentage of violent deaths may be, in absolute numbers there will always be enough of them to fill the evening news, so people’s impressions of violence will be disconnected from the actual proportions. Also distorting our sense of danger is our moral psychology. No one has ever recruited activists to a cause by announcing that things are getting better, and bearers of good news are often advised to keep their mouths shut lest they lull people into complacency. Also, a large swath of our intellectual culture is loath to admit that there could be anything good about civilization, modernity, and Western society. But perhaps the main cause of the illusion of ever-present violence springs from one of the forces that drove violence down in the first place. The decline of violent behavior has been paralleled by a decline in attitudes that tolerate or glorify violence, and often the attitudes are in the lead. By the standards of the mass atrocities of human history, the lethal injection of a murderer in Texas, or an occasional hate crime in which a member of an ethnic minority is intimidated by hooligans, is pretty mild stuff. But from a contemporary vantage point, we see them as signs of how low our behavior can sink, not of how high our standards have risen. In the teeth of these preconceptions, I will have to persuade you with numbers, which I will glean from datasets and depict in graphs. In each case I’ll explain where the numbers came from and do my best to interpret the ways they fall into place. The problem I have set out to understand is the reduction in violence at many scales—in the family, in the neighborhood, between tribes and other armed factions, and among major nations and states. If the history of violence at each level of granularity had an idiosyncratic trajectory, each would belong in a separate book. But to my repeated astonishment, the global trends in almost all of them, viewed from the vantage point of the present, point downward. That calls for documenting the various trends between a single pair of covers, and seeking commonalities in when, how, and why they have occurred. Too many kinds of violence, I hope to convince you, have moved in the same direction for it all to be a coincidence, and that calls for an explanation. It is natural to recount the history of violence as a moral saga—a heroic struggle of justice against evil—but that is not my starting point. My approach is scientific in the broad sense of seeking explanations for why things happen. We may discover that a particular advance in peacefulness was brought about by moral entrepreneurs and their movements. But we may also discover that the explanation is more prosaic, like a change in technology, governance, commerce, or knowledge. Nor can we understand the decline of violence as an unstoppable force for progress that is carrying us toward an omega point of perfect peace. It is a collection of statistical trends in the behavior of groups of humans in various epochs, and as such it calls for an explanation in terms of psychology and history: how human minds deal with changing circumstances.

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#### 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.

#### Syria decimated Obama’s PC – everyone is fighting him – kills the rest of his agenda

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.