## 2AC T “Restriction on Pres WPA”

### We meet-Indefinite detention is the determination of “enemy combatant” status and the justifications

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President Bush claims the power, as Commander in Chief of the Armed Forces, to¶ determine that any person, including an American citizen, who is suspected of being ¶ a member, agent, or associate of Al Qaeda, the Taliban, or possibly any other terrorist¶ organization, is an “enemy combatant” who can be detained in U.S. military custody¶ until hostilities end, pursuant to the international law of war (Dworkin 2002). ¶ Attorney General John Ashcroft has taken the view that the authority to detain “enemy¶ combatants” belongs to the president alone, and that any interference in that authority¶ by Congress would thus be unconstitutional (U.S. Senate 2002). Even if congressional¶ authority were necessary, the government argues, such permission can be found in ¶ the Authorization to Use Force (AUF; Pub. L. No. 107-40, 115 Stat. 224 [2001]). ¶ So far, the courts have agreed that Congress has authorized the detention of “enemy ¶ combatants.”

### W/M- Constitutional basis is “Improper self-expansion without statutory authority”

Landau 12 (ARTICLE: CHEVRON MEETS YOUNGSTOWN: NATIONAL SECURITY AND THE ADMINISTRATIVE STATE Joseph Landau Associate Professor, Fordham Law School. December, 2012 Boston University Law Review 92 B.U.L. Rev. 1917. Lexis)

1. Step One Deference to Agency Self-Expansion One important question Chevron did not address explicitly is whether courts should defer when an agency self-expands and regulates activity that appears to fall beyond the scope of the zone of authority in which it operates. This problem arose in Dole v. United Steelworkers of America, 106 a case decided six years after Chevron. Dole held that the Office of Management and Budget (OMB) exceeded the scope of its authority under the Paperwork Reduction Act when it rejected Department of Labor (DOL) standards imposing various disclosure requirements on manufacturers intended to protect employees from exposure to hazardous chemicals. 107 Under the Paperwork Reduction Act, federal agencies are prohibited from adopting regulations imposing paperwork requirements on the public where the information is not available to the agency from another source within the federal government. 108 Citing its power to regulate "information collection requests" under the Paperwork Reduction Act, OMB disapproved of the DOL provisions, claiming that they lacked required exemptions and applied to scenarios in which the disclosures did not benefit employees. 109 However, the Court found that the Paperwork Reduction Act was intended to apply to "information-gathering rules," not "disclosure rules," and therefore did not clearly grant the OMB statutory authority to countermand agency regulations requiring disclosure by regulated entities directly to third parties. 110 Finding that OMB engaged in improper self-expansion, the Court refused to defer, and it reinstated the DOL rule. 111

## Case-intel

### Latest IAEA assessment concludes the threat is under-estimated

Reuters 2013 (South China Morning Post, July 3, 2013, “Nuclear terrorism still a danger, warns IAEA,” http://www.scmp.com/news/world/article/1274089/nuclear-terrorism-still-danger-warns-international-atomic-energy-agency)

More action is needed to stop militants acquiring plutonium or highly-enriched uranium that could be used for atomic bombs, nuclear experts and government officials said.¶ Speaking in Vienna on Monday, Yukiya Amano, head of the International Atomic Energy Agency (IAEA), warned against a "false sense of security" over the danger of nuclear terrorism.¶ Amano, holding up a small lead container that was used to traffic highly enriched uranium in the former Soviet republic of Moldova two years ago, said it showed a "worrying level of knowledge on the part of the smugglers".¶ "This case ended well," he said. "Unfortunately, we cannot be sure if such cases are just the tip of the iceberg."¶ Analysts said radical groups could theoretically build a crude, but deadly nuclear bomb if they had the money, technical knowledge and the amount of fissile material needed.¶ Many states have taken steps to prevent malicious acts such as nuclear theft and sabotage, Amano told the delegates.¶ "Partly as a result of these efforts, there has not been a terrorist attack involving nuclear or other radioactive material," he said. "But this must not lull us into a false sense of security."¶ Obtaining weapons-grade fissile material - highly enriched uranium or plutonium - poses the biggest challenge for militant groups, so keeping it secure is vital, experts say.¶ Because radioactive material is seen as less hard to find and the device easier to manufacture, experts say a so-called "dirty bomb" is a more likely threat than a nuclear bomb.¶ In a dirty bomb, conventional explosives are used to disperse radiation from a radioactive source, which can be found in hospitals or other places not very well protected.¶ US Energy Secretary Ernest Moniz repeated Washington's assertion that al-Qaeda had been trying for years to obtain nuclear material for a weapon. "We should expect its adherents … to continue trying to achieve their nuclear ambitions," he said.¶ More than 100 incidents of theft and other unauthorised activities involving radioactive material were reported to the IAEA every year, Amano said.¶ "Some material goes missing and is never found," he said.

### State shift in law enforcement’s key to prevent existential Southeast European attacks

SET 9-12 (Experts: Prevention is the key to fighting terrorism 12/09/2013 By Linda Karadaku for Southeast European Times in Pristina http://www.setimes.com/cocoon/setimes/xhtml/en\_GB/features/setimes/features/2013/09/12/feature-02)

Officials at the Council of the European Union have said co-operation has been vital to preventing terrorism attacks in southeast Europe and in gaining convictions, although there have been some incidents, such as the 2012 tourist bus bombing in Burges, Bulgaria, and the February suicide bombing at the US embassy in Ankara. Experts said prevention efforts in Albania have been successful but must be improved to keep up with § Marked 19:16 § existing challenges. "The fact that no terrorist act has taken place [in Albania] means the continuous preventive measures, and also those undertaken in specific situations, have had results," Xhavit Shala of the Albanian Centre for National Security Studies, an NGO in Tirana, told SETimes. In Kosovo, authorities say a strategic approach is needed to prevent terrorism and acts of violent extremism. "There are extremists in every society. There are in Kosovo as well. A strategic approach is needed to deal with the issue, involving not only the law enforcement agencies, but more stakeholders, all state instruments, civil society, communities. A joint approach is needed, attacking the factors (that lay the ground for it). Addressing those factors does not allow the society to be vulnerable towards extremism and radicalism," Major Fatos Makolli, director of the directorate against terrorism in the Kosovo Police, told SETimes. Makolli said the state apparatus is not sufficient to raise awareness or deal by itself with the consequences of terrorism. Only by stakeholders jointly undermining the factors that contribute to the development of extremism will Kosovo reduce its vulnerability. Belgrade professor Obrad Savic said that the Muslim community in Kosovo is the integral part of European Muslims, "except small, radical Islamistic groups mainly organised in small villages, over local mosques around Pristina, as well as Sarajevo and Skopje." Such groups exist in many parts in Europe and the world, but what is important is the attitude by the populace toward them, Makolli said. "People's awareness of the issue and their education is the key," he said.

## Case-def

### Costs are contextually marginal—withdrawal is way worse

Kagan 12 (Not Fade Away The myth of American decline. Robert Kagan senior fellow at Brookings Inst. January 11, 2012 | 5:04 pm; The New Republic, http://goo.gl/SEyOM)

If we are serious about this exercise in accounting, moreover, the costs of maintaining this position cannot be measured without considering the costs of losing it. Some of the costs of reducing the American role in the world are, of course, unquantifiable. What is it worth to Americans to live in a world dominated by democracies rather than by autocracies? But some of the potential costs could be measured, if anyone cared to try. If the decline of American military power produced an unraveling of the international economic order that American power has helped sustain; if trade routes and waterways ceased to be as secure, because the U.S. Navy was no longer able to defend them; if regional wars broke out among great powers because they were no longer constrained by the American superpower; if American allies were attacked because the United States appeared unable to come to their defense; if the generally free and open nature of the international system became less so—if all this came to pass, there would be measurable costs. And it is not too far-fetched to imagine that these costs would be far greater than the savings gained by cutting the defense and foreign aid budgets by $100 billion a year. You can save money by buying a used car without a warranty and without certain safety features, but what happens when you get into an accident? American military strength reduces the risk of accidents by deterring conflict, and lowers the price of the accidents that occur by reducing the chance of losing. These savings need to be part of the calculation, too. As a simple matter of dollars and cents, it may be a lot cheaper to preserve the current level of American involvement in the world than to reduce it.

### Sustainable—econ and military—short term snapshots are insufficient

Kagan 12 (Not Fade Away The myth of American decline. Robert Kagan senior fellow at Brookings Inst. January 11, 2012 | 5:04 pm; The New Republic, http://goo.gl/SEyOM)

Powerful as this sense of decline may be, however, it deserves a more rigorous examination. Measuring changes in a nation’s relative power is a tricky business, but there are some basic indicators: the size and the influence of its economy relative to that of other powers; the magnitude of military power compared with that of potential adversaries; the degree of political influence it wields in the international system—all of which make up what the Chinese call “comprehensive national power.” And there is the matter of time. Judgments based on only a few years’ evidence are problematic. A great power’s decline is the product of fundamental changes in the international distribution of various forms of power that usually occur over longer stretches of time. Great powers rarely decline suddenly. A war may bring them down, but even that is usually a symptom, and a culmination, of a longer process. The decline of the British Empire, for instance, occurred over several decades. In 1870, the British share of global manufacturing was over 30 percent. In 1900, it was 20 percent. By 1910, it was under 15 percent—well below the rising United States, which had climbed over the same period from more than 20 percent to more than 25 percent; and also less than Germany, which had lagged far behind Britain throughout the nineteenth century but had caught and surpassed it in the first decade of the twentieth century. Over the course of that period, the British navy went from unchallenged master of the seas to sharing control of the oceans with rising naval powers. In 1883, Britain possessed more battleships than all the other powers combined. By 1897, its dominance had been eclipsed. British officials considered their navy “completely outclassed” in the Western hemisphere by the United States, in East Asia by Japan, and even close to home by the combined navies of Russia and France—and that was before the threatening growth of the German navy. These were clear-cut, measurable, steady declines in two of the most important measures of power over the course of a half-century. SOME OF THE ARGUMENTS for America’s relative decline these days would be more potent if they had not appeared only in the wake of the financial crisis of 2008. Just as one swallow does not make a spring, one recession, or even a severe economic crisis, need not mean the beginning of the end of a great power. The **U**nited **S**tates **suffered** deep and prolonged economic crises in the 1890s, the 1930s, and the 1970s. In each case, it rebounded in the following decade and actually ended up in a stronger position relative to other powers than before the crisis. The 1910s, the 1940s, and the 1980s were all high points of American global power and influence. Less than a decade ago, most observers spoke not of America’s decline but of its enduring primacy. In 2002, the historian Paul Kennedy, who in the late 1980s had written a much-discussed book on “the rise and fall of the great powers,” America included, declared that never in history had there been such a great “disparity of power” as between the United States and the rest of the world. Ikenberry agreed that “no other great power” had held “such formidable advantages in military, economic, technological, cultural, or political capabilities.... The preeminence of American power” was “unprecedented.” In 2004, the pundit Fareed Zakaria described the United States as enjoying a “comprehensive uni-polarity” unlike anything seen since Rome. But a mere four years later Zakaria was writing about the “post-American world” and “the rise of the rest,” and Kennedy was discoursing again upon the inevitability of American decline. Did the fundamentals of America’s relative power shift so dramatically in just a few short years? The answer is no. Let’s start with the basic indicators. In economic terms, and even despite the current years of recession and slow growth, America’s position in the world has not changed. Its share of the world’s GDP has held remarkably steady, not only over the past decade but over the past four decades. In 1969, the United States produced roughly a quarter of the world’s economic output. Today it still produces roughly a quarter, and it remains not only the largest but also the richest economy in the § Marked 19:17 § world. People are rightly mesmerized by the rise of China, India, and other Asian nations whose share of the global economy has been climbing steadily, but this has so far come almost entirely at the expense of Europe and Japan, which have had a declining share of the global economy. Optimists about China’s development predict that it will overtake the United States as the largest economy in the world sometime in the next two decades. This could mean that the United States will face an increasing challenge to its economic position in the future. But the sheer size of an economy is not by itself a good measure of overall power within the international system. If it were, then early nineteenth-century China, with what was then the world’s largest economy, would have been the predominant power instead of the prostrate victim of smaller European nations. Even if China does reach this pinnacle again—and Chinese leaders face significant obstacles to sustaining the country’s growth indefinitely—it will still remain far behind both the United States and Europe in terms of per capita GDP. Military capacity matters, too, as early nineteenth-century China learned and Chinese leaders know today. As Yan Xuetong recently noted, “military strength underpins hegemony.” Here the United States remains unmatched. It is far and away the most powerful nation the world has ever known, and there has been no decline in America’s relative military capacity—at least not yet. Americans currently spend less than $600 billion a year on defense, more than the rest of the other great powers combined. (This figure does not include the deployment in Iraq, which is ending, or the combat forces in Afghanistan, which are likely to diminish steadily over the next couple of years.) They do so, moreover, while consuming a little less than 4 percent of GDP annually—a higher percentage than the other great powers, but in historical terms lower than the 10 percent of GDP that the United States spent on defense in the mid-1950s and the 7 percent it spent in the late 1980s. The superior expenditures underestimate America’s actual superiority in military capability. American land and air forces are equipped with the most advanced weaponry, and are the most experienced in actual combat. They would defeat any competitor in a head-to-head battle. American naval power remains predominant in every region of the world. By these military and economic measures, at least, the United States today is not remotely like Britain circa 1900, when that empire’s relative decline began to become apparent. It is more like Britain circa 1870, when the empire was at the height of its power. It is possible to imagine a time when this might no longer be the case, but that moment has not yet arrived.

## 2AC Executive CP

### Links to politics—Prez reports the CP to Congress—status of hostilities

Bradley and Goldsmith 5 (ARTICLE: CONGRESSIONAL AUTHORIZATION AND THE WAR ON TERRORISM NAME: Curtis A. and Jack L. \*\*, \* Professor, University of Virginia School of Law. \*\* Professor, Harvard Law School. We both recently worked in the Executive Branch. Bradley served as Counselor on International Law in the Legal Adviser's Office of the Department of State Goldsmith served as Special Counsel to the General Counsel of the Department of Defense and as Assistant Attorney General, Office of Legal Counsel. Copyright (c) 2005 The Harvard Law Review Association Harvard Law Review May, 2005 118 Harv. L. Rev. 2047. Lexis)

The AUMF is arguably more restrictive in one respect, and arguably broader in another respect, than authorizations in declared wars. It is arguably more restrictive to the extent that it requires the President to report to Congress on the status of hostilities. This difference from authorizations in declared wars, however, does not purport to affect the military authority that Congress has conferred on the President. The AUMF is arguably broader than authorizations in declared wars in its description of the enemy against which force can be used. The AUMF authorizes the President to use force against those "nations, organizations, or persons he determines" have the requisite nexus with the September 11 attacks. This provision contrasts with authorizations in declared wars in two related ways. First, it describes rather than names the enemies that are the objects of the use of force. 144 Second, it expressly authorizes the President to determine which "nations, organizations, or persons" satisfy the statutory criteria for enemy status. 145 One could argue that the effect of the "he determines" provision is to give the President broad, and possibly unreviewable, discretion to apply the nexus requirement to identify the covered enemy - at least to the extent that his determination does not implicate constitutional rights. 146 Even if this argument is correct, this provision [\*2083] probably adds little to the President's already-broad authority to determine the existence of facts related to the exercise of his authority under the AUMF. 147

### Court rulings on the ground of “congressional authorization” imply executive restraint and solve better—legal precedent proves

Landau 12 (ARTICLE: CHEVRON MEETS YOUNGSTOWN: NATIONAL SECURITY AND THE ADMINISTRATIVE STATE Joseph Landau Associate Professor, Fordham Law School. December, 2012 Boston University Law Review 92 B.U.L. Rev. 1917. Lexis)

Although the underlying theory of deference in Curtiss-Wright cannot be reconciled with Youngstown, its outcome is consistent with Jackson's framework - a point Jackson himself noted. Jackson placed Curtiss-Wright within Category One of his framework, in which "the President acts pursuant to an express or implied authorization of Congress" and in which "his authority is at its maximum, for it includes all that he possesses in his own right plus all that Congress can delegate." 209 As Jackson explained, to the extent dicta in Curtiss-Wright "intimated that the President might act in external affairs without congressional authority," 210 the decision did not go so far as to claim the President "might act contrary to an Act of Congress." 211 If Justice Sutherland's dicta are treated as just that - dicta - Curtiss-Wright and Youngstown diverge less on their theories of executive power and more on factual differences. In one, executive policy was grounded in congressional authorization and therefore valid (Curtiss-Wright), and in the other, the [\*1947] Executive lacked a delegation from the legislature, and was therefore invalid (Youngstown). 212 And if it is possible to validate Curtiss-Wright on Youngstown's institutional process grounds, precisely as Justice Jackson was able to do, Dames & Moore's statutory approach is less about vindicating boundless executive power and more about vindicating a delegation-based theory of governance in the national security context. Indeed, there is plenty of room to argue that Dames & Moore is closer to Youngstown than it is to Curtiss-Wright. While many discussions of national security deference tend to frame the relevant doctrinal development through the lens of Curtiss-Wright, 213 there are a few notable exceptions. Samuel Issacharoff and Richard Pildes have argued, contrary to conventional accounts, that courts resolving complex national security cases have historically followed an approach akin to Jackson's Youngstown framework. As they explain, courts have developed, both in the past and the present, "a process-based, institutionally-oriented (as opposed to rights-oriented) framework" 214 for resolving cases pitting individual rights against executive power. Through these decisions, "courts have sought to shift the responsibility ... toward the joint action of the most democratic branches of the government§ Marked 19:17 § ." 215 [\*1948] More recent Supreme Court cases bear out that institutionally oriented framework. As discussed in Part II, in the decade since 9/11, the Supreme Court has tended to return to the ordinary administrative law requirement of a delegation as a necessary condition of judicial deference. Despite arguments for Curtiss-Wright-or Chevron-style deference, the Court rejected efforts by the Executive Branch to read statutory provisions beyond Congress's likely intent. Hence, while Chevron-backers have argued that courts should "play a smaller role ... in interpreting statutes that touch on foreign relations," 216 the Court has met them only part way, "applying the Youngstown framework in deciding critical post-9/11 cases concerning the war on terror." 217 When the Executive has been delegated the requisite powers to act, courts have deferred to the President. However, where neither the Constitution nor Congress provided the necessary authorization, the Court, following the logic of Youngstown and ordinary principles of administrative law, has remanded the matter to Congress for a second pass at the question.

## 2AC Debt Ceiling Reg

### Debt ceiling won’t pass because of election fears and Obama’s approach prolongs Republican backlash- star this card

**Kaplan 10-3**-13 [Rebecca, serves as City Councilmember At-Large for Oakland, California, CBS News, “Why is it so difficult to end the government shutdown?” <http://www.cbsnews.com/8301-250_162-57605784/why-is-it-so-difficult-to-end-the-government-shutdown/>]

As the government shutdown enters its third day, Democrats and Republicans seem no closer to bridging their differences than they were when the shutdown began early Tuesday morning. It's difficult to say when the standoff will end. The two shutdowns that occurred in 1995 and 1996 lasted a total of 27 days. And back then, the conditions for getting to a deal were much better.¶ Republicans won the House and Senate in the 1994 midterm elections - the first time the party had a House majority in 40 years. That set up a showdown between House Speaker Newt Gingrich, who had run on a conservative platform, and then-President Bill Clinton. That dispute came in 1995, when Gingrich wanted to balance the budget in a short time frame and Clinton wanted money spent on Democratic priorities. After two separate shutdowns and several weeks, the pressure was too high on Republicans and they cut a deal with Clinton: he would get his priorities, but would have to balance the budget for 10 years.¶ "They were kind of testing each other," said former Rep. Tom Davis, R-Va., who was a freshman in Congress at the time. Afterward, Davis noted, Clinton and Gingrich would go on to work together on a host of issues including welfare reform. The economy boomed, helping to mitigate budget issues.¶ Republicans who were lawmakers or aides in Congress in 1995 cite a variety of reasons that the shutdown ended. For Davis, it was the mounting public pressure on Republicans and their rapidly dropping poll numbers that helped spur a compromise. "There was a revolt, and they simply couldn't hold their members after a while," he said of the Republican leadership. It didn't help that Republicans were afraid of losing the first majority they'd had in decades. Davis recalls going to former Rep. Dick Armey, then the Republican Majority leader from Texas, and saying, "We're getting our butts kicked."¶ But Bob Walker, then a Republican congressman from Pennsylvania, had a different take from the conventional narrative that Republicans had caved. "We stayed focused in 1995 on the fact that what the end result for us was to get a pathway to a balanced budget, and so in the end when we got an agreement to just begin the process of moving toward a balanced budget," he said. "We declared victory on that and we were prepared to then get the government back into action."¶ This time, it's not so easy for Republicans to achieve even a piece of their chief goal - to dismantle the Affordable Care Act. The law is President Obama's signature policy achievement, and its constitutional authority was affirmed by the Supreme Court. Democrats in the Senate and Mr. Obama himself have proven with the shutdown fight that they are determined to keep the law intact.¶ "We didn't get an immediate balanced budget obviously but what we got was a seven-year plan toward a balanced budget that then ended up being accomplished in there years," Walker said of the House Republicans in 1995. But nowadays, he said, "I'm not certain I see where the bottom lines are."¶ As shutdown continues, Obama says Wall Street "should be concerned"¶ Government shutdown: Is Congress acting selfishly?¶ Yet another explanation of why the 1995-1996 shutdown ended had to do with presidential politics. Former Senate Majority Leader Bob Dole, R-Kansas, was eyeing a presidential bid against Clinton in 1996.¶ "He just got sick of it. I think he started seeing that this was directly impacting his ability to run for president," said John Feehery, a political strategist who was the communications director for then-House Majority Whip Tom DeLay during the shutdown. Dole was key to engineering an end to the shutdown, a fact that was apparent to everyone - even Democrats.¶ "It was a huge factor," said American University professor Patrick Griffin, who served as Clinton's assistant for legislative affairs from 1994 to 1996. "We could always sense that there was no love lost between him and [Gingrich] - on the [Contract with America], on the shutdown. It was just not Dole's style...he was wasting time, he was not being able to get his campaign."¶ If anything, presidential politics will lengthen the shutdown. Mr. Obama has no re-election campaign to worry about - like Clinton did at the time - and Republican presidential campaigns cannot be won without pleasing an active base that hates the healthcare law. It would be difficult for any Republican to help broker a compromise that preserved most of Obamacare and then woo Republican primary voters.¶ Not that many Republicans feel as if they can work with Mr. Obama. "Many people in Congress ...believe that the president treats them with contempt and so the atmosphere for negotiating is not very good. That's a big difference," said Walker.¶ House Speaker John Boehner, R-Ohio, and Mr. Obama have tried and failed to negotiate big deals several times. Since the government shut down on Tuesday, they've barely talked aside from § Marked 19:18 § a meeting the president held with top congressional leaders Wednesday afternoon. And a recent Politico story that detailed how Boehner and Senate Majority Leader Harry Reid, R-Nev., worked together to preserve congressional subsidies for healthcare coverage will likely have poisoned the well between the leaders of the two chambers.¶ That wasn't the case with Gingrich and Clinton, despite their differences. "Both President Clinton and Speaker Gingrich had a pretty civil and reasonably good personal relationship," said Mack McLarty, Clinton's first chief of staff as president. Both hailed from the south, and had "very inquisitive minds" about the world around them.¶ Perhaps the biggest roadblock to a deal, however, is the increasingly partisan nature of Congress caused by congressional redistricting that puts many members into seats where fewer and fewer constituents are from the opposite party. In 1995, more than 34 percent of Republican representatives in the House were elected in districts that had voted for Clinton as president. Now, only seven percent of House members come from districts that voted for Mr. Obama.¶ There's a larger proportion of hardline conservatives in the House in 2013, and they have so far been more successful at driving the agenda than their more moderate counterparts. "The-rank-and-file members are sick and tired of the rebels running the thing but there's too many of them who vote with the rebels to protect their flank," Feehery said, referring to Republicans who are worried about receiving a primary challenge from the right.¶ With so many factors working against a deal, it's hard to see a way out of the crisis. The only thing that's guaranteed to inject some urgency into the debate is the looming deadline to raise the debt ceiling on Oct. 17. While a government shutdown can have minimal effects on the financial markets, the possibility of the U.S. defaulting is much more likely to cause financial panic that could push lawmakers into a deal.¶ Plus, if the spending and debt ceiling deals morph into one, there may be more issues on the table to discuss such as the sequester and the whole federal budget. That, Walker said, will give Republicans more areas where they can look for victory.

Iran sanctions thumps

Washington Post 10-4 <http://www.washingtonpost.com/blogs/right-turn/wp/2013/10/04/iran-sanctions-tussle/>

Okay. And then one other thing: [Deputy Secretary of State Wendy Sherman] was explicit in telling the senators that the administration thinks it would be helpful if they held off on additional sanctions over the next — less than two weeks now. And as I’m sure you noted, Chairman [Sen. Robert] Menendez [D-N.J.], in his opening statement, said, some of us are working on new sanctions that would lead to further reductions in purchases of Iranian petroleum. And the administration is now being criticized by a number of Republicans for suggesting a slowdown in movement towards new sanctions, including Chairman [Rep. Edward R.] Royce [R-Calif.], Senator [Mark] Kirk [D-Ill.]. Why is it when you yourselves believe, as you just said, that the only reason the Iranians are at the negotiating table is the sanctions, why is it necessary, or why is it advisable for the Senate to slow its movement on additional sanctions?

### Political influence does nothing

The Economist, 10/1/13, Will voters punish the Republicans?, www.economist.com/blogs/democracyinamerica/2013/10/shutdown

THE federal-government shutdown that started this morning is the result of a factional fight among Republicans in the House of Representatives, pitting an ultraconservative tea-party minority against a merely very conservative majority. As Michael Gerson, a former speechwriter for George W. Bush, puts it, "We are no longer seeing a revolt against the Republican leadership, or even against the Republican 'establishment'; this revolt is against anyone who accepts the constraints of political reality." Like other extremist movements, he notes, the tea-party faction spends more of its energy fighting other conservative Republicans than it does fighting Democrats, since rivals are more of a threat than enemies. The political dynamics of the shutdown will thus play out on two different fields: that of Republican voters, and that of American voters in general. The two groups are likely to respond differently, and that means we're in for a very rocky year.

Polls so far are suggesting that the general public will blame Republicans for the shutdown. It's not clear how far such disapproval can move the needle on overall disapproval of congressional Republicans, though. Republicans in Congress already have a -44% unfavourable rating (68% unfavourable to 24% favourable), according to TPM's Polltracker average of polls, and it's been in roughly similar territory since mid-2011. Those numbers are clearly not bad enough to affect Republican behaviour, and they were good enough to allow them to retain the House in last year's elections. Congressional Democrats are much better off than Republicans, but they still have a -24% rating (59% to 35%), and even if the public does blame the GOP for the current impasse, it seems unlikely that this will lead to better ratings for Democrats. Things have in fact been moving in the opposite direction: Polltracker's congressional generic-ballot poll average, which Democrats had led since last year's elections, is now about even for the two parties, not because Republicans have improved—they have spent the entire period hovering at 38%—but because Democrats have dropped to meet them.

Meanwhile, we can safely assume that the 24% of Americans who do still approve of congressional Republicans are almost all Republicans themselves. (Twenty-two percent of Americans currently identify as Republicans, according to Gallup, against 31% who identify as Democrats.) And among Republican voters, the government shutdown is likely to make their congressmen more popular, not less. Tea-party organisations are blaming the shutdown on intransigence—Democratic intransigence. Heck, Erick Erickson is still denouncing House Republicans for failing to "stand your ground", because the final version of a continuing resolution they sent to the Senate no longer demands the complete defunding of Obamacare.

There is no equivalent on the moderate-Republican side to the organisational muscle and rhetorical elan that propels the party's tea-party wing. No one is lining up to back moderate primary challengers to tea-party candidates. Establishment figures from previous Republican administrations who have found themselves transformed into voices of caution and moderation, such as Mr Gerson, most of the writers at National Review Online, and even (mutatis mutandi) Karl Rove, appear to have little ability to affect the party's course anymore. As someone once said of Mikhail Gorbachev after he had lost control of the Soviet Communist Party, they are "moving the levers, but they aren't attached to anything."

In other words, it's hard to see what political force could lead the Republicans' ascendant tea-party wing to change its behaviour and agree to any deal with the Democratic Senate, be it passing a clean continuing resolution funding the government at current levels or, as we move towards October 17th, raising the federal debt ceiling. It just isn't clear what's in it for them. So far, a scorched-earth strategy of total resistance has won them victory after victory, within the party at least. Why mess with a winning formula?

The upshot is that even if the broad public does blame Republicans for the shutdown, there's little reason to believe that this will force the GOP to do anything about it. It is possible, though unlikely, that anger over the government shutdown and the rest of this autumn's confrontations could affect public attitudes enough to shift the congressional vote and give the Democrats a majority in the House after the 2014 elections. RealClearPolitics' poll average still gives Democrats a 4% advantage on the generic congressional vote, and that could certainly widen. But the elections are a long way off. Recent history suggests that during the campaign, Republicans are likely to become more intransigent in Congress, not less, to safeguard against primary challenges. In sum, unless GOP party discipline somehow cracks, America is probably in for a pretty lousy political year.

### Courts don’t link to politics- avoids political fallout

Whittington 2005 (Keith E. Whittington, Professor of Politics - Princeton University, "Interpose Your Friendly Hand: Political Supports for the Exercise of Judicial Review by the United States Supreme Court”, [The American Political Science Review](http://proquest.umi.com.proxy.lib.umich.edu/pqdweb?RQT=318&pmid=28600&TS=1245862067&clientId=17822&VInst=PROD&VName=PQD&VType=PQD), Nov., (99)4, p. 583)

There are some issues that politicians cannot easily handle. For individual legislators, their constituents may be sharply divided on a given issue or overwhelmingly hostile to a policy that the legislator would nonetheless like to see adopted. Party leaders, including presidents and legislative leaders, must similarly sometimes manage deeply divided or cross-pressured coalitions. When faced with such issues, elected officials may actively seek to turn over controversial political questions to the courts so as to circumvent a paralyzed legislature and avoid the political fallout that would come with taking direct action themselves. As Mark Graber (1993) has detailed in cases such as slavery and abortion, elected officials may prefer judicial resolution of disruptive political issues to direct legislative action, especially when the courts are believed to be sympathetic to the politician's own substantive preferences but even when the attitude of the courts is uncertain or unfavorable (see also, Lovell 2003). Even when politicians do not invite judicial intervention, strategically minded courts will take into account not only the policy preferences of well-positioned policymakers but also the willingness of those potential policymakers to act if doing so means that they must assume responsibility for policy outcomes. For cross-pressured politicians and coalition leaders, shifting blame for controversial decisions to the Court and obscuring their own relationship to those decisions may preserve electoral support and coalition unity without threatening active judicial review (Arnold 1990; Fiorina 1986; Weaver 1986). The conditions for the exercise of judicial review may be relatively favorable when judicial invalidations of legislative policy can be managed to the electoral benefit of most legislators. In the cases considered previously, fractious coalitions produced legislation that presidents and party leaders deplored but were unwilling to block. Divisions within the governing coalition can also prevent legislative action that political leaders want taken, as illustrated in the following case.

### Means-limitation solves the link

Geltzer 11 (Boalt Hall School of Law, University of California, Berkeley 2011 Berkeley Journal of International Law 29 Berkeley J. Int'l L. 94 Decisions Detained: The Courts' Embrace of Complexity in Guantanamo-Related Litigation NAME: Joshua Alexander Geltzer a third-year student at Yale Law School, where he is editor-in-chief of the Yale Law Journal. He received his Ph.D. in War Studies from King's College London. His dissertation was published by Routledge as US Counter-Terrorism Strategy and al-Qaeda: Signalling and the Terrorist World-View. Lexis)

B. Avoiding Conflict with the Political Branches Focusing on the means of today's war against terrorism rather than on the war's time or space not only spared the judiciary from intruding into political questions; doing so also avoided the courts' clear and potentially unwinnable conflict with the political branches. To be sure, the courts' decisions in cases like Hamdi, Hamdan, Basardh, and Parhat dealt direct defeats to the government and forced the political branches, usually the executive, to take steps that previously it had claimed a right not to take. 108 Put in perspective, however, the effects of the judiciary's rulings were rather minimal. 109 While Hamdi may have demanded notice and an opportunity to be heard by a neutral adjudicator and Hamdan may have required alterations to Guantanamo's military commissions, as this article approached publication - almost nine years into the post-9/11 detentions - only a handful of detainees had been released from Guantanamo by court order, the ultimate outcome for which most detainees have been pressing. 110 Hence, by nibbling at the margins of the political branches' conduct of the war against terrorism, the courts have [\*117] managed to alter some of the means employed in that war without provoking open conflict with the political branches on major issues - conflict that the judiciary might well lose.

### Plan is a huge win for Obama

Catalini 2013 (Michael Catalini, May 30, 2013, “Political Barriers Stand Between Obama and Closing Guantanamo Facility,” http://www.nationaljournal.com/politics/political-barriers-stand-between-obama-and-closing-guantanamo-facility-20130503)

The Cuban camp is grabbing headlines again because of a hunger strike among the detainees. Nearly 100 have stopped eating, and the military is forcing them to eat by placing tubes through their noses, the Associated Press reported. The president reconfirmed his opposition to the camp, responding to a question about the recent hunger strikes at Guantanamo Bay with regret in his voice.¶ “Well, it is not a surprise to me that we've got problems in Guantanamo, which is why, when I was campaigning in 2007 and 2008 and when I was elected in 2008, I said we need to close Guantanamo. I continue to believe that we've got to close Guantanamo,” he said.¶ Obama blamed his failure to follow through on a campaign promise on lawmakers. “Now, Congress determined that they would not let us close it,” he said. Despite Obama’s desire to close the base and his pledge this week to “go back to this,” he touched on a political reality: Lawmakers are not inclined to touch the issue.¶ "The president stated that the reason Guantanamo has not closed was because of Congress. That's true," Majority Leader Harry Reid told reporters last month, declining to elaborate.¶ The stakes for Obama on this issue are high when it comes to his liberal base, who would like to see him display the courage of his convictions and close the camp. But the political will is lacking, outside a small contingent of lawmakers, including Sen. Dick Durbin of Illinois and five other liberal Democrats who sided with Obama in 2009, and left-leaning opinion writers.¶ Congressional Democrats, unlike Obama, will have to face voters again. And closing the camp is deeply unpopular. A Washington Post/ABC News poll in February 2012 showed that 70 percent of Americans wantedto keep the camp open to detain “terrorist suspects,” and in a 2009 Gallup Poll, a majority said they would be upset if it shut down. In 2009, the Senate voted 90-6 to block the president’s efforts at closing the camp. Obama had signed an order seeking to close the detention center, but the Senate’s vote denied the administration the $80 million needed to fund the closure. ¶ Closing the camp in Cuba and bringing the detainees into the United States grates against the political sensibilities of many lawmakers. Jim Manley, a Democratic strategist who served as Reid’s spokesman at the time, remembers the debate very well.

### Plan’s announced in June

Reuters 2013 (Jewish Daily, June 21, 2013, “Supreme Tension as Big Cases Loom for Top Court,” http://forward.com/articles/179046/supreme-tension-as-big-cases-loom-for-top-court/?p=all#ixzz2cuIQ3iXH)

Despite the mystery over how the nine justices will decide the big cases, there is no real mystery about the delay. Late June at the Supreme Court is crunch time, as the justices - not unlike college students finishing term papers late into the night - push up against their self-imposed, end-of-June deadline.¶ In 2003, the last time the justices had college affirmative action and gay rights together on the docket, decisions came on June 23 and June 26, respectively. Last year, their decision on the constitutionality of the 2010 healthcare law signed by President Barack Obama came on the last day, June 28, before the justices recessed for the summer.¶ Justice Ruth Bader Ginsburg has called June “flood season.”

### No Debt ceiling impact

O'Toole 9/30/13 (James, CNN Money Writer, "Rating Agencies An Afterthought in Debt Ceiling Fight")

No one can predict exactly what the consequences of a missed payment would be, but analysts agree it's [a terrifying prospect](http://money.cnn.com/2013/09/27/news/economy/debt-ceiling-faqs/index.html?iid=EL). Another downgrade alone, however, is unlikely to make much difference.¶ "At the end of the day, even with a downgrade, the U.S. Treasury is still the safest game in town," said Michael Brown, an economist at Wells Fargo ([WFC](http://money.cnn.com/quote/quote.html?symb=WFC&source=story_quote_link), [Fortune 500](http://money.cnn.com/magazines/fortune/fortune500/2012/snapshots/2578.html?iid=EL)). Rates are also being held lower by the Federal Reserve's bond-buying program, he added.¶ New downgrades could raise borrowing costs years down the line, but "in the immediate term, I don't think you'd see a massive movement of rates," Brown said. Some investment firms operate under guidelines that prohibit them from holding securities that aren't rated AAA by one, two or all three of the major rating agencies. They could therefore be forced to sell them following a downgrade, creating upward pressure on yields.¶ But among buyers of Treasuries, these firms are "very, very small relative to those that don't have a ratings threshold," Brothers said.¶ "There are ramifications if U.S. Treasury debt isn't AAA, but I don't think that would create a cascade of selling," he said.

### Econ collapse doesn’t cause war – prefer our studies

Samuel Bazzi (Department of Economics at University of California San Diego) and Christopher Blattman (assistant professor of political science and economics at Yale University) November 2011 “Economic Shocks and Conflict: The (Absence of?) Evidence from Commodity Prices” <http://www.chrisblattman.com/documents/research/2011.EconomicShocksAndConflict.pdf?9d7bd4>

VI. Discussion and conclusions A. Implications for our theories of political instability and conflict The state is not a prize?—Warlord politics and the state prize logic lie at the center of the most influential models of conflict, state development, and political transitions in economics and political science. Yet we see no evidence for this idea in economic shocks, even when looking at the friendliest cases: fragile and unconstrained states dominated by extractive commodity revenues. Indeed, we see the opposite correlation: if anything, higher rents from commodity prices weakly 22 lower the risk and length of conflict. Perhaps shocks are the wrong test. Stocks of resources could matter more than price shocks (especially if shocks are transitory). But combined with emerging evidence that war onset is no more likely even with rapid increases in known oil reserves (Humphreys 2005; Cotet and Tsui 2010) we regard the state prize logic of war with skepticism.17 Our main political economy models may need a new engine. Naturally, an absence of evidence cannot be taken for evidence of absence. Many of our conflict onset and ending results include sizeable positive and negative effects.18 Even so, commodity price shocks are highly influential in income and should provide a rich source of identifiable variation in instability. It is difficult to find a better-measured, more abundant, and plausibly exogenous independent variable than price volatility. Moreover, other time-varying variables, like rainfall and foreign aid, exhibit robust correlations with conflict in spite of suffering similar empirical drawbacks and generally smaller sample sizes (Miguel et al. 2004; Nielsen et al. 2011). Thus we take the absence of evidence seriously. Do resource revenues drive state capacity?—State prize models assume that rising revenues raise the value of the capturing the state, but have ignored or downplayed the effect of revenues on self-defense. We saw that a growing empirical political science literature takes just such a revenue-centered approach, illustrating that resource boom times permit both payoffs and repression, and that stocks of lootable or extractive resources can bring political order and stability. This countervailing effect is most likely with transitory shocks, as current revenues are affected while long term value is not. Our findings are partly consistent with this state capacity effect. For example, conflict intensity is most sensitive to changes in the extractive commodities rather than the annual agricultural crops that affect household incomes more directly. The relationship only holds for conflict intensity, however, and is somewhat fragile. We do not see a large, consistent or robust decline in conflict or coup risk when prices fall. A reasonable interpretation is that the state prize and state capacity effects are either small or tend to cancel one another out. Opportunity cost: Victory by default?—Finally, the inverse relationship between prices and war intensity is consistent with opportunity cost accounts, but not exclusively so. As we noted above, the relationship between intensity and extractive commodity prices is more consistent with the state capacity view. Moreover, we shouldn’t mistake an inverse relation between individual aggression and incomes as evidence for the opportunity cost mechanism. The same correlation is consistent with psychological theories of stress and aggression (Berkowitz 1993) and sociological and political theories of relative deprivation and anomie (Merton 1938; Gurr 1971). Microempirical work will be needed to distinguish between these mechanisms. Other reasons for a null result.—Ultimately, however, the fact that commodity price shocks have no discernible effect on new conflict onsets, but some effect on ongoing conflict, suggests that political stability might be less sensitive to income or temporary shocks than generally believed. One possibility § Marked 19:20 § is that successfully mounting an insurgency is no easy task. It comes with considerable risk, costs, and coordination challenges. Another possibility is that the counterfactual is still conflict onset. In poor and fragile nations, income shocks of one type or another are ubiquitous. If a nation is so fragile that a change in prices could lead to war, then other shocks may trigger war even in the absence of a price shock. The same argument has been made in debunking the myth that price shocks led to fiscal collapse and low growth in developing nations in the 1980s.19 B. A general problem of publication bias? More generally, these findings should heighten our concern with publication bias in the conflict literature. Our results run against a number of published results on commodity shocks and conflict, mainly because of select samples, misspecification, and sensitivity to model assumptions, and, most importantly, alternative measures of instability. Across the social and hard sciences, there is a concern that the majority of published research findings are false (e.g. Gerber et al. 2001). Ioannidis (2005) demonstrates that a published finding is less likely to be true when there is a greater number and lesser pre-selection of tested relationships; there is greater flexibility in designs, definitions, outcomes, and models; and when more teams are involved in the chase of statistical significance. The cross-national study of conflict is an extreme case of all these. Most worryingly, almost no paper looks at alternative dependent variables or publishes systematic robustness checks. Hegre and Sambanis (2006) have shown that the majority of published conflict results are fragile, though they focus on timeinvariant regressors and not the time-varying shocks that have grown in popularity. We are also concerned there is a “file drawer problem” (Rosenthal 1979). Consider this decision rule: scholars that discover robust results that fit a theoretical intuition pursue the results; but if results are not robust the scholar (or referees) worry about problems with the data or empirical strategy, and identify additional work to be done. If further analysis produces a robust result, it is published. If not, back to the file drawer. In the aggregate, the consequences are dire: a lower threshold of evidence for initially significant results than ambiguous ones.20

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### Ontology does not come first.

David Owen Millennium Journale of international studies 2002 “Re-Orientation Internatioal Relations: On Pragmatism, Pluralism and Practical Reasoning”

Commenting on the ‘philosophical turn’ in IR, Wæver remarks that ‘[a] frenzy for words like “epistemology” and “ontology” often signals this philosophical turn’, although he goes on to comment that these terms are often used loosely.4 However, loosely deployed or not, it is clear that debates concerning ontology and epistemology play a central role in the contemporary IR theory wars. In one respect, this is unsurprising since it is a characteristic feature of the social sciences that periods of disciplinary disorientation involve recourse to reflection on the philosophical commitments of different theoretical approaches, and there is no doubt that such reflection can play a valuable role in making explicit the commitments that characterise (and help individuate) diverse theoretical positions. Yet, such a philosophical turn is not without its dangers and I will briefly mention three before turning to consider a confusion that has, I will suggest, helped to promote the IR theory wars by motivating this philosophical turn. The first danger with the philosophical turn is that it has an inbuilt tendency to prioritise issues of ontology and epistemology over explanatory and/or interpretive power as if the latter two were merely a simple function of the former. But while the explanatory and/or interpretive power of a theoretical account is not wholly independent of its ontological and/or epistemological commitments (otherwise criticism of these features would not be a criticism that had any value), it is by no means clear that it is, in contrast, wholly dependent on these philosophical commitments. Thus, for § Marked 19:20 § example, one need not be sympathetic to rational choice theoryto recognise that it can provide powerful accounts of certain kinds of problems, such as the tragedy of the commons in which dilemmas of collective action are foregrounded. It may, of course, be the case that the advocates of rational choice theory cannot give a good account of why this type of theory is powerful in accounting for this class of problems (i.e., how it is that the relevant actors come to exhibit features in these circumstances that approximate the assumptions of rational choice theory) and, if this is the case, it is a philosophical weakness—but this does not undermine the point that, for a certain class of problems, rational choice theory may provide the best account available to us. In other words, while the critical judgement of theoretical accounts in terms of their ontological and/or epistemological sophistication is one kind of critical judgement, it is not the only or even necessarily the most important kind. The second danger run by the philosophical turn is that because prioritisation of ontology and epistemology promotes theory-construction from philosophical first principles, it cultivates a theory-driven rather than problem-driven approach to IR. Paraphrasing Ian Shapiro, the point can be put like this: since it is the case that there is always a plurality of possible true descriptions of a given action, event or phenomenon, the challenge is to decide which is the most apt in terms of getting a perspicuous grip on the action, event or phenomenon in question given the purposes of the inquiry; yet, from this standpoint, ‘theory-driven work is part of a reductionist program’ in that it ‘dictates always opting for the description that calls for the explanation that flows from the preferred model or theory’.5 The justification offered for this strategy rests on the mistaken belief that it is necessary for social science because general explanations are required to characterise the classes of phenomena studied in similar terms. However, as Shapiro points out, this is to misunderstand the enterprise of science since ‘whether there are general explanations for classes of phenomena is a question for social-scientific inquiry, not to be prejudged before conducting that inquiry’.6 Moreover, this strategy easily slips into the promotion of the pursuit of generality over that of empirical validity.

### Plan is aimed at leaders not the public- we’re the good kind

Stephen Lee, 3-1-1996, Cambridge University Press, “Morality, Prudence, and Nuclear Weapons,” p. 327

The prospects for the delegitimation of nuclear weapons depends on the clarity of the crystal ball – that is, on the keenness and the immediacy with which the horrors of nuclear war are present in the minds of those who make decisions about military matters. When the vision is sharp, the mental connection between a possible act of aggression, whether nuclear or nonnuclear, and the potential for societal destruction is clear, and when that connection is clear, the aggression will likely be unthinkable. When each side believes that this connection is clear and strong fo the other, it comes to expect nonaggression from the other, and this allows its own inclination against aggression to become habitual. The problem is that time clouds the crystal ball, and an expectation that nuclear weapons would not be used y the other side in response to nonnuclear aggression clouds it further, and this weakens the connection. To promote the habits, one must counteract this obscuration. One way to do this is constantly remind people in general, and leaders in particular, of the horrors of nuclear war. Leaders must be continually scared straight. There must be an ongoing educational campaign to keep the potential destructivness of nuclear war ever-present in their minds. Those engaged in this campaign should not be deterred by critics who claim that the danger of nuclear war is something everyone knows about already and that talking about it succeeds only in frightening people

### Fear of nuclear annihilation is key to prevent future violence with newer weapons

J. A. H. Futterman, Ph.D. from UT-Austin and Physicist at the University of California's Lawrence Livermore National Laboratory, “Obscenity and Peace: Meditations on the Bomb,” 1994, http://www.dogchurch.com/scriptorium/nuke.html, UK: Fisher

But the inhibitory effect of reliable nuclear weapons goes deeper than Shirer's deterrence of adventurer-conquerors. It changes the way we think individually and culturally, preparing us for a future we cannot now imagine. Jungian psychiatrist Anthony J. Stevens states, [15] "History would indicate that people cannot rise above their narrow sectarian concerns without some overwhelming paroxysm. It took the War of Independence and the Civil War to forge the United States, World War I to create the League of Nations, World War II to create the United Nations Organization and the European Economic Community. Only catastrophe, it seems, forces people to take the wider view. Or what about fear? Can the horror which we all experience when we contemplate the possibility of nuclear extinction mobilize in us sufficient libidinal energy to resist the archetypes of war? Certainly, the moment we become blasé about the possibility of holocaust we are lost. As long as horror of nuclear exchange remains uppermost we can recognize that nothing is worth it. War becomes the impossible option. Perhaps horror, the experience of horror, the consciousness of horror, is our only hope. Perhaps horror alone will enable us to overcome the otherwise invincible attraction of war." Thus I also continue engaging in nuclear weapons work to help fire that world-historical warning shot I mentioned above, namely, that as our beneficial technologies become more powerful, so will our weapons technologies, unless genuine peace precludes it. We must build a future more peaceful than our past, if we are to have a future at all, with or without nuclear weapons — a fact we had better learn before worse things than nuclear weapons are invented. If you're a philosopher, this means that I regard the nature of humankind as mutable rather than fixed, but that I think most people welcome change in their personalities and cultures with all the enthusiasm that they welcome death — thus, the fear of nuclear annihilation of ourselves and all our values may be what we require in order to become peaceful enough to survive our future technological breakthroughs.[16] Of course, we could just try for a world-wide halt to scientific research and technological change. This is obviously not desirable because technological change serves humanity like biological diversity serves life in general -- it gives us ways to cope with new challenges to our existence. For example, medical scientists deliberately forced the smallpox virus into virtual extinction. Nor is halting technological change possible, because the demand for such change is so great — people want the new stuff so much that they actually buy it. The fear of nuclear annihilation may be what we require in order to become peaceful enough to survive our future technological breakthroughs. In other words, when the peace movement tells the world that we need to treat each other more kindly, I and my colleagues stand behind it (like Malcolm X stood behind Martin Luther King, Jr.) saying, "Or else." We provide the peace movement with a needed sense of urgency that it might otherwise lack.

### Theories of desensitization are false – extreme images of suffering re-sensitize and motivate action

Stanley Cohen (Emeritus Professor of Sociology at the London School of Economics) 2002 (, States of Denial: Knowing About Atrocities and Suffering

Taken individually, the elements of the desensitization thesis make some sense. But the whole thesis is an urban myth. There is not the slightest evidence for this in personal biography (sensitive souls hardening away with each week of television) or in cultural history (where exactly the opposite could be argued: a heightened emotional sensitivity to the suffering of distant others). Denial cannot result merely from familiarity and repetition. The thesis gives no time span for desensitization, no idea as to who is being so brutalized, or how the original compassionate reaction can be made to reappear magically. Desensitization is a treatment method used in behaviour therapy to gradually induce patients to give up their troublesome phobias. As such, it works with a crude stimulus, response psychology that ignores mental reflection, symbolic meaning and cultural context. It gives rise to the suggestion that making the image of suffering more extreme and painful will re-sensitize people or whole cultures so that they find their lost compassion. But there is no standard, universal response to even the most extreme images of suffering. Strong emotions may just as easily be evoked by familiar images taken out of context, like the posters in the infamous Benetton advertising campaign: a baby with its umbilical cord intact; a dying (or dead) AIDS victim with a startling likeness to the standard Western image of Jesus Christ. The public controversy did indeed mention `rolling back the frontiers of shock'. But the reaction was less about the images in themselves, than about their (mystifying) use to persuade you to buy a cornflower-blue sweater.

### Desensitization should not deter us from taking measures to help others

Susan D. Moeller (Assistant Professor in the Philip Merrill College of Journalism at the University of Maryland) 1999 “Compassion Fatigue: How the Media Sells Disease, Famine, War and Death.” Pages 319

Compassion fatigue should not be allowed to constrain or distort the collection and the imparting of knowledge. “There’s a very low level of general knowledge of the rest of the world among Americans,” said § Marked 19:21 § history professor Susan Broadhead. A crisis “tends to fall into the sort of great pool of things that are subject more to stereotypes and generally being pushed to the back of our consciousness unless we see really grim and grisly pictures on TV. Then it just becomes one of a series of horrible things that happens someplace else.” 24 The global significance of a story, not the expected American reception of it, should be the main criterion for coverage. If knowledge about a place or an event make people care more about them, then a rise in Americans’ general knowledge about the world (the responsibility of the schools as well as the media) can only help Americans become more engaged.

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### We also meet statutory restriction--We’re a judicial interpretation of implied statutory limitations on “enemy combatant” status

David J. Barron, Professor of Law, Harvard Law School, & Martin S. Lederman, Visiting Professor of Law, Georgetown University Law Center, 2008, “THE COMMANDER IN CHIEF AT THE LOWEST EBB - FRAMING THE PROBLEM, DOCTRINE, AND ORIGINAL UNDERSTANDING,” Harvard Law Review, January, pp. LN.

4. Judicial Enforcement of Implied Statutory Restrictions. - The way the Supreme Court approaches war powers generally, when combined with the increased mass of potentially relevant legislative restrictions on the conduct of this military conflict, further increases the likelihood that the "lowest ebb" issue will be joined in the future. Principles of deference to executive authority tend to dominate academic discussion of statutory interpretation and war powers. As we have indicated, however, Hamdan, Youngstown, and other modern war powers cases demonstrate that the Court cannot be counted on to give the President the benefit of the doubt. And in many war powers cases, the Court has been perfectly willing to construe ambiguous statutory language against certain background rules that it presumes Congress intended to honor, n84 including a presumption that the Executive must [\*719] comply with the laws of war. n85 This general and longstanding judicial willingness to find implied limitations in ambiguous texts concerning the use of military force and national security powers is sometimes controversial. But whether justified or not, such an interpretive approach is of particular import now, given the sheer mass of preexisting statutes potentially applicable to the conflict with al Qaeda and the likelihood that this body of law will grow. Executive branch lawyers may be hard-pressed to advise their client agencies that creative construction can overcome the apparent statutory restrictions, at least if there is a reasonable prospect of judicial review (as there often will be in the war on terrorism due to its peculiar domestic connections). Instead, the prospect of judicial review will impel these lawyers to advise that the courts could well construe the potentially restrictive language to impose hard constraints on the Executive's preferred course of conduct - and that only the assertion of a superseding constitutional power of the President could, possibly, overcome such limits. Thus, the relatively weak deference the Court has long shown the President in many war powers cases, when combined with the relatively high likelihood in the war on terrorism of the applicability of restrictive but ambiguous statutory language and a justiciable case to hear, make constitutional assertions of preclusive executive powers a more likely occurrence than war powers scholarship typically assumes.

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### No impact from numbing

Craig **Summers**, Mount Allison University, Nuclear Texts and Contexts, “Book Review: Chernus, Ira. Nuclear Madness: Religion and the Psychology of the Nuclear Age” Spring **1991**

The logic followed in the book is that psychic numbing causes us to shut off any thoughts about a fundamental threat to our existence. We therefore develop no images of nuclear doomsday, and this is essentially why we do not act to prevent it. It is not completely clear, however, why numbing makes us inactive regarding the nuclear threat, but not about other threats. Certainly death is a more immediate threat to blacks in South Africa or to those in bread lines in Eastern Europe and the U.S.S.R. Yet rather than being numbed into paralysis, these victims defy government threats of bloodshed to hold public rallies. Numbing may not be the cause of general inactivity regarding the nuclear threat; unlike demonstrations against food lines and racism, we may just find it too long term, large and improbable to deal with in our day-to-day lives.