## 1AC

Same as Round 1

## 2AC

### Circumvent

#### Restrictions work – political costs backed up by legal changes ensure effectiveness

Huq, 2012 (Aziz, Assistant Professor of Law at the University of Chicago Law School, “Binding the Executive (by Law or by Politics),” Public Law and Legal Theory Working Paper No. 400, August, http://www.law.uchicago.edu/files/file/400-ah-binding.pdf)

Paulson’s genuflection and Obama’s reticence, I will contend here, are symptomatic of our political system’s operation rather than being aberrational. It is generally the case that even in the heart of crisis, and even on matters where executive competence is supposedly at an acme, legislators employ formal institutional powers not only to delay executive initiatives but also affirmatively to end presidential policies.20 Numerous examples from recent events illustrate the point. Congressional adversaries of Obama, for instance, cut off his policy of emptying Guantánamo Bay via appropriations riders.21 Deficit hawks spent 2011 resisting the President’s solutions to federal debt, while the President declined to short-circuit negotiations with unilateral action.22 Even in military matters, a growing body of empirical research suggests Congress often successfully influences the course of overseas engagements to a greater degree than legal scholars have discerned or acknowledged. 23 That work suggests that the failure of absolute congressional control over military matters cannot be taken as evidence of “the inability of law to constrain the executive” in more subtle ways (p 5). The conventional narrative of executive dominance, in other words, is at best incomplete and demands supplementing. This Review uses The Executive Unbound as a platform to explore how the boundaries of discretionary executive action are established. As the controversial national security policies of the Bush administration recede in time, the issue of executive power becomes ripe for reconsideration. Arguments for or against binding the executive are starting to lose their partisan coloration. There is more room to investigate the dynamics of executive power in a purely positive fashion without the impinging taint of ideological coloration. Notwithstanding this emerging space for analysis, there is still surprising inattention to evidence of whether the executive is constrained and to the positive question of how constraint works. The Executive Unbound is a significant advance because it takes seriously this second “mechanism question.” Future studies of the executive branch will ignore its important and trenchant analysis at their peril.24 Following PV’s lead, I focus on the descriptive, positive question of how the executive is constrained. I do speak briefly and in concluding to normative matters. But first and foremost, my arguments should be understood as positive and not normative in nature unless otherwise noted. Articulating and answering the question “What binds the executive?”, The Executive Unbound draws a sharp line between legal and political constraints on discretion—a distinction between laws and institutions on the one hand, and the incentives created by political competition on the other hand. While legal constraints usually fail, it argues, political constraints can prevail. PV thus postulate what I call a “strong law/politics dichotomy.” My central claim in this Review is that this strong law/politics dichotomy cannot withstand scrutiny. While doctrinal scholars exaggerate law’s autonomy, I contend, the realists PV underestimate the extent to which legal rules and institutions play a pivotal role in the production of executive constraint. Further, the political mechanisms they identify as substitutes for legal checks cannot alone do the work of regulating executive discretion. Diverging from both legalist and realist positions, I suggest that law and politics do not operate as substitutes in the regulation of executive authority.25 They instead work as interlocking complements. An account of the borders of executive discretion must focus on the interaction of partisan and electoral forces on the one hand and legal rules. It must specify the conditions under which the interaction of political actors’ exertions and legal rules will prove effective in limiting such discretion.

#### Restrictions solve – raises political costs

Ogul, 1996 (Morris, Master and Doctorate in Political Science from the University of Michigan, “The Politics of the War Powers”, Review: Louis Fisher, Presidential War Powers; Reviews in American History, 24.3, JSTOR)

In part, these two positions can be reconciled. Recognition that presidents under specific political circumstances will in essence act unilaterally does not mean sustained tyranny is upon us. If congressional majorities and large segments of the public respond vigorously and negatively to specific presidential actions, political pressures will minimize the duration and impact of such actions. Conversely if Congress and large segments of the public go along with the president, formal legal restrictions will have few decisive effects.¶ Over twenty years of experience with the War Powers Resolution (WPR) illuminates the problem. Presidents have usually claimed that they have consulted with Congress as stipulated in the WPR before committing troops to hostile zones. Few members of Congress would read the evidence that way. Presidents have notified Congress about what they were about to do while asserting that they have consulted Congress. What presidents have actually done does not conform with any normal meaning of consultation. Similarly, most presidential decisions to send troops into environments where combat is likely were reported, as required by the WPR , to the Congress. But presidents have studiously avoided reporting in the manner prescribed by the WPR, one that triggers its sixty-day cut-off provisions. [End Page 527]¶ This behavior by presidents surely leaves some critical decisions in a legal limbo. That, for good or evil, is where they actually are. What we can do is recognize that fact and act accordingly. Politics has and will govern the resolution of this issue. Whether this is desirable in principle can be debated. The realities of politics, however, have and are likely to prevail.¶ Legal restrictions sometimes cannot withstand political tides. Constitutional, limited government is not intended to work that way but it does in reality. There are few effective legal safeguards against intense and enduring political tides. Fortunately in U.S. history, such episodes have been few and relatively fleeting. Legal restrictions such as those specified in the War Powers Resolution have little direct, conclusive impact. They do, however, help raise the political costs of unilateral executive actions. Therein lies their primary value. Will presidents fully and freely involve Congress in decision making to send U.S. armed forces into potential or actual combat? Despite the force of Louis Fisher's account of the constitutional history of the war powers, the answer is probably not. Will presidents carefully calculate the political costs of such initiatives? They usually will. Legislation designed to raise political costs may be a useful way to promote this possibility, but Fisher places far too much weight on "solid statutory checks" (p. 205).

### Russia

**No Russia war---no motive or capability**

**Betts 13** Richard is the Arnold A. Saltzman Professor of War and Peace Studies @ Columbia. “The Lost Logic of Deterrence,” Foreign Affairs, March/April, Vol. 92, Issue 2, Online

These continuities with the Cold War would make sense only between intense adversaries. Washington and Moscow remain in an adversarial relationship, but not an intense one. If the Cold War is really over, and the West really won, then continuing implicit deterrence does less to protect against a negligible threat from Russia than to feed suspicions that aggravate political friction. In contrast to during the Cold War, **it is now hard to make the case that Russia is more a threat to NATO than the reverse**. First, **the East-West balance of military capabilities**, which at the height of the Cold War was favorable to the Warsaw Pact or at best even, **has not only shifted to NATO's advantage; it has become utterly lopsided.** **Russia is now a lonely fraction of what the old Warsaw Pact was.** It not only lost its old eastern European allies; those allies are now arrayed on the other side, as members of NATO. **By every significant measure of power -- military spending, men under arms, population, economic strength, control of territory -- NATO enjoys massive advantages over Russia**. The only capability that keeps Russia militarily potent is its nuclear arsenal. **There is no plausible way**, however, **that Moscow's nuclear weapons could be used for aggression, except as a backstop for a conventional offensive -- for which NATO's capabilities are now far greater.**¶ **Russia's intentions constitute no more of a threat than its capabilities. Although Moscow's ruling elites push distasteful policies, there is no plausible way they could think a military attack on the West would serve their interests.** During the twentieth century, there were intense territorial conflicts between the two sides and a titanic struggle between them over whose ideology would dominate the world. Vladimir **Putin's Russia** is authoritarian, but unlike the Soviet Union, it **is not the vanguard of a globe-spanning revolutionary ideal**.

### Prolif

#### No impact to prolif

Tepperman 9—Deputy Editor at Newsweek. Frmr Deputy Managing Editor, Foreign Affairs. LLM, i-law, NYU. MA, jurisprudence, Oxford. (Jonathan, Why Obama Should Learn to Love the Bomb, http://jonathantepperman.com/Welcome\_files/nukes\_Final.pdf)

A growing and compelling body of research suggests that nuclear weapons may not, in fact, make the world more dangerous, as Obama and most people assume. The bomb may actually make us safer. In this era of rogue states and transnational terrorists, that idea sounds so obviously wrongheaded that few politicians or policymakers are willing to entertain it. But that’s a mistake. Knowing the truth about nukes would have a profound impact on government policy. Obama’s idealistic campaign, so out of character for a pragmatic administration, may be unlikely to get far (past presidents have tried and failed). But it’s not even clear he should make the effort. There are more important measures the U.S. government can and should take to make the real world safer, and these mustn’t be ignored in the name of a dreamy ideal (a nukefree planet) that’s both unrealistic and possibly undesirable. The argument that nuclear weapons can be agents of peace as well as destruction rests on two deceptively simple observations. First, nuclear weapons have not been used since 1945. Second, there’s never been a nuclear, or even a nonnuclear, war between two states that possess them. Just stop for a second and think about that: it’s hard to overstate how remarkable it is, especially given the singular viciousness of the 20th century. As Kenneth Waltz, the leading “nuclear optimist” and a professor emeritus of political science at UC Berkeley puts it, “We now have 64 years of experience since Hiroshima. It’s striking and against all historical precedent that for that substantial period, there has not been any war among nuclear states.” To understand why—and why the next 64 years are likely to play out the same way—you need to start by recognizing that all states are rational on some basic level. Their leaders may be stupid, petty, venal, even evil, but they tend to do things only when they’re pretty sure they can get away with them. Take war: a country will start a fight only when it’s almost certain it can get what it wants at an acceptable price. Not even Hitler or Saddam waged wars they didn’t think they could win. The problem historically has been that leaders often make the wrong gamble and underestimate the other side—and millions of innocents pay the price. Nuclear weapons change all that by making the costs of war obvious, inevitable, and unacceptable. Suddenly, when both sides have the ability to turn the other to ashes with the push of a button— and everybody knows it—the basic math shifts. Even the craziest tin-pot dictator is forced to accept that war with a nuclear state is unwinnable and thus not worth the effort. As Waltz puts it, “Why fight if you can’t win and might lose everything?” Why indeed? The iron logic of deterrence and mutually assured destruction is so compelling, it’s led to what’s known as the nuclear peace: the virtually unprecedented stretch since the end of World War II in which all the world’s major powers have avoided coming to blows. They did fight proxy wars, ranging from Korea to Vietnam to Angola to Latin America. But these never matched the furious destruction of full-on, great-power war (World War II alone was responsible for some 50 million to 70 million deaths). And since the end of the Cold War, such bloodshed has declined precipitously. Meanwhile, the nuclear powers have scrupulously avoided direct combat, and there’s very good reason to think they always will. There have been some near misses, but a close look at these cases is fundamentally reassuring—because in each instance, very different leaders all came to the same safe conclusion. Take the mother of all nuclear standoffs: the Cuban missile crisis. For 13 days in October 1962, the United States and the Soviet Union each threatened the other with destruction. But both countries soon stepped back from the brink when they recognized that a war would have meant curtains for everyone. As important as the fact that they did is the reason why: Soviet leader Nikita Khrushchev’s aide Fyodor Burlatsky said later on, “It is impossible to win a nuclear war, and both sides realized that, maybe for the first time.” The record since then shows the same pattern repeating: nuclear armed enemies slide toward war, then pull back, always for the same reasons. The best recent example is India and Pakistan, which fought three bloody wars after independence before acquiring their own nukes in 1998. Getting their hands on weapons of mass destruction didn’t do anything to lessen their animosity. But it did dramatically mellow their behavior. Since acquiring atomic weapons, the two sides have never fought another war, despite severe provocations (like Pakistani-based terrorist attacks on India in 2001 and 2008). They have skirmished once. But during that flare-up, in Kashmir in 1999, both countries were careful to keep the fighting limited and to avoid threatening the other’s vital interests. Sumit Ganguly, an Indiana University professor and coauthor of the forthcoming India, Pakistan, and the Bomb, has found that on both sides, officials’ thinking was strikingly similar to that of the Russians and Americans in 1962. The prospect of war brought Delhi and Islamabad face to face with a nuclear holocaust, and leaders in each country did what they had to do to avoid it. Nuclear pessimists—and there are many—insist that even if this pattern has held in the past, it’s crazy to rely on it in the future, for several reasons. The first is that today’s nuclear wannabes are so completely unhinged, you’d be mad to trust them with a bomb. Take the sybaritic Kim Jong Il, who’s never missed a chance to demonstrate his battiness, or Mahmoud Ahmadinejad, who has denied the Holocaust and promised the destruction of Israel, and who, according to some respected Middle East scholars, runs a messianic martyrdom cult that would welcome nuclear obliteration. These regimes are the ultimate rogues, the thinking goes —and there’s no deterring rogues. But are Kim and Ahmadinejad really scarier and crazier than were Stalin and Mao? It might look that way from Seoul or Tel Aviv, but **history says otherwise**. Khrushchev, remember, threatened to “bury” the United States, and in 1957, Mao blithely declared that a nuclear war with America wouldn’t be so bad because even “if half of mankind died . . . the whole world would become socialist.” Pyongyang and Tehran support terrorism—but so did Moscow and Beijing. And as for seeming suicidal, Michael Desch of the University of Notre Dame points out that Stalin and Mao are the real recordholders here: both were responsible for the deaths of some 20 million of their own citizens. Yet when push came to shove, their regimes balked at nuclear suicide, and so would today’s international bogeymen. For all of Ahmadinejad’s antics, his power is limited, and the clerical regime has always proved rational and pragmatic when its life is on the line. Revolutionary Iran has never started a war, has done deals with both Washington and Jerusalem, and sued for peace in its war with Iraq (which Saddam started) once it realized it couldn’t win. North Korea, meanwhile, is a tiny, impoverished, family-run country with a history of being invaded; its overwhelming preoccupation is survival, and every time it becomes more belligerent it reverses itself a few months later (witness last week, when Pyongyang told Seoul and Washington it was ready to return to the bargaining table). These countries may be brutally oppressive, but nothing in their behavior suggests they have a death wish.

### T

#### War powers authority is derived from congressional statute – restrictions are increased via statutory or judicial limitation on the source

CURTIS A. BRADLEY, Richard A. Horvitz Professor of Law and Professor of Public Policy Studies, Duke Law School, Harvard Journal of Law & Public Policy [Vol. 33 No. 1] 2010.

http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=2730&context=faculty\_scholarship

The scope of the President’s independent war powers is notoriously unclear, and courts are understandably reluctant to issue constitutional rulings that might deprive the federal government as a whole of the flexibility needed to respond to crises. As a result, courts often look for signs that Congress has either supported or opposed the President’s actions and rest their decisions on statutory grounds. This is essentially the approach outlined by Justice Jackson in his concurrence in Youngstown.¶ 1¶ For the most part, the Supreme Court has also followed this¶ approach in deciding executive power issues relating to the¶ war on terror. In Hamdi v. Rumsfeld, for example, Justice¶ O’Connor based her plurality decision, which allowed for military detention of a U.S. citizen captured in Afghanistan, on¶ Congress’s September 18, 2001, Authorization for Use of Military Force (AUMF).2¶ Similarly, in Hamdan v. Rumsfeld, the Court grounded its disallowance of the Bush Administration’s military commission system on what it found to be congressionally imposed restrictions.3 The Court’s decision in Boumediene v. Bush 4 might seem an aberration in this regard, but it is not. Although the Court in Boumediene did rely on the Constitution in holding that the detainees at Guantanamo have a right to seek habeas corpus review in U.S. courts, it did not impose any specific restrictions on the executive’s detention, treatment, or trial of the detain ees.5¶ In other words, Boumediene was more about preserving a role for the courts than about prohibiting the executive from exercising statutorily conferred authority.¶ Statutory authority was also a central issue in the much‐¶ discussed Al‐Marri case in the Fourth Circuit.6¶ Although the Su‐¶ preme Court vacated the Fourth Circuit’s decision as moot, the¶ decision still provides an instructive example. Al‐Marri involved¶ a Qatari citizen, Ali Saleh Kahlah al‐Marri, who came to the¶ United States on September 10, 2001, and was later arrested and¶ charged with various counts of fraud.7¶ Shortly before al‐Marri’s¶ trial, President Bush designated him an enemy combatant, and¶ he was moved to military custody.8¶ As justification for this ac‐¶ tion, the Bush Administration alleged that al‐Marri was an al¶ Qaeda sleeper agent who had come to the United States to await¶ instructions to carry outfurther attacks after September 11.9

#### “the” proves – definitive article, particular enumeration

Kenneth T. Cuccinelli, II, Attorney General, July 20, 2012. Commonwealth of Virginia, http://www.oag.state.va.us/Opinions%20and%20Legal%20Resources/Opinions/2012opns/12-062%20Bryant.pdf

Section 53.1-131.1 provides, in relevant part: ¶ Any court having jurisdiction for the trial of a person charged with a misdemeanor or ¶ traffic offense or charged with any offense under Chapter 5 ( § 20-61 et seq.) of Title 20 ¶ may, if the defendant is convicted and sentenced to confinement in jail, impose the time ¶ to be served on weekends or nonconsecutive days to permit the convicted defendant to ¶ retain gainful employment. In construing § 53.1-131.1, the primary objective is "to ascertain and give effect to legislative ¶ intent," as expressed by the language used in the statute.1 You relate that some construe the statute to ¶ mean that a court may impose on felony convictions a sentence to be served on weekends or ¶ nonconsecutive days provided the court has jurisdiction over misdemeanor and traffic cases. The plain language,¶ 2 however, limits the court's authority to impose such a sentence only to convictions for ¶ misdemeanors, traffic offenses and violations of Chapter 5 Title 20. The dispositive portion of the statute is the phrase modifying "court": the court must be one ¶ "having jurisdiction for the trial of a person charged with a misdemeanor or traffic offense or charged ¶ with any offense under Chapter 5 (§ 20-61 et seq.) ofTitle 20[.]" Note that the General Assembly did not ¶ grant the authority to a court having jurisdiction over cases involving such charges generally. Rather, a ¶ court must have jurisdiction for "the trial of a person" so charged who is thereafter convicted. As the ¶ Court of Appeals of Virginia has explained: ¶ The word "the" is used grammatically in the statute as a definite article -- a word that, when used before a noun, specifies or particularizes the meaning of the noun that follows, ¶ as opposed to the indefinite article "a." See American Bus Ass'n v. Slater, 231 F.3d 1, 4-¶ 5, 343 U.S. App. D.C. 367 (D.C. Cir. 2000) (explaining that "[i]t is a rule of law well ¶ established that the definite article 'the' particularizes the subject which it precedes. It is a word of limitation as opposed to the indefinite or generalizing force of 'a' or 'an."' (citing ¶ Black's Law Dictionary 1477 (6th ed. 1990)))\_131 ¶ The application of§ 53.1-131.1, therefore, clearly is limited to a court presiding over one of the enumerated offenses.4

#### This is the better topic – limits mechanisms to restricting statutes that grant authority which ensures predictable neg ground and solves limits better because their interp allows an infinite number of related limits on the president

#### Reasonability – we don’t make debate impossible – their interp is arbitrary and makes education impossible

### K

#### We should get to weigh the aff vs a competitive alternative – this is best

#### A Predictability – the rez says USFG so we should predict that’s what the debate is centered around – anything else moots the 1AC and makes fair debate impossible

#### B Education – deliberation about policy proposals is necessary to engage those policies

#### C Plan isn’t tied to larger social and political discourse – we only have to defend its enactment in a vacuum

#### Fiat double bind is ridiculous – our impacts might not be true but we think that imagining that they are is a productive process also the plan is a normative statement – the fiat double bind doesn’t prove the plan is false

#### Case outweighs – They haven’t denied any specific truth claims of the 1AC – Unchecked executive authority damages credibility and makes sustaining multilateral institutions impossible – also Presidents are prone to miscalculation – ensures conflicts escalate – err aff

#### Util is best

David Cummiskey, Associate Professor of Philosophy @ Bates College & a Ph.D. from UM, 1996, Kantian Consequentialism, Pg. 145-146

In the next section, I will defend this interpretation of the duty of beneficence. For the sake of argument, however, let us first simply assume that beneficence does not require significant self-sacrifice and see what follows. Although Kant is unclear on this point, we will assume that significant self-sacrifices are supererogatory. Thus, if I must harm one in order to save many, the individual whom I will harm by my action is not morally required to affirm the action. On the other hand, I have a duty to do all that I can for those in need. As a consequence **I am faced with a dilemma: If I act, I harm a person in a way that a rational being need not consent to; if I fail to act, then I do not do my duty to those in need and thereby fail to promote an objective end.** Faced with such a choice, which horn of the dilemma is more consistent with the formula of the end-in-itself? **We must not obscure the issue by characterizing this type of case as the sacrifice of individuals for some abstract “social entity.” It is not a question of some persons having to bear the cost for some elusive “overall social good.”** Instead, **the question is whether some persons must bear the inescapable cost for the sake of other persons.** Robert Nozick, for example, argues that “**to use a person in this way does not sufficiently respect and take account of the fact that he [or she] is a separate person, that** ~~his~~ **is the only life he [or she] has.” But why is this not equally true of all those whom we do not save through our failure to act? By emphasizing solely the one who must bear the cost if we act, we fail to sufficiently respect and take account of the many other separate persons, each with only one life, who will bear the cost of our inaction.** In such a situation, what would a conscientious Kantian agent, an agent motivated by the unconditional value of rational beings, choose? **A morally good agent recognizes that the basis of all particular duties is the principle that “rational nature exists as an end in itself.”** Rational nature as such is the supreme objective end of all conduct. **If one truly believes that all** rational beings **have an equal value then the rational solution to such a dilemma involves maximally promoting the lives and liberties of as many** rational beings **as possible**. **In order to avoid this** conclusion, **the non-consequentialist** Kantian **needs to justify agent-centered constraints.** As we saw in chapter 1, however, even most Kantian **deontologists recognize that agent-centered constraints require a non-value based rationale.** But we have seen that Kant’s normative theory is based on an unconditionally valuable end. How can a concern for the value of rational beings lead to a refusal to sacrifice rational beings even when this would prevent other more extensive losses of rational beings? If the moral law is based on the value of rational beings and their ends, then what is the rationale for prohibiting a moral agent from maximally promoting these two tiers of value? **If I sacrifice some for the sake of others, I do not use them arbitrarily, and I do not deny the unconditional value of rational beings. Persons may have “dignity,** that is, **an unconditional and incomparable worth” that transcends any market value, but persons also have a fundamental equality that dictates that some must sometimes give way for the sake of others. The concept of the end-in-itself does not support the view that we may never force another to bear some cost in order to benefit others**. If on focuses on the equal value of all rational beings, then **equal consideration suggests that one may have to sacrifice some to save many**.

#### Always Value to Life, because all life has value

L Schwartz, medical ethicist, 2002, Medical ethics: a case based approach, www.fleshandbones.com/readingroom/pdf/399.pdf

Supporters of the sanctity of life ethic dismiss considerations about quality and quantity because, they assert: • all life is worth living under any condition because of • the inherent value of life. The upshot of the theory is that quality of life, although desirable, is irrelevant to assessing the value of a life because all life is inherently valuable. Many supporters of the sanctity of life criterion say this is true only of human life, but there are religious groups who claim sanctity extends to all life. Either way, the sanctity of life principle states that all human life is worthy of preservation and hence eliminates the justifiability of abortion, euthanasia and rational suicide and, at extremes, withdrawal of futile treatment: The sanctity of life ethic holds that every human life is intrinsically good, that no life is more valuable than another, that lives not fully developed (embryonic and fetal stages) and lives with no great potential (the suffering lives of the terminally ill or the pathetic lives of the severely handicapped) are still sacred. The condition of a life does not reduce its value or justify its termination.6 So, whereas to determine the value of a life on its quality asserts that there is a relevant difference between the type of life and the fact of life, this distinction is rejected by sanctity arguments as irrelevant. The sanctity criterion tends to be associated with religious beliefs. The Judeo-Christian rationale is usually that lives are inherently valuable because they are gifts from God and not ours to end as we wish. In a sense, our lives are on loan to us and, as such, must be treated with respect. In Islam, the suffering associated with reduced quality of life is also considered a divine endowment and therefore ought to The value of life: who decides and how? 115 be borne without assistance, as the suffering is said to lead to enlightenment and divine reward. However, religious arguments are not required to defend sanctity beliefs. It is enough simply to say that all human lives are deserving of equal respect not because of what they have to offer or have offered or potentially will offer, but because they exist. The notion of inalienable human rights attributes force to the value of human life with the assertion that it needs no justification. This is the primary merit of the sanctity of life ethic – that a life requires no justification – but justification is required for the premature termination of that life. In this sense, the principle acts as a forceful bulwark against devaluing human life. Article 3 of the United Nations Declaration of Human rights asserts simply that: Everyone has the right to life, liberty and security of person.7 No argument is made to justify this claim because no argument is necessary. However, it will be necessary to justify any violation of this right.

#### Perm do both

#### Focusing on catastrophic impacts mobilizes individual resistance – we can undercut the possibility of these impacts becoming a reality

**Kateb 1992 -** George, professor of politics @ Princeton University.  "The Inner Ocean:  Individualism and Democratic Culture."

Citizens, however, may find in the perspective of extinction a powerful impetus to think about the nuclear situation and to act as they can. But even they need not argue about whether extinction is a possibility. This is my crucial point. Citizens may, instead, challenge the right of any government, their own included, to threaten or to inflict massive casu­alties and destruction, or to act so as to risk or actually bring on such casualties and destruction to their own people. Citizens would insist, contrary to official nuclear doctrine, that a special or limited use is as unacceptable as a sizable use, because the potentiality of a sizable use is present in the other kinds. But beyond that, there is no need for further insistence on a point that governments ignore or deride—that is, the possibility of extinction. All that citizens have to do is to focus on massive casualties and massive destruction. A theoretical barrier to such casualties and destruction is simultaneously a barrier to the nuclear source of the possibility of extinc­tion (to leave aside such sources as biological and chemical warfare). Here then—in the possibility of massive disaster—is the theoretical battle­ ground. And this is where the moral doctrine of individualism makes a noteworthy contribution.

#### Talking about the possibility of extinction is vital to strategies to prevent it

Sandberg, Matheny & Cirkovic, 08 –

Anders Sandberg, James Martin Research Fellow at the [Future of Humanity Institute](http://www.fhi.ox.ac.uk/index.html) at Oxford University, postdoctoral research assistant for the [EU Enhance](http://www.enhanceproject.org/) project; Jason G. Matheny, PhD candidate in Health Policy and Management at [Johns Hopkins Bloomberg School of Public Health](http://www.jhsph.edu/), special consultant to the [Center for Biosecurity](http://www.upmc-biosecurity.org/index.html) at the University of Pittsburgh Medical Center and co-founder of [New Harvest](http://www.new-harvest.org/default.php), and Milan M. Ćirković, senior research associate at the [Astronomical Observatory of Belgrade](http://www.aob.bg.ac.yu/), assistant professor of physics at the [University of Novi Sad in Serbia and Montenegro](http://www.if.ns.ac.yu/); “How Can We Reduce the Risk of Human Extinction” <http://thebulletin.org/web-edition/features/how-can-we-reduce-the-risk-of-human-extinction>

Perhaps least controversial, we should invest more in efforts to enumerate the risks to human survival and the means to mitigate them. We need more [interdisciplinary research](http://www.global-catastrophic-risks.com/reading.html) in quantitative risk assessment, probability theory, and technology forecasting. And we need to build a worldwide community of experts from various fields concerned about global catastrophic risks. Human extinction may, in the long run, be inevitable. But just as we work to secure a long life for individuals, even when our eventual death is assured, we should work to secure a long life for our species.

#### No floating PIKs – steals the entire aff and shifts the focus of the debate to any number of reps. Reject alt solves offense.

#### They paint the aff as being fear politics but that doesn’t answer any of the truth claims of the 1AC. Our Drezner evidence gives statistical support for our hegemony claims – just saying “you exaggerate” doesn’t cut it. Our Cost-benefit analysis is critical mediating misplaced forms of fear based affect.

George F. Loewenstein et al 2001, “Risk as Feelings,” Psychological Bulletin, Vol. 127, No. 2, google it

The divergence between the emotional reactions of the public to risks and professionals' appraisals of risks creates a significant dilemma for policy makers. On the one hand, many policy makers would like to be responsive to public.: attitudes and opinions., On the other hand, there is a strong rationale f()r basing public policy on the best scientific assessments of risk severity Sunstein (in press) justified cost-benetit analysis precisely on the basis that it provides an impartial assessmt!nt of' programs that are resistant to the influence of public fears, He noted Ihat governments allocate the limited resources for risk mitigation in an inefficient fashion in part because they are responsive to \;\y judgml!nts about !he magnitude of risks. Sumltein then citt!d result!i trom diverse Hnes of research showing that a government that could insulate itself from such misinformed judgments could save tens of' thousands of lives and tens of billions of dollats annually. Consistent with the riskas~ feelings hypothesis, Sunstein attributed the public's misinformed judgments in part to emotional intluences: Risk-related objections can be a product not so much of thinking as of intense emotions. often produced by extremely vivid images of what might go wrong The role of cost-benefit analysis is straightforward here Just as the Senate was designed to have a "cooling effect'on the passions of the House of Representatives, so cost-beoefit analysis might ensure that policy is driven not by hysteria or alarm, but by a full appreciation of the effects of relevant risks and their control. (p. 16) Sunstein argued further that CQst- benefit analysis could not only act as a check on unwarranted fears (e.g .. Alar), but could also serve to introduce regulation of risks that are objectively threatening but that do not elicit visceral reactions in the populace (e g .• lead in gasoline and radon in homes)

### Courts

#### Perm do both – solves the links

#### Perm – do the counterplan – 1AC says “USFG,” which includes courts – “statutory restrictions” are enforced by the Courts

Kavanaugh 12 (Brett Kavanaugh Federal Circuit Judge from the D.C. Circuit, “War, Terror, and the Federal Courts, Ten Years After 9/11,” American University Law Review Volume 61, Issue 5, Article 1)

Judge Kavanaugh: I think I’d start again, from the big picture, which is that courts review Executive action in times of war. That’s the lesson of Hamdi and Hamdan and Youngstown, 32 and you can go throughout our history, it’s been reinforced strongly by the Supreme Court. The courts will enforce statutory restrictions on the President’s conduct of war as well. And separately, the Executive Branch and Congress should, as I said upfront in my concurrence, should pay attention to international law obligations when thinking about what to put in the statutes. And when the Executive Branch is exercising its discretion pursuant to an authorization for the use of military force, or the President’s Article II authority. So courts have a role and Congress and the Executive should pay attention, close attention of course, to international law principles. Congress, on many occasions, has taken international law principles and put them into federal statutes, sometimes directly, by borrowing from the principle that’s at hand, sometimes by just having a reference, as in Hamdan, to international law or the laws of war more generally or the law of nations more generally.

#### CP fails to bolster alliances – only congressional action sovles

Moss, 2008 (Kenneth, professor at and chairman of the Department of National Security Studies at the Industrial College of the Armed Forces, “Undeclared War and the Future of U.S. Foreign Policy”, pg 222-223)

Congress certainly understands this last factor, but if Congress is determined to restore a better balance in presidential and congressional control over using force, senators and representatives must realize that failure to do so could further divide the United States from some international allies and friendly states. Much of that community is watching the 2007-8 debates to ascertain whether Congress will reject assertive presidential claims and reestablish a better balance in the process by which the United States decides to use military force. They see such steps as correcting independent, impulsive features of U.S. decision making. Admittedly, some American observers believe that such distance may be inevitable, even desirable, particularly if other governments are more concerned with how the United States adheres to international law when it makes decisions rather than the intent and outcome that Americans may see as justifying their actions. Fairly or not, a sizable sector of informed opinion in allied capitals judges the United States not only for its policies but also for inattention, even disregard, of its own constitution in both war and peace.

#### CP doesn’t send the same signal which means it solves none of our aff – also ensures interbranch conflict

Entin, 2012 (Jonathan, Associate Dean for Academic Affairs (School of Law), David L. Brennan Professor of Law, and Professor of Political Science at Case Western Reserve University; “War Powers, Foreign Affairs, and the Courts: Some Institutional Considerations”, Case Western Reserve Journal of International Law, Vol. 45, Issues 1-2, Fall, http://law.case.edu/journals/JIL/Documents/45CaseWResJIntlL1&2.21.Article.Entin.pdf)

Whatever the merits of the decisions discussed in the previous section, those rulings should give pause to those who might rely on the judiciary as a check on what they regard as executive overreaching. When combined with the procedural and jurisdictional obstacles discussed in Part I, a more general lesson emerges: the judiciary cannot resolve all the questions that might arise in connection with war powers and foreign affairs. Nonetheless, the substantive and procedural limitations of judicial review provide an opportunity for greater civic and political engagement in decisions that can have profound consequences for our nation and the world. If the courts cannot resolve these matters, questions of war and diplomacy, it should come as no surprise that they are getting worked out largely through political accommodation and negotiation. These accommodations and negotiations necessarily reflect the differing constitutional views of the legislative and executive branches as well as of the persons and groups that engage on these issues. Although many lament the quality of current political discourse, excessive reliance on the judicial process has undesirable consequences. The Supreme Court has had difficulty rendering consistent or principled decisions about legislative-executive relationships.110 Sometimes the Court has taken a formalistic approach that emphasizes the need to maintain clear lines between the branches.111 At other times, the Court has used a functional approach that emphasizes the importance of checks and balances to prevent the accumulation of excessive power in any particular branch.112 In other words, judicial review does not always provide clear answers to complex questions. The complexity of those questions is particularly evident in the military and diplomatic arenas. Reliance on the political process recognizes the uncertainties and contingencies involved in many of these matters.113 Moreover, interbranch negotiation rather than litigation recognizes that an effective government requires a degree of comity that is inconsistent with frequent reliance on the judiciary.114 Our system rests on a rich set of subtle understandings and an implicit sense of political limits.115 As a result, structural and institutional factors often dampen the inevitable conflicts that arise between Congress and the president. Excessive reliance on the judiciary tends to raise the stakes of conflict by clearly identifying winners and losers and by encouraging the assertion of extreme positions for short-term litigation advantage that might complicate the resolution of future disagreements.116 In addition, the litigation process takes time. Of course, the Pentagon Papers case was resolved in less than three weeks after the New York Times published its first article on the subject.117 Ordinarily, however, the judicial process proceeds at a much statelier pace. Consider another landmark case, albeit one that dealt with domestic issues. Cooper v. Aaron118 was decided approximately one year after President Eisenhower dispatched federal troops to enforce the desegregation of Little Rock Central High School in the face of massive resistance encouraged by Arkansas Governor Orval Faubus.119 Often, disputes over military and diplomatic matters are time-sensitive. Expedited judicial review might help, but events on the ground might well frustrate orderly judicial disposition. \* \* \* \* \* Let me close with some points of clarification. Although I am skeptical about the value of judicial review of disputes about war powers and foreign affairs, I do not advocate that they be treated as political questions and therefore outside the purview of the courts. I offer no doctrinal bright lines for determining which cases should be resolved on the merits through litigation. Nor, in advocating less reliance on lawsuits, do I exaggerate the quality of political discourse in the United States. But that is hardly a new concern. More than a century ago the legendary Chicago saloonkeeper, Mr. Dooley, observed that “politics ain’t beanbag.” 120 Some things never change. I end as I began. We cannot count on the legal process to resolve the debate about war powers and foreign affairs. Many potential lawsuits will founder on the shoals of jurisdiction and procedure. And for those who believe that the executive has accumulated excessive power in these fields, the judicial record of modesty and deference militates against relying on the courts to rein in the president. In short, most of the time we must leave issues of war and foreign affairs largely to our politicians.

#### Extinction

Linda S. Jamison, Deputy Director of Governmental Relations @ CSIS, Spring 1993, Executive-Legislative Relations after the Cold War, Washington Quarterly, v.16, n.2, p. 189

Indeed there are very few domestic issues that do not have strong international implications, and likewise there are numerous transnational issues in which all nations have a stake. Environmental degradation, the proliferation of weapons of mass destruction, population control, migration, international narcotics trafficking, the spread of AIDS, and the deterioration of the human condition in the less developed world are circumstances affecting all corners of the globe. Neither political isolation nor policy bifurcation is an option for the United States. Global circumstances have drastically changed with the end of the Cold War and the political and policy conditions that sustained bipartisan consensus are not applicable to the post-war era. The formulation of a new foreign policy must be grounded in broad-based principles that reflect domestic economic, political and social concerns while providing practical solutions to new situations. Toward a cooperative US Foreign Policy for the 1990s: If the federal government is to meet the new international policy challenges of the post-cold war era, institutional dissension caused by partisan competition and executive-legislative friction must give way to a new way of business. Policy flexibility must be the watchword of the 1990s in the foreign policy domain if the United States is to have any hope of securing its interests in the uncertain years ahead. One former policymaker, noting the historical tendency of the United States to make fixed “attachments,” has argued that a changing world dictates policy flexibility, where practical solutions can be developed on principles of broad-based policy objectives (Fulbright 1979). Flexibility, however, will not be possible without interbranch cooperation. The end of the Cold War and the new single-party control of the White House and Congress provide a unique opportunity to reestablish foreign policy cooperation. Reconfiguring post cold war objectives requires comprehension of the remarkable transformations in world affairs and demands an intense political dialogue that goes beyond the executive branch (Mann 1990, 28-29).

### CMR

#### Non unique – cmr low now

Shulman 12

Mark Shulman, Assistant Dean for Graduate Programs and International Affairs and an Adjunct Professor at Pace Law School, Strategic Studies Institute, "Lead Me, Follow Me, Or Get Out Of My Way: Rethinking And Refining The Civil-Military Relationship," September 2012, http://www.strategicstudiesinstitute.army.mil/pubs/display.cfm?pubID=1124

First, since the end of the Cold War released state and nonstate actors from the constraints of the superpower rivalry, conflict has proliferated. As a result, the United States has experienced a militarization of foreign relations. The increased resources invested in diplomacy, public diplomacy, and nonmilitary foreign aid pale in comparison to the proliferation of DoD relations with foreign governments, the influence of Regional Combatant Commands, and the impact of military assistance programs.136 Even without wartime supplemental financing, the DoD budget is over 30 times greater than that of the State Department.137 The DoD consists of approximately 1,400,000 service members on Active Duty, 860,000 Reserve and National Guard, and 790,000 civilians on installations in the United States and around the world.138 The Department of State has approximately 29,000 employees.139 With far greater resources than the State Department dispersed over far-flung locations, the DoD plays ever-more-diverse roles in U.S. foreign relations. Many of the changes blur the lines between the roles and missions traditionally deemed military and those viewed as diplomatic or political. Second, the Information Revolution is constantly blurring the lines between civil and military capacities, issues, and campaigns. Cyberthreats and cyberwarfare can be conducted by military or civilian authorities and against states, nonstate entities, or individuals. Likewise, unmanned aerial vehicles are being operated by military and nonmilitary organizations, often with operationally indistinguishable missions. Global information systems and highly flexible drones erase many of the distinctions between the military and civilian spheres. These new technologies irrevocably smudge the lines between war and peace. The war against al Qaeda has rapidly accelerated the breakdown between civil and military spheres because the United States has been fighting a “war” with a nonstate actor. The National Command Authority is constantly deciding whether to employ military or civilian assets in combating al Qaeda. For example, the U.S. President now possesses dramatically expanded powers to order the killing of an individual outside a traditional war zone. The law has been hard pressed to keep up with these developments. The nature of the enemy (nonstate, transnational), the tools available (weapons, cyber media, diplomacy, public affairs), and the laws and norms applicable (humanitarian, human rights, domestic, privacy, and secrecy laws) all shape the landscape in ways that inevitably alter civil-military relations. If this is emblematic of an epoch in which sovereignty itself is in decline, then it will not be repaired with the demise of al Qaeda.

#### Their link ev says that when congress restricts the president after forces have been committed – That’s the SQUO and our aff solves that

#### Plan’s key to CMR

Yingling, 2010 (Februrary, LT. COL. PAUL L. YINGLING is an Army officer who has served three tours of duty in Iraq and who is currently a professor of security studies at the George C. Marshall Center in Garmisch, Germany. The views expressed here are the author’s own and do not necessarily reflect those of the Army or Defense Department., “The Founders’ wisdom“ http://armedforcesjournal.com/article/2010/02/4384885)

The Founders also extended legislative oversight to the conduct of war itself. By vesting the power to declare war with Congress, the Founders ensured that America would choose its wars carefully. While Congress may be less well-suited to vigorous unitary action than the executive, it is far better-suited to engage in deliberation over the purpose and necessity of committing the nation to war. At the same time, entrusting Congress with the power to declare war ensured that America would prosecute its wars vigorously. The Founders expected that the prosecution of war would require the mobilization of the militia under federal service paid for under the federal budget. The president alone is the commander in chief, but he is dependent on the Congress to raise and maintain military forces and to mobilize the militia. The president may appoint officers to positions of command, but such appointments are dependent on Senate confirmation. Most importantly, the president cannot commit the nation to war without congressional authority. While in practice the president may act in the interest of public safety, Congress’ power of the purse limits such actions to brief expeditionary operations. Many of the difficulties in civil-military relations today are attributable to our departure from the elegant system of checks and balances established in the Constitution. Congress has all but abdicated many of its war powers, including raising forces, confirming the appointment of officers, providing oversight to operations and declaring war. This has made the U.S. weaker by allowing hasty, ill-considered and poorly supported executive actions to imperil national security. The remedy for these failures requires not innovation, but rather a return to the time-tested principles of America’s founding.

#### We control the impact

### Politics

#### No impact

O'Toole 9/30 (James, CNN Money Writer, "Rating Agencies An Afterthought in Debt Ceiling Fight"2013, http://money.cnn.com/2013/09/30/news/economy/rating-agencies/index.html) CMR

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.

#### Not intrinsic – do the plan and pass \_\_\_\_\_\_\_\_\_\_\_

#### Unilateral action solves

- they’re “won’t happen ev” doesn’t assume last-minute pressure

Schwartz 10/2 (Nelson, “Wall St. Fears Go Beyond Shutdown”, 2013, <http://www.nytimes.com/2013/10/03/business/wall-st-fears-go-beyond-shutdown.html?_r=0>, CMR

Still, some **observers** outside government in Washington and on Wall Street, **citing** a **game theory** like approach, **suggest** that **the president’s position is** more tactical than fundamental, since raising the possibility of a way out for the White House like the constitutional gambit would take the heat off Republicans in Congress to act on its own before the Oct. 17 deadline.¶ “**If a default is** imminent**, the option of raising the debt limit by executive fiat** has to be on the table,” **said** Greg Valliere, **chief political strategist at Potomac** Research. “Desperate times require desperate measures.”¶ Some professional investors echoed his view, **which is a reason Wall Street remains hopeful** that the economic and financial disaster a government default could usher in will be avoided.¶ “**At the end of the day if there is no action and the U**nited **S**tates **has a default looming**, I think President **Obama can issue an ex**ecutive **o**rder **authorizing the Treasury secretary to make payments**,” said David Kotok, chief investment officer of Cumberland Advisors in Sarasota, Fla., which has just over $2 billion under management. “**There’s always been more flexibility in the hands of Treasury than they’ve acknowledged.**”¶ **According to** some **legal theorists, the president could** essentially **ignore the debt limit** imposed by Congress, **because the 14th Amendment states** that **the “validity of the public debt** of the United States, **authorized by law,**” including for debts like pensions and bounties to suppress insurrections, “shall not be questioned.”

#### Business Insider

( ) Resilience – No collapse, no war

Barnett ‘9 – WPR columnist and editor for Esquire, senior managing director of Enterra Solutions (8/24, Thomas, World Politics Review, “The New Rules: Security Remains Stable Amid Financial Crisis”, <http://www.worldpoliticsreview.com/articles/4213/the-new-rules-security-remains-stable-amid-financial-crisis>, CMR)

**When the global financial crisis struck** roughly a year ago, **the blogosphere was ablaze with** all sorts of **scary predictions of**, and commentary regarding, **ensuing conflict** and wars -- a rerun of the Great Depression leading to world war, as it were. **Now, as** global **economic news brightens** and recovery -- surprisingly led by China and emerging markets -- is the talk of the day, **it's interesting to** look back over the past year and **realize how globalization's first** truly **worldwide recession** has **had** virtually no impact whatsoeveron the international security landscape. **None of the** more than **three-dozen ongoing conflicts** listed by GlobalSecurity.org **can be clearly attributed to the** global **recession**. Indeed, **the last new entry** (civil conflict between Hamas and Fatah in the Palestine) **predates the economic crisis by a year,** and three quarters of the chronic struggles began in the last century. Ditto for the 15 low-intensity conflicts listed by Wikipedia (where the latest entry is the Mexican "drug war" begun in 2006). Certainly, the Russia-Georgia conflict last August was specifically timed, but by most accounts the opening ceremony of the Beijing Olympics was the most important external trigger (followed by the U.S. presidential campaign) for that sudden spike in an almost two-decade long struggle between Georgia and its two breakaway regions. **Looking over** the various **databases**, then, **we see a** most **familiar picture: the usual mix of civil conflicts**, **insurgencies**, and liberation-themed **terrorist movements**. Besides the recent Russia-Georgia dust-up, the only two potential state-on-state wars (North v. South Korea, Israel v. Iran) are both tied to one side acquiring a nuclear weapon capacity -- a process wholly unrelated to global economic trends. And with the United States effectively tied down by its two ongoing major interventions (Iraq and Afghanistan-bleeding-into-Pakistan), our involvement elsewhere around the planet has been quite modest, both leading up to and following the onset of the economic crisis: e.g., the usual counter-drug efforts in Latin America, the usual military exercises with allies across Asia, mixing it up with pirates off Somalia's coast). **Everywhere else we find serious instability we pretty much let it burn**, occasionally pressing the Chinese -- unsuccessfully -- to do something. Our new Africa Command, for example, hasn't led us to anything beyond advising and training local forces. **So**, to sum up: \***No significant uptick in mass violence or unrest** (remember the smattering of urban riots last year in places like Greece, Moldova and Latvia?); \*The **usual frequency** maintained **in civil conflicts** (in all the usual places); \***Not a single state-on-state war** directly caused (and no great-power-on-great-power crises even triggered); \*No great improvement or disruption in great-power cooperation regarding the emergence of new nuclear powers (despite all that diplomacy); \*A modest scaling back of international policing efforts by the system's acknowledged Leviathan power (inevitable given the strain); and \***No serious efforts by any rising great power to challenge** that Leviathan or supplant its role. (The worst things we can cite are Moscow's occasional deployments of strategic assets to the Western hemisphere and its weak efforts to outbid the United States on basing rights in Kyrgyzstan; but the best include China and India stepping up their aid and investments in Afghanistan and Iraq.) Sure, we've finally seen global defense spending surpass the previous world record set in the late 1980s, but even that's likely to wane given the stress on public budgets created by all this unprecedented "stimulus" spending. If anything, the friendly **cooperation on** such **stimulus packaging was the most notable great-power dynamic caused by the crisis**. Can we say that the world has suffered a distinct shift to political radicalism as a result of the economic crisis? Indeed, no. **The world's major economies remain governed by center-left or center-right political factions** that remain decidedly friendly to both markets and trade. **In the short run, there were attempts** across the board **to insulate economies** from immediate damage (in effect, as much protectionism as allowed under current trade rules), **but there was no great slide into "trade wars."** Instead, the World Trade Organization is functioning as it was designed to function, and regional efforts toward free-trade agreements have not slowed. Can we say Islamic **radicalism** was inflamed by the economic crisis? If it was, that shift **was clearly overwhelmed by the Islamic world's growing disenchantment with** the **brutality** displayed by violent extremist groups such as al-Qaida. And looking forward, austere economic times are just as likely to breed connecting evangelicalism as disconnecting fundamentalism. At the end of the day, **the** economic **crisis did not prove to be sufficiently frightening to provoke** major **economies into establishing global regulatory schemes, even as it** has **sparked a spirited** -- and much needed, as I argued last week -- **discussion of the** continuing viability of the U.S. **dollar** as the world's primary reserve currency. Naturally, plenty of experts and pundits have attached great significance to this debate, seeing in it the beginning of "economic warfare" and the like between "fading" America and "rising" China. And yet, in a world of globally integrated production chains and interconnected financial markets, **such "diverging interests" hardly constitute signposts for wars up ahead**. Frankly, I don't welcome a world in which America's fiscal profligacy goes undisciplined, so bring it on -- please! Add it all up and it's fair to say that **this** global financial **crisis has** proven **the great** resilience **of America's** post-World War II **international** liberal trade **order**. Do I expect to read any analyses along those lines in the blogosphere any time soon? Absolutely not. I **expect the fantastic fear-mongering to proceed** apace. **That's what the Internet is for.**

#### No deal---GOP won’t cave and back pay thumps

AP 10/5

“A break in shutdown gridlock: Pentagon workers to return after pay OK”, http://www.dallasnews.com/news/local-news/20131005-congress-oks-furloughed-workers-pay-stuck-in-impasse-over-debt-ceiling-shutdown.ece

On Capitol Hill, **Republicans and Democrats** continued to bicker **and** to **ponder the chasm between their warring parties, each of which seems** convinced **it's on the winning side** morally and **politically**. House Speaker John **Boehner**, **asked** Saturday **whether Congress was any closer to resolving the impasse, replied:** "No." Aides say **he has not figured out how to end the gridlock**.¶ **Even** the top bipartisan achievement of the shutdown's fifth day - **agreeing to pay** furloughed **federal employees** for the work days they are missing - **was a thin victory. Congress made the same deal after the mid-1990s shutdowns, and Saturday's** 407-0 **vote was widely expected**.¶ Still, **it triggered** the sort of derisive quarreling **that has prevented Congress from resolving the larger funding and debt dilemmas.**¶ "Of all the bizarre moments" involved in the debate, said Rep. Lloyd Doggett, D-Texas, "this may be the most bizarre: that we will pay people not to work." He called it "the new tea party sense of fiscal responsibility."¶ House Republicans said they want to ease the pain from the partial shutdown. Democrats said Congress should fully re-open the government and let employees work for the pay they're going to receive.¶ Senate Majority Leader Harry Reid, D-Nev., said Saturday the Democratic-controlled Senate will approve retroactive pay for furloughed workers, although he didn't specify when.¶ The politics of the shutdown have merged with partisan wrangling over the graver issue of raising the federal debt limit by Oct. 17. If that doesn't happen, the White House says, the government will be unable to pay all its bills, including interest on debt. Economists say a U.S. default would stun world markets and likely send this nation, and possibly others, into recession.¶ **Boehner**, R-Ohio, **and Obama say they abhor** the idea of a **default. But they and their respective parties** have not budged from positions **that bar a solution.**¶Obama says he will not negotiate tax and spending issues if they are linked to a debt-ceiling hike. Boehner and his GOP allies say they will not raise the ceiling unless Democrats agree to deep spending cuts.¶ Many **House Republicans** also demand **curbs to Obama'**s signature health **care** law as a condition of reopening the government. The president and his allies call the demand absurd.

#### ---Plan splits the GOP

Corn 13 – David Corn, Reporter at Mother Jones, "Obama, Syria, and Congress: Why Did He Go There?", Mother Jones, 9-6, <http://www.motherjones.com/politics/2013/09/why-obama-sought-congressional-authorization-syria>, CMR

**With his decision to seek congressional approval** for an attack, **Obama created a** political whirlpool. **He exacerbated the growing schism on the right that pits tea party isolationists**—led by possible presidential candidate Sen. Rand Paul (R-Ky.), with Sens. Ted Cruz (R-Tex.) and Marco Rubio (R-Fla.), other likely 2016ers, rushing to catch up—**versus** the coalition of **hawks** commanded by Sen. John McCain (R-Ariz.) and neocons who yearn for a deeper and larger intervention in Syria than the president envisions. **This** split **has the potential to turn into an** ideological civil war **within the GOP** during the next presidential campaign. Meanwhile, **House Republicans are** deeply divided (unlike during the run-up to the Iraq war), with Speaker John Boehner (R-Ohio) and his leadership crew on the president's side and rank-and-file House GOPers, enwrapped in Obama hatred, accusing the president of misleading the world and engaging in conspiratorial warmongering.

#### ---Key to the agenda

Dickerson 13 (John, Slate, Go for the Throat21, 1/18, [www.slate.com/articles/news\_and\_politics/politics/2013/01/barack\_obama\_s\_second\_inaugural\_address\_the\_president\_should\_declare\_war.single.html](http://www.slate.com/articles/news_and_politics/politics/2013/01/barack_obama_s_second_inaugural_address_the_president_should_declare_war.single.html), CMR)

On Monday, President Obama will preside over the grand reopening of his administration. It would be altogether fitting if he stepped to the microphone, looked down the mall, and let out a sigh: so many people expecting so much from a government that appears capable of so little. A second inaugural suggests new beginnings, but this one is being bookended by dead-end debates. **Gridlock** over the fiscal cliff **preceded** it and **gridlock** over the debt limit, sequester, and budget will follow. After the election, **the same people are in power in all the branches of government and they don't get along. There's no indication that** the president's **clashes with** House Republicans **will end soon**. Inaugural speeches are supposed to be huge and stirring. Presidents haul our heroes onstage, from George Washington to Martin Luther King Jr. George W. Bush brought the Liberty Bell. They use history to make greatness and achievements seem like something you can just take down from the shelf. Americans are not stuck in the rut of the day. But this might be too much for Obama’s second inaugural address: After the last four years, how do you call the nation and its elected representatives to common action while standing on the steps of a building where collective action goes to die? That bipartisan bag of tricks has been tried and it didn’t work. People don’t believe it. Congress' approval rating is 14 percent, the lowest in history. In a December Gallup poll, 77 percent of those asked said the way Washington works is doing “serious harm” to the country. **The challenge for** President **Obama’s** speech is the challenge of his **second term: how to be great when the environment stinks. Enhancing the president’s legacy requires** something **more than** simply the clever application of **predictable stratagems**. Washington’s **partisan rancor**, the size of the problems facing government, **and the limited amount of time before Obama is a lame duck all point to a single conclusion: The president** who came into office speaking in lofty terms about bipartisanship and cooperation **can only cement his legacy if he destroys the GOP**. If he wants to transform American politics, **he must go for the throat**. President Obama could, of course, resign himself to tending to the achievements of his first term. He'd make sure health care reform is implemented, nurse the economy back to health, and put the military on a new footing after two wars. But he's more ambitious than that. He ran for president as a one-term senator with no executive experience. In his first term, he pushed for the biggest overhaul of health care possible because, as he told his aides, he wanted to make history. He may already have made it. There's no question that he is already a president of consequence. But there's no sign he's content to ride out the second half of the game in the Barcalounger. He is approaching gun control, climate change, and immigration with wide and excited eyes. He's not going for caretaker. How should the president proceed then, if he wants to be bold? The Barack **Obama** of the first administration **might have approached the task by finding** some **Republicans to deal with and** then start agreeing to some of their demands in hope that he would **win some of their votes**. It's the traditional approach. Perhaps he could add a good deal more schmoozing with lawmakers, too. **That's the old way. He has abandoned that.** **He doesn't think it will work** and **he doesn't have the time.** As Obama explained in his last press conference, he thinks the **Republicans are dead set on opposing him**. **They cannot be unchained by schmoozing**. **Even if Obama were wrong about Republican intransigence, other constraints will limit the chance for cooperation**. **Republican lawmakers worried about primary challenges** in 2014 **are not going to be willing partners.** He probably has at most 18 months before people start dropping the lame-duck label in close proximity to his name. **Obama’s only remaining option is to pulverize**. Whether he succeeds in passing legislation or not, given his ambitions, his goal should be to delegitimize his opponents. **Through a series of clarifying fights over controversial issues, he can force Republicans to** either side with their coalition's most extreme elements or **cause a rift in the party that will leave it**, at least temporarily, **in disarray**.

#### Obama won’t push, dodges fights

Jack Goldsmith 13, Henry L. Shattuck Professor at Harvard Law School, Feb 13 2013, "The President’s SOTU Pledge to Work With Congress and Be Transparent on National Security Issues," [www.lawfareblog.com/2013/02/the-presidents-sotu-pledge-to-work-with-congress-and-be-transparent-on-national-security-issues/](http://www.lawfareblog.com/2013/02/the-presidents-sotu-pledge-to-work-with-congress-and-be-transparent-on-national-security-issues/) CMR

**As for a broader and sturdier congressional framework** for the administration’s growing forms of secret war (not just targeted killing, but special forces activities around the globe, cyber attacks, modern forms of covert action, etc.) along the lines that I proposed last week, I also don’t think much will happen. **Friends and acquaintances** in and **around** the **Obama** administration **told me** they would cherish such a new statutory framework, but argued that **Congress is too political**, and executive-congressional relations too poisonous, **for** **anything** like this **to happen**. There is some truth in this charge, although I sense that Congress is preparing to work more constructively on these issues. But even in the face of a very political and generally unsupportive Congress, Presidents tend to get what they want in national security when they make the case publicly and relentlessly. (Compare the Bush administration’s successful push for FISA reform in the summer of 2008, when the President’s approval ratings were below 30%, and Democrats controlled both houses of Congress; or FDR’s push in late 1940 and early 1941 – against popular and congressional opposition – to secure enactment of Lend-Lease legislation to help to British fend off the Nazis; or the recent FISA renewal legislation.) And of course the administration can never succeed if it doesn’t try hard. Not fighting the fight for national security legal reform is just another way of saying that the matter is not important enough to the administration to warrant a fight. **The administration’s failure to** date to **make a sustained push** before Congress **on these issues reveals a preference for § Marked 08:37 § reliance on** ever-more-tenuous **old authorities** and secret executive branch interpretations in areas ranging from drones to cyber, **and a**n implicit **judgment that the political** and legal **advantages** that would flow **from a national debate** and refreshed and clarified authorities **are** simply not worth the effort. The administration might be right in this judgment, at least for itself in the short run. But the President has now pledged something different in his SOTU address. We will see if he follows through this time. Count me as skeptical, but hopeful that I am wrong.

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#### Extinction is apriori – simple heuristics cause us to undervalue the threat and overvalue systemic impacts, defer to large scale impacts of the aff

Yudkowsky, 2006 (Eliezer, Singularity Institute for Artificial Intelligence, “Cognitive biases potentially affecting judgment of global risks”, forthcoming in Clobal Catastrophic Risks, August 31, <http://singinst.org/upload/cognitive-biases.pdf>)

Biases implicit in the availability heuristic affect estimates of risk. A pioneering study by Lichtenstein et. al. (1978) examined absolute and relative probability judgments of risk. People know in general terms which risks cause large numbers of deaths and which cause few deaths. However, asked to quantify risks more precisely, people severely overestimate the frequency of rare causes of death, and severely underestimate the frequency of common causes of death. Other repeated errors were also apparent: Accidents were judged to cause as many deaths as disease. (Diseases cause about 16 times as many deaths as accidents.) Homicide was incorrectly judged a more frequent cause of death than diabetes, or stomach cancer. A followup study by Combs and Slovic (1979) tallied reporting of deaths in two newspapers, and found that errors in probability judgments correlated strongly (.85 and .89) with selective reporting in newspapers. People refuse to buy flood insurance even when it is heavily subsidized and priced far below an actuarially fair value. Kunreuther et. al. (1993) suggests underreaction to threats of flooding may arise from "the inability of individuals to conceptualize floods that have never occurred

... Men on flood plains appear to be very much prisoners of their experience... Recently experienced floods appear to set an upward bound to the size of loss with which managers believe they ought to be concerned." Burton et. al. (1978) report that when dams and levees are built, they reduce the frequency of floods, and thus apparently create a false sense of security, leading to reduced precautions. While building dams decreases the frequency of floods, damage per flood is so much greater afterward that the average yearly damage increases. It seems that people do not extrapolate from experienced small hazards to a possibility of large risks; rather, the past experience of small hazards sets a perceived upper bound on risks. A society well-protected against minor hazards will take no action against major risks (building on flood plains once the regular minor floods are eliminated). A society subject to regular minor hazards will treat those minor hazards as an upper bound on the size of the risks (guarding against regular minor floods but not occasional major floods). Risks of human extinction may tend to be underestimated since, obviously, humanity has never yet encountered an extinction event.2

### CP

#### Only restrictions solve

Hamilton, 2004 (Lee, director of The Center on Congress at Indiana University, “Why Congress Needs to Assert Itself”, The Center on Congress at Indiana University, Last updated 2004, http://72.32.58.69/radio\_commentaries/why\_congress\_needs\_to\_assert\_itself.php)

One voice has been conspicuous in its absence, however: that of Congress itself. Though there have been a few individual members who have expressed their concern, I have been disappointed that the Congress, as an institution, has failed to assert forcefully its need for trustworthy information from the executive branch. This is worrisome. All partisan loyalties aside, trust is vital to the policy-making process. As Congress set out to reform Medicare, and in particular the drug benefit, it was rightly concerned about the cost of the various alternatives before it. Assured by the administration that its plan would not cost more than $400 billion over the next decade, many members of the House, previously undecided, decided to support it. So the revelation that the chief actuary had actually estimated the figure to be closer to $534 billion- and that the executive branch had withheld this figure from Congress- was not only embarrassing, it called into question the legitimacy of the whole policy-making process. If one branch of government feels it has to deceive the other, it is hard to see how the country can be led well by its public servants. For this reason alone, members of Congress of both parties should have hit the roof. Yet there is another, even more fundamental, issue at stake. Congress and the executive branch are colleagues- equals- in determining the course of the country. But in recent years, Congress has grown timid, as its lack of insistence on complete data demonstrates. There is no question these days that the initiative rests largely with the White House and executive agencies. As Washington Post editor Robert Kaiser put it recently, "In fundamental ways that have gone largely unrecognized, Congress has become less vigilant, less proud and protective of its own prerogatives, and less important to the conduct of American government than at any time in decades." Small wonder that, as with Medicare reform, administration officials feel a certain leeway to presume on Capitol Hill's good graces. There are any number of ways in which the Congress of today exercises just a shadow of the clout it wielded a generation ago, but one of the most important is its reticence about initiating policy.

The United States at the moment faces a crucial series of tests, from rebuilding Iraq to fighting terrorism to the ballooning budget and trade deficits, yet Congress often doesn't seem to have much to say on these matters. Even on civil liberties and how we handle the difficult question of fair process for terrorists on American soil, it has left the ball largely in the administration's court. Admittedly, there's an argument to be made that terrorists don't deserve the same legal protections as American citizens, and the White House has made it. But there is also an argument to be made that, faced with this new threat, we need to create a framework for handling people who would do this country harm while preserving the hallmarks of our judicial system and its emphasis on fairness. This is an avenue that should be explored fully in Congress, yet it has made little effort to do so.

### Politics

#### Obama will XO it

Business Insider, 9-30-2013 http://www.businessinsider.com/it-increasingly-looks-like-obama-will-have-to-raise-the-debt-ceiling-all-by-himself-2013-9

**With no movement on either side** and the debt ceiling fast approaching, **there’s increasing talk** that **the solution will be for Obama to issue an executive order and require the Treasury to continue paying US debt holders** even if the debt ceiling isn’t raised.¶ Here’s Greg Valliere at Potomac Research:¶ HOW DOES THIS END? What worries many clients we talk with is the absence of a clear end-game. We think three key elements will have to be part of the final outcome: First, a nasty signal from the stock market. Second, a daring move from Barack Obama to raise the debt ceiling by executive order if default appears to be imminent. Third, a capitulation by Boehner, ending the shut-down and debt crisis in an arrangement between a third of the House GOP and virtually all of the Democrats.¶ Valliere isn’t the only one seeing this outcome.¶ Here’s David Kotok at Cumberland Advisors:¶ We expect this craziness to last into October and run up against the debt limit fight. In the final gasping throes of squabbling, **we expect** President **Obama to use the** President **Clinton designed executive order strategy so that the US doesn’t default**. There will then ensue a protracted court fight leading to a Supreme Court decision. The impasse may go that far. This is our American way. “Man Plans and God Laughs” says the Yiddish Proverb.¶ Indeed, back in 2011, Bill Clinton said he’s raise the debt ceiling by invoking the 14th Amendment, rather than negotiate with the House GOP.¶ **This time around**, again, **Clinton is advising Obama to call the GOP’s bluff**.

#### PC is wrong – Obama’s out of options and lost public opinion - and shutdown thumps

Roberts 10/4 (Dan, “US shutdown: Republicans threaten to take debt limit fight to the brink”, <http://www.theguardian.com/world/2013/oct/03/republicans-debt-limit-treasury-economy>, CMR)

With options dwindling for forcing Republicans to drop their fight, Obama faces a protracted battle linking both spending and borrowing authority in a combined budget standoff.¶ Some **conservative lawmakers are even questioning** administration **insistences** that **Congress must increase the debt limit by 17 October**.¶ Congressman Jim **Sensenbrenner**, one of several Republicans who first urged speaker John Boehner to link the budget with their demands to scrap healthcare reform, **said** the **government shutdown may change the debt deadline by slowing down spending.** "I don't know if the drop dead date on the debt limit is going to be 17 October because the government is not spending any money now," he told the Guardian. "This might get pushed back a little bit further."¶ **Sensenbrenner** also **argued** that **public sympathy was** shifting towards Republicans **as the government shutdown wore on**. "What I'm hearing from the public, mostly from phone calls that we get here and in my Wisconsin office, is that for a while Republicans were getting blamed for stonewalling but after Sunday – when we sent five proposals over to the Senate – the pendulum is starting to swing the other direction," he said.¶ "Where the public is at now is a lot different than in previous debt ceiling fights including August 2011. **People are concerned about the debt because the debt has really ballooned and the president has got to be much more specific and convincing than just saying we've got to raise it so the government can pay its bills.**"