## 1AC

Same as Round 1

## 2AC

### Solvency

#### 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).

### 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

#### 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**.

#### Plan solves the impact

#### Their link evidence is about restricting Tech ignoring the broader institution of war – not the aff

#### Perm do the plan and reject the epistemological failures of the 1AC – judge can vote aff for any reason she wants

#### Perm do the plan and embrace an epistemology of human security

#### Threats real—default to expert consensus

Knudsen 2001**,** PoliSci Professor at Sodertorn**,** Olav, Post-Copenhagen Security Studies, Security Dialogue 32:3

Moreover, I have a problem with the underlying implication that it is unimportant whether states ‘really’ face dangers from other states or groups. In the Copenhagen school, threats are seen as coming mainly from the actors’ own fears, or from what happens when the fears of individuals turn into paranoid political action. In my view, this **emphasis on the subjective is a misleading conception** of threat, in that it discounts an independent existence or whatever is perceived as a threat. Granted, political life is often marked by misperceptions, mistakes, pure imaginations, ghosts, or mirages, but such phenomena do not occur **simultaneously to large numbers of politicians**, and hardly most of the time. During the cold War, threats—in the sense of plausible possibilities of danger—referred to ‘real’ phenomena, and they refer to ‘real’ phenomena now. The objects referred to are often not the same, but that is a different matter. Threats have to be dealt with both in terms of perceptions and in terms of the phenomena which areperceived to be **threatening**. The point of Waever’s concept of security is not the potential existence of danger somewhere but the use of the word itself by political elites. In his 1997 PhD dissertation, he writes, ‘One can view “security” as that which is in language theory called a speech act: it is not interesting as a sign referring to something more real—it is the utterance itself that is the act.’ The deliberate disregard for objective actors is even more explicitly stated in Buzan & Waever’s joint article of the same year. As a consequence, the phenomenon of threat is reduced to a matter of pure domestic politics. It seems to me that the security dilemma, as a central notion in security studies, then loses its foundation. Yet I see that Waever himself has no compunction about referring to the security dilemma in a recent article. This discounting of the objective aspect of threats shifts security studies to insignificant concerns. What has long made ‘threats’ and ‘threat perceptions’ important phenomena in the study of IR is the implication that urgent action may be required. Urgency, of course, is where Waever first began his argument in favor of an alternative security conception, because a convincing sense of urgency has been the chief culprit behind the abuse of ‘security’ and the consequent ‘politics of panic,’ as Waever aptly calls it. Now, here—in the case of urgency—another baby is thrown our with the Waeverian bathwater. When situations of urgency arise, those situations are challenges to democracy; they are actually at the core of the problematic arising with the process of making security policy in parliamentary democracy. But in Waever’s world, threats are merely more or less persuasive, and the claim of urgency is just another argument. I hold that instead of ‘abolishing’ threatening phenomena ‘out there’ by reconceptualizing them, as Waever does, we should continue paying attention to them, because situations with **a credible claim to urgency will keep coming back** and then we need to know more about how they work in the interrelations of groups and states (such as civil wars, for instance), not least to find adequate democratic procedures for dealing with them.

#### Prez leadership trivializes the magnitude of war – ensures conflicts – plan ensures requisite deliberation

Zelizer, 2011 (Julian, Professor of History and Public Affairs at Princeton University, “War powers belong to Congress and the president”, CNN, 6/27, http://www.cnn.com/2011/OPINION/06/27/zelizer.war.powers/index.html)

The third cost has been the cheapening of the decision about using military force. In the end, the decision about whether to send human treasure and expend valuable dollars abroad should be one that is made by both branches of government and one that results from a national dialogue. Requiring Congress to declare war forces voters to think about the decision sooner rather than later. While efficiency is essential, so too is the democratic process upon which our nation is built. The result of the decision-making process that has been used in recent decades is that as a nation too many citizens lose their connection to the war. Indeed, most Americans don't even think twice when troops are sent abroad. The shift of power toward the president has compounded the effects of not having a draft, which Congress dismantled in 1973. Wars sometimes resemble just another administrative decision made by the White House rather than a democratic decision.

#### Prior questions fail and paralyze politics

Owen 2 [David Owen, Reader of Political Theory at the Univ. of Southampton, Millennium Vol 31 No 3 2002 p. 655-7]

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 example, one need not be sympathetic to rational choice theory to 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. The third danger is that the preceding two combine to encourage the formation of a particular image of disciplinary debate in IR—what might be called (only slightly tongue in cheek) ‘the Highlander view’—namely, an image of warring theoretical approaches with each, despite occasional temporary tactical alliances, dedicated to the strategic achievement of sovereignty over the disciplinary field. It encourages this view because the turn to, and prioritisation of, ontology and epistemology stimulates the idea that there can only be one theoretical approach which gets things right, namely, the theoretical approach that gets its ontology and epistemology right. This image feeds back into IR exacerbating the first and second dangers, and so a potentially vicious circle arises.

### CP

#### Perm do both – shields the link to politics

#### Perm do the CP

#### Doesn’t solve SOP – discretion is destabilizing – Adler and Brookings evidence says that anytime the president makes a threat it becomes policy – commitment trap occurs – Frye and Koh evidence say that requiring congressional approval creates the NECESSARY inertia to prevent presidential action

#### Can’t solve alliances

Huckabee, professor of business law, 8 (Gregory M., Professor of Business Law, Chair of the Department of Management, Marketing, and Law, “THE POLITICIZING OF MILITARY LAW – FRUIT OF THE POISONOUS TREE”, <http://works.bepress.com/gregory_huckabee/1/>) CMR

With politicization of military law, the U.S. Armed Forces‘ law of war is changed to accommodate a more aggressive intelligence collection. Character and competence became the casualties on the road to exercise of plenary presidential war power. The integrity of the U.S. adherence to the rule of law was brought into international disrepute when the Geneva Conventions were characterized and treated as ―quaint‖ by the president‘s legal counsel. American motive and intent have been challenged by the United Nations as well as our own military legal and civilian counsel leaders, with revelations of horrific treatment of detainees at Abu Ghraib and Guantanamo among others. Trust in American military competence and its capabilities and skills have been damaged with the advent of the disregard of Army doctrine and the physical and mental abuse of detainees by military personnel. The results achieved by this politicization of military law, this new legal policy articulated in the Gonzales and Bybee-Yoo OLC memos, and transmitted through the DoD Working Group Report and other DoD memos to the field, stain the conscience of those who thought this could never take place in American armed forces. The record reflects a tremendous withdrawal from the American trust account. Allies have refused to incarcerate or try detainees transferred to them, and have sought every opportunity to desert the U.S. on the battlefield in Iraq, withdrawing support at the first opportunity. The American trust account is an important national asset belonging to and impacting all of us: Trust impacts us 24/7, 365 days a year. It undergirds and affects the quality of every relationship, every communication, every work project, every business venture, every effort in which we are engaged. It changes the quality of every present moment and alters the trajectory and outcome of every future moment of our lives—both personally and professionally.426 The penultimate question remains—why did the President‘s Counsel, Alberto Gonzales, Assistant Attorney General for OLC Jay Bybee, and his deputy assistant John Yoo, and DoD General Counsel William Haynes deviate so far from mainstream military law and the laws of war, especially in view of timely warnings by Secretary of State Colin Powell, his State Department Legal Advisor William H. Taft IV, Navy General Counsel Alberto Mora, and the Armed Services Judge Advocates General? Their patriotism is not in question, but their judgment in making highly provocative military legal policy has certainly been deeply questioned by both the Congress and the Supreme Court of the U.S. Perhaps the answer can be found in an allegory. Two university professors from the University of South Dakota were greeted in May 2004 by a German colleague who picked them up at the Hannover airport upon their arrival in Germany. Driving them to Wolfsburg in a brand new Volkswagen Teureg (SUV), the German professor entered the autobahn (German freeway) and quickly accelerated to 240 km per hour (150 mph); the autobahn has no speed limit. One of the American professors peering over the shoulder of his German driver observed that the digital gas gauge was calculating fuel consumption based on this speed. The American remarked ―at this speed, do you know you are only getting 6 miles to the gallon of petrol?‖ The other American in the front who was pressed against the seat in what he characterized as Mach IV, squeaked, ―why do you drive so fast?‖ The German professor proudly proclaimed, ―because we can.‖ In their zeal to serve their president, Gonzales et al. charted a new legal course that politicized military law into political policy. Specifically, these presidential legal advisors transformed military law in three different ways: first, that no law prohibited the application of cruelty; second, that no law should be adopted thatwould do so; and third, that our government could choose to apply the cruelty, or not, as a matter of policy depending on the dictates of the perceived military necessity.427 Gonzales and his colleagues made a tremendous withdrawal on the U.S. trust account that has taken generations of Americans to build from deposits made in blood and sacrifice. They did it because they could, albeit through lenses that they fashioned themselves, not of the world the way it truly existed, but into one of their own design with new constitutional powers unlimited in scope for presidential war authority, limited or no rights for those impacted by exercise of these powers, and a new American landscape where the rule of law was subject to political policy determination. The law is what OLC says it is. Without oversight of any kind, the President has been damaged by incredibly poor legal advice. Former Associate Attorney General Bruce Fein, himself a Republican, characterized it as a lack of sophistication observing: ―There is no one of legal stature, certainly no one like Bork, or Scalia, or Elliott Richardson, or Archibald Cox … It‘s frightening. No one knows the Constitution.‖428

**It’s a rubber stamp---external oversight key**

Ilya **Somin 11**, Professor of Law at George Mason University School of Law, June 21 2011, “Obama, the OLC, and the Libya Intervention,” http://www.volokh.com/2011/06/21/obama-the-olc-and-the-libya-intervention/

But I am more skeptical than Balkin that illegal presidential action can be constrained through better consultation with legal experts within the executive branch. The fact is that the president **can almost always find** respectable lawyers within his administration who will tell him that **any policy he** really **wants** to undertake is constitutional. Despite the opposition of the OLC, Obama got the view he wanted from the White House Counsel and from State Department Legal Adviser Harold Koh. Bush, of course, got it from within the OLC itself, in the form of John Yoo’s “torture memo.” This isn’t just because administration **lawyers want to tell their political masters what they want to hear**. It also arises from the understandable fact that administrations tend to appoint people who **share the president’s** ideological **agenda and approach** to constitutional interpretation. By all accounts, John Yoo was and is a true believer in nearly unlimited wartime executive power. He wasn’t simply trying to please Bush or Dick Cheney.¶ Better and more thorough consultation with executive branch lawyers can prevent the president from undertaking actions that virtually all legal experts believe to be unconstitutional. But on the many disputed questions where there is no such consensus, the president will usually be able find administration lawyers who will tell him what he wants to hear. To his credit, Ackerman is aware of this possibility, and recommends a creative institutional fix in his recent book: a new quasi-independent tribunal for assessing constitutional issues within the executive branch. I am somewhat skeptical that his approach will work, and it may well require a constitutional amendment to enact. I may elaborate these points in a future post, if time permits.¶ Regardless, for the foreseeable future, the main constraints on unconstitutional presidential activity **must come from** **outside executive branch** – that is, from Congress, the courts, and public opinion. These constraints are highly imperfect. But they do impose **genuine costs** on presidents who cross the line. Ackerman cites the Watergate scandal, Iran-Contra and the “torture memo” as examples of the sorts of abuses of executive power that need to be restricted. True enough. But it’s worth remembering that Nixon was forced to resign over Watergate, Reagan paid a high political price for Iran-Contra, and the torture memo was a public relations disaster for Bush, whose administration eventually ended up withdrawing it (thanks in large part to the efforts of Jack Goldsmith). On the other side of the ledger, Bill Clinton paid little price for waging an illegal war in Kosovo, though he avoided it in part by keeping that conflict short and limited. It remains to be seen whether President Obama will suffer any political damage over Libya.

#### Statutory restrictions are necessary – Manzi evidence says that congressional restrictions would prevent the president from making those threats because he realizes he can’t credibly back them up without congress

**CP gets overruled and circumvented---data goes aff**

Bruce **Ackerman 11**, Sterling Professor of Law and Political Science at Yale University, “LOST INSIDE THE BELTWAY: A REPLY TO PROFESSOR MORRISON,” Harvard Law Review Forum Vol 124:13, http://www.harvardlawreview.org/media/pdf/vol124forum\_ackerman.pdf

The problem is confirmed by Morrison’s very useful data analysis, which shows that **only thirteen percent** of OLC opinions have provided a more- or- less clear **“no”** to the White House during the past generation.34 Morrison’s data- set doesn’t include OLC’s unpublished opinions — which typically involve confidential matters involving national security. Since OLC is almost- certainly more deferential to the White House in these sensitive areas, the percentage of “no’s” would likely sink into the single- digits if these secret opinions could be included in Morrison’s data set.35 And remember, quantitative data can’t take into account the occasions on which the White House is **especially exigent in its** telephonic **demands**.36 ¶ \*\*\*TO FOOTNOTES\*\*\*¶ 36 Morrison is undoubtedly right in suggesting that stare decisis plays a restraining role in garden-variety cases. But he also notes that the OLC **overrules** (or substantially modifies) **its own decisions** in more than five percent of the opinions in his sample. See Alarmism, supra note P, at NTOP n.NPN. This is a significant percentage, given my focus on the likely way the OLC will function in **high-stress situations**. It indicates that stare decisis is by no means a rigid rule, and that the OLC **cannot** credibly **claim** that **its hands are tied** when the White House is **pressuring it to overrule** existing case- law to vindicate a high-priority presidential initiative. ¶ Similarly, Morrison is undoubtedly correct in suggesting that his data fails to reflect the fact that the OLC sometimes informally deflects the White House from a legally problematic initiative. See Alarmism, supra note P, at NTNV. But on high-priority initiatives, the White House **won’t** easily **take** an informal **“no” for an answer** — it will either push the OLC to write a formal opinion saying “yes” or it will **withdraw the issue** from its jurisdiction and rely on the WHC to uphold the legality of the President’s plan. As a consequence, I believe that Morrison’s data provides an overestimate, not an under-estimate, of likely OLC resistance: it fails to count unreported national security opinions (on which the OLC is probably extremely deferential), and this failure is not mitigated by its additional failure to detect informal modes of OLC resistance.

#### OLC can’t solve and links to politics

Eric Posner 11, the Kirkland & Ellis Professor, University of Chicago Law School. “DEFERENCE TO THE EXECUTIVE IN THE UNITED STATES AFTER 9/11 CONGRESS, THE COURTS AND THE OFFICE OF LEGAL COUNSEL” available at http://www.law.uchicago.edu/academics/publiclaw/index.html.

These two events neatly encapsulate the dilemma for OLC, and indeed all the president’s legal advisers. If OLC tries to block the president from acting in the way he sees fit, it takes the risk that he will disregard its advice and marginalize the institution. If OLC gives the president the advice that he wants to hear, it takes the risk that it will mislead him and fail to prepare him for adverse reactions from the courts, Congress, and the public. Can OLC constrain the executive? That is the position taken by many scholars, most notably Jack Goldsmith. 18 The underlying idea here is that even if Congress and the courts cannot constrain the executive, perhaps offices within the executive can. The opposite view, advanced by Bruce Ackerman, is that OLC is a rubber stamp. 19 I advocate a third view: OLC does not constrain the executive but enables him to accomplish goals that he would not otherwise be able to accomplish. It is more accurate to say that OLC enables than constrains. B. OLC as a Constraint on the Executive A number of scholars have argued that OLC can serve as an important constraint on executive power. I will argue that OLC cannot act as a constraint on executive power. Indeed, its only function is the opposite—as an “enabler” (as I will put it) or extender of executive power. A president must choose a course of action. He goes to OLC for advice. Ideally, OLC will provide him good advice as to the legality of the course of action. It will not provide him political advice and other relevant types of advice. The president wants to maximize his political advantage, 21 and so he will follow OLC’s advice only if the legal costs that OLC identifies are greater than the political benefits. On this theory, OLC will properly always give the president neutral advice, and the president will gratefully accept it although not necessarily follow it. If the story ended here, then it would be hard to see what the controversy over OLC could be about. As an adviser, it possesses no ability to constrain the executive. It merely provides doctrinal analysis, in this way, if it does its job properly, merely supplying predictions as to how other legal actors will react to the president’s proposed action. The executive can choose to ignore OLC’s advice, and so OLC cannot serve as a “constraint” on executive power in any meaningful sense. Instead, it merely conveys to the president information about the constraints on executive power that are imposed from outside the executive branch. However, there is an important twist that complicates the analysis. The president may choose to publicize OLC’s opinions. Naturally, the president will be tempted to publicize only favorable opinions. When Congress 22 claims that a policy is illegal, the president can respond that his lawyers advised him that the policy is legal. This response at least partially deflects blame from the president. There are two reasons for this. First, the Senate consented to the appointment of these lawyers; thus, if the lawyers gave bad advice, the Senate is partly to blame, and so the blame must be shared. Second, OLC lawyers likely care about their future prospects in the legal profession, which will turn in part on their ability to avoid scandals and to render plausible legal advice; they may also seek to maintain the office’s reputation. When OLC’s opinions are not merely private advice, but are used to justify actions, then OLC takes on a quasi-judicial function. Presidents are not obliged to publicize OLC’s opinions, but clearly they see an advantage to doing so, and they have in this way given OLC quasi-judicial status. But if the president publicizes OLC opinions, he takes a risk. The risk is that OLC will publicly advise him that an action is illegal. If OLC approval helps deflect blame from the president, then OLC disapproval will tend to concentrate blame on the president who ignores its advice. Congress and the public will note that after all the president is ignoring the advice of lawyers that he appointed and thus presumably he trusts, and this can only make the president look bad. To avoid such blame, the president may refrain from engaging in a politically advantageous action. In this way, OLC may be able to prevent the president from taking an action that he would otherwise prefer. At a minimum, OLC raises the political cost of the action. I have simplified greatly, but I believe that this basic logic has led some scholars to believe that OLC serves as a constraint on the president. But this is a mistake. OLC strengthens the president’s hand in some cases and weakens them in others; but overall it extends his power—it serves as enabler, not constraint. To see why, consider an example in which a president must choose an action that lies on a continuum. One might consider electronic surveillance. At one extreme, the president can engage in actions that are clearly lawful—for example, spying on criminal suspects after obtaining warrants from judges. At the other extreme, the president can engage in actions that are clearly unlawful—for example, spying on political opponents. OLC opinions will not affect Congress’s or the public’s reaction to either the obviously lawful or the obviously unlawful actions. But then there are middle cases. Consider a policy L, which is just barely legal, and a policy I, which is just barely illegal. The president would like to pursue policy L but fears that Congress and others will mistakenly believe that L is illegal. As a result, political opposition to L will be greater than it would be otherwise. In such a case, a favorable advisory opinion from a neutral legal body that has credibility with Congress will help the president. OLC’s approval of L would cause political opposition (to the extent that it is based on the mistaken belief that L is unlawful) to melt away. Thus, OLC enables the president to engage in policy L, when without OLC’s participation that might be impossible. True, OLC will not enable the president to engage in I, assuming OLC is neutral. And, indeed, OLC’s negative reaction to I may stiffen Congress’ resistance. However, the president will use OLC only because he believes that OLC will strengthen his hand on net. It might be useful to make this point using a little jargon. In order for OLC to serve its ex ante function of enabling the president to avoid confrontations with Congress in difficult cases, it must be able to say “no” to him ex post for barely illegal actions as well as “yes” to him for barely legal actions. It is wrong to consider an ex post no as a form of constraint because, ex ante, it enables the president to act in half of the difficult cases. OLC does not impose any independent constraint on the president, that is, any constraint that is separate from the constraint imposed by Congress. An analogy to contract law might be useful. People enter contracts because they enable them to do things ex ante by imposing constraints on them ex post. For example, a debtor can borrow money from a creditor only because a court will force the debtor to repay the money ex post. It would be strange to say that contract law imposes “constraints” on people because of ex post enforcement. In fact, contract law enables people to do things that they could not otherwise do—it extends their power. If it did not,people would not enter contracts. A question naturally arises about OLC’s incentives. I have assumed that OLC provides neutral advice—in the sense of trying to make accurate predictions as to how other agents like Congress and the courts would reaction to proposed actions. It is possible that OLC could be biased—either in favor of the president or against him. However, if OLC were biased against the president, he would stop asking it for advice (or would ask for its advice in private and then ignore it). This danger surely accounts for the fact that OLC jurisprudence is pro-executive. 23 But it would be just as dangerous for OLC to be excessively biased in favor of the president. If it were, it would mislead the president and lose its credibility with Congress, with the result that it could not help the president engage in L policies. So OLC must be neither excessively pro-president nor anti-president. If it can avoid these extremes, it will be an “enabler”; if it cannot, it will be ignored. In no circumstance could it be a “constraint.” If the OLC cannot constrain the president on net, why have people claimed that OLC can constrain the president? What is the source of this mistake? One possibility, which I have already noted, is that commentators might look only at one side of the problem. Scholars note that OLC may “prevent” the president from engaging in barely illegal actions without also acknowledging that it can do so only if at the same time it enables the president to engage in barely legal actions. This is simply a failure to look at the full picture. For example, in The Terror Presidency, Goldsmith argues that President Bush abandoned a scheme of warrantless wiretapping without authorization from the FISA court because OLC declared the scheme illegal, and top Justice Department officials threatened to resign unless Bush heeded OLC’s advice. 25 This seems like a clear example of constraint. But it is important to look at the whole picture. If OLC had approved the scheme, and subsequently executive branch agents in the NSA had been prosecuted and punished by the courts, then OLC’s credibility as a supplier of legal advice would have been destroyed. For the president, this would have been a bad outcome. As I have argued, a credible OLC helps the president accomplish his agenda in “barely legal” cases. Without taking into account those cases where OLC advice helps the president’s agenda ex post as well as the cases where OLC advice hurts the president’s agenda ex post, one cannot make an overall judgment about OLC’s ex ante effect on executive power. Another possible source of error is that scholars imagine that “neutral” advice will almost always prevent the president from engaging in preferred actions, while rarely enabling the president to engage in preferred actions. The implicit picture here is that a president will normally want to break the law, that under the proper interpretation of the Constitution and relevant standards the president can accomplish very little. So if OLC is infact neutral and the president does obey its advice, then it must constrain the president. But this theory cannot be right, either. If OLC constantly told the president that he cannot do what he wants to do, when infact Congress and other agents would not object to the preferred actions, then the president would stop asking OLC for advice. As noted above, for OLC to maintain its relevance, it cannot offer an abstract interpretation of the Constitution that is divorced from political realities; it has to be able to make realistic predictions as to how other legal agents will react to the president’s actions. This has led OLC to develop a pro-executive jurisprudence in line with the long-term evolution of executive power. If OLC tried to impose constraints other than those imposed by Congress and other institutions with political power, then the president would ignore it.

#### Future Presidents prevent solvency

Friedersdorf, 2013 (Conor, The Atlantic, “Does Obama Really Believe He Can Limit the Next President’s Power?” The Atlantic, May 28, http://www.theatlantic.com/politics/archive/2013/05/does-obama-really-believe-he-can-limit-the-next-presidents-power/276279/)

Over at Fox News, Chris Wallace and Brit Hume are musing about President Obama's aims on national security. What exactly does he hope to accomplish before leaving office in January 2017? Let's listen in: Chris Wallace: It's been suggested that that's exactly what the president wants to do. He wants to leave a different national-security structure, different rules of the road, different limits, for the next president than what he inherited when he came in. Brit Hume: Not only what he inherited, but what he made generous use of for the purposes of fighting this conflict. There's an odd quality, Chris, to this whole thing. And it its almost like he's saying with regard to the drone policy, 'We need something to stop me before I kill again.' You see that in his support -- on an unrelated matter -- of this shield law for journalists. He's carried out these oversteps in pursuing journalists who are doing their jobs. And now he says, 'We need a shield law,' as if to say, a law to protect them from us. I think it's peculiar. I admit to being a bit puzzled myself, if for slightly different reasons. It's perfectly understandable to serve in a position, appreciate its power, and believe it should be limited by outside constraints, even when they'd constrain you. George Washington and Thomas Jefferson both felt that way at times. If Obama feels that way about a shield law, good for him. And it isn't as if he personally approves every interaction the Department of Justice has with journalists. But something puzzles me about his behavior with regard to the War on Terrorism. It does sometimes appear, as Wallace suggests, that he wants to leave a different national-security structure to his predecessor that limits him or her more than Obama himself was limited in 2009. Administration officials have said as much. A disposition matrix! Strict protocol for putting an American citizen on the kill list! That sort of thing. There was talk, before Election 2012, of Team Obama hurriedly developing changes just in case. So unlike Hume, I don't think it's "stop me before I kill again," so much as, "I trust myself with this power more than anyone. You won't always be so lucky as to have me, but don't worry, I'm leaving instructions." Will anyone follow them? That's what I don't understand. Why does Obama seem to think his successors will constrain themselves within whatever limits he sets? Won't they just set their own limits? Won't those limits be very different? What would Chris Christie do in the White House? I have no idea, but I'm guessing that preserving the decisionmaking framework Obama established isn't what he'd do. Does anyone think Hilary Clinton would preserve it? Obama doesn't seem to realize that his legacy won't be shaped by any perspicacious limits he places on the executive branch, if he ever gets around to placing any on it. The next president can just undo those "self-imposed" limits with the same wave of a hand that Obama uses to create them. His influence in the realm of executive power will be to expand it. By 2016 we'll be four terms deep in major policy decisions being driven by secret memos from the Office of Legal Counsel. The White House will have a kill list, and if the next president wants to add names to it using standards twice as lax as Obama's, he or she can do it, in s0065cret, per his precedent. Some new John Brennan-like figure, with different values and a different personality, will serve as Moral Rectitude Czar. Even ending torture was done by executive order. The folks guilty of perpetrating it weren't punished. Congress wasn't asked to act. (There was an ambitious domestic agenda to focus on!) So who knows what we'll get next, save for a new president who witnessed all the previously unthinkable things post-9/11 presidents got away with so long as they invoked fighting "terror." The fact that every new president is likely to be a power-seeking egomaniac seems like too obvious a flaw in Obama's plan for a smart guy like him not to see it. So what gives? Is all the talk of limiting the executive branch just talk? But why even talk at this point, if so? He isn't running again. Yet if he really does think his office wields too much power, why is he putting in place safeguards the next president can and probably will undo instead of zealously trying to get Congress to act? Yet he does seem to be concerned. Here's Peter Baker reporting in The New York Times: For nearly four years, the president had waged a relentless war from the skies against Al Qaeda and its allies, and he trusted that he had found what he considered a reasonable balance even if his critics did not see it that way. But now, he told his aides, he wanted to institutionalize what in effect had been an ad hoc war, effectively shaping the parameters for years to come "whether he was re-elected or somebody else became president," as one aide said. Ultimately, he would decide to write a new playbook that would scale back the use of drones, target only those who really threatened the United States, eventually get the C.I.A. out of the targeted killing business and, more generally, begin moving the United States past the "perpetual war" it had waged since Sept. 11, 2001. Whether the policy shifts will actually accomplish that remains to be seen, given vague language and compromises forced by internal debate, but they represent an effort to set the rules even after he leaves office. "We've got this technology, and we're not going to be the only ones to use it," said a senior White House official who, like others involved, declined to be identified talking about internal deliberations. "We have to set standards so it doesn't get abused in the future." There's that same obvious flaw, but everyone seems oblivious to it. The standards you're setting? The next president can just change them. In secret, even! That's the problem with extreme executive power: It is capricious, prone to abuse, and difficult to meaningfully check. Does Obama think the next man or woman will just behold the wisdom of his approach and embrace it? That error, unthinkable as it seems, would not be without precedent for this president.

#### XO’s not binding

EW 13, Empty Wheel, "Scott Shane Defends the Commander-in-Chief's Language", April 12, www.emptywheel.net/2013/04/12/scott-shane-defends-the-commander-in-chiefs-language/

Shane appears to misunderstand something about Executive Orders (though he’s not alone on this front). DOJ’s Office of Legal Counsel has twice (once during Iran-Contra, and again in 2001 or thereabouts) judged that EO 12333 — the very EO purportedly prohibiting assassination — need not be formally changed when the President stops adhering to it. The language the Bush-era OLC came up with to justify ignoring EO 12333 without telling anyone reads,¶ An executive order cannot limit a President. There is no constitutional requirement for a President to issue a new executive order whenever he wishes to depart from the terms of a previous executive order. Rather than violate an executive order, the President has instead modified or waived it.¶ Granted, in this particular instance, the Administration was secretly “waiving” EO 12333′s prohibition on surveilling Americans overseas, not assassination, but the principle is clear: EOs are not hard and fast rules, they are simply claims the Executive Branch makes about its own behavior but doesn’t always abide by.

#### The SG’s seen as politicized---links to politics and can’t solve cred

Patrick Wohlfarth 9, UNC at Chapel Hill, The Tenth Justice? Consequences of Politicization in the Solicitor General’s Office, www.gvpt.umd.edu/wohlfarth/Wohlfarth%202009%20JOP.pdf

Judicial scholars offer several explanations for the Court’s disproportionate attention to the ofﬁce’s arguments and commonly view the S.G. as a representative of both executive and judicial interests. Historically, solicitors general have acknowledged and respected the ofﬁce’s reputation for legal integrity and relative independence from partisan inclinations. Yet by many accounts, recent solicitors general have increasingly politicized the ofﬁce by frequently behaving as a direct advocate of the executive’s often narrow legal philosophy (Caplan 1987; Ubertaccio 2005). Solicitors general commonly enter the ofﬁce with a reservoir of decision-making capital. The ofﬁce’s esteemed reputation affords the S.G. a degree of freedom to act as the president’s political advocate. The heightened sense of political behavior within the contemporary ofﬁce suggests that solicitors general are indeed willing to utilize this discretion and expend such resources. However, the S.G. who exhausts that capital and excessively politicizes the ofﬁce might jeopardize both the president’s immediate ability to advance the administration’s policy agenda through the Court as well as the longterm integrity of the S.G.’s ofﬁce as an institution.¶ The recent controversy surrounding the ﬁring of several U.S. attorneys and Attorney General Alberto Gonzales’ eventual resignation further illustrates the consequences that may arise when perceptions of excessive political bias pervade the Justice Department. The S.G., even more so than the attorney general, stands at the intersection of law and politics. This unique position carries an expectation that its ofﬁce holders will maintain an independent balance. Existing empirical accounts of the S.G.’s behavior have not fully explored the degree to which the Court’s perceptions of political bias may jeopardize the ofﬁce’s reputation as an unbiased informational cue. In this article, I examine the extent to which the S.G.’s politicization adversely affects the ofﬁce’s credibility. If the Court perceives that solicitors general repeatedly abuse their discretion by acting as the president’s political advocate, then it should not trust the information provided and, thus, discount the ofﬁce’s arguments. I employ an individual-level analysis of all solicitor general amici between 1961 and 2003. The results reveal that increased politicization diminishes the likelihood that the Court will support the S.G.’s positions on the merits. In addition, I demonstrate that politicization’s negative impact yields a spillover effect by endangering the success of the United States as a litigant beginning with Reagan’s solicitors general.

### Iran

#### Plan controls the impact – Ikenberry says alliances are able to check escalating conflict – uniquely applies to the Middle East – India, the EU and Russia enable coop

#### No impact to nuclear Iran – our evidence indicts all their scenarios – arms race, terror, belligerence

Keith L. **Shimko**, Associate **Professor** **of Political Science at Purdue** University, “International Relations: Perspectives and Controversies”, **2009**, page number below, CMR

The same architects of illusion who fulminated for war with Iraq say that if Iran gets nuclear weapons, three had things could happen: it could trigger a nuclear arms race in the Middle East; it might supply nuclear weapons to terrorists; and Tehran could use its nuclear weapons to blackmail other states in the region or to engage in aggression. Each of these scenarios, however, is **improbable in the extreme**. During the early 1960s, American policymakers had similar fears that China's acquisition of nuclear weapons would trigger a proliferation stampede, but these fears did not materialize, and a nuclear Iran is no more likely to start a proliferation snowball in the Middle East. Israel, of course, already is a nuclear power. The other three states that might be tempted to seek nuclear weapons capability are Egypt, Saudi Arabia, and Turkey. But **as MIT professor** Barry **Posen points out**, each of these three states would be under strong pressure not do to so. Egypt is particularly vulnerable to outside pressure to refrain from going nuclear because its shaky economy depends on foreign—especially U.S.—economic assistance. Saudi Arabia would find it hard to purchase nuclear weapons or material on the black market, which is closely watched by the United States, and, Posen notes, it would take the Saudis years to develop the industrial and engineering capabilities to develop nuclear weapons indigenously. Notwithstanding the near-hysterical rhetoric of the Bush administration and the neoconservatives, Iran is not going to give nuclear weapons to terrorists. This is not to say that Tehran has not abetted groups like Hezbollah in Lebanon or Hamas in the Palestinian Authority. However, there are good reasons that states—even those that have ties to terrorists—draw the line at giving them nuclear weapons or other WMD. If the terrorists were to use these weapons against the United States or its allies, the weapons could be traced back to the donor state, which would be at risk of annihilation by an American retaliatory strike. Iran's leaders have too much at stake to run this risk. Even if one believed the administration's hype about the indifference of rogue-state leaders to the fate of their populations, they care very much about the survival of their regimes, which is why **deterrence works**. For the same reason, Iran's possession of nuclear weapons will not invest Tehran with options to attack or intimidate its neighbors. Just as it did during the Cold War, the U.S. can extend its own deterrence umbrella to protect its clients in the region like Saudi Arabia, the Gulf states, and Turkey. American security guarantees will not only dissuade Iran from acting recklessly but also restrain proliferation by negating the incentives for states like Saudi Arabia and Turkey to build their own nuclear weapons. Given the overwhelming U.S. advantage in both nuclear and conventional military capabilities, Iran is not going to risk **national suicide** by challenging America's security commitments in the region. In this sense dealing with the Iranian '"nuclear threat" is actually one of the easier strategic challenges the United States faces. It is a threat that can be handled by an offshore balancing strategy that relies on missile, air, and naval power well away from the volatile Persian Gulf, thus reducing the American poltico-military footprint in the region. In short, while a nuclear-armed Iran is hardly desirable, neither is it "intolerable," because it could be contained and deterred successfully by the United States.... [page 291-292]

#### Syria thumps

– also triggers Israeli perception

Federman 10/2 (Josef, “For Israel, Attack on Iran Seems Off the Table”, AP, <http://world.time.com/2013/10/02/for-israel-attack-on-iran-seems-off-the-table/>, CMR)

Such words may provide little comfort **in Israel**, where **many are** questioning Obama’s willingness to take military action **following** his recent handling of the **Syria**n chemical weapons crisis. **After threatening to attack Syria** over its apparent use of chemical weapons against civilians, **Obama** backed down in exchange for pledges to dismantle Syria’s chemical arsenal. **Netanyahu has greeted the** Russia-brokered **deal** on the Syrian chemical weapons **with only** lukewarm support.¶ Danny Yatom, **a former director of Israel’s Mossad intelligence service, said the about-face** tarnished U.S. credibility in the region. “I think **in the eyes of the Syrians and the Iranians, and** the **rivals** of the United States, **it was** a signal of weakness**, and credibility was deteriorated,**” he said.

#### Negotiations will fail --- too many obstacles – makes prolif inevitable

Lakshmanan 9/27 (Indira A.R. Lakshmanan & Kambiz Foroohar, “Nuclear Nuts & Bolts, Politics Loom Over Iran Talks”, 2013, <http://www.bloomberg.com/news/2013-09-28/nuclear-nuts-bolts-politics-loom-over-iran-talks.html>, CMR)

After encouraging signs at the United Nations and the highest-level contact between the U.S. and Iran in 35 years -- a phone call between President Barack Obama and his Iranian counterpart, Hassan Rouhani -- hurdles still line the path to a deal on Iran’s nuclear program.¶ Obama expressed optimism after speaking with Rouhani yesterday. “I believe we can reach a comprehensive solution” on the Iranian nuclear program, he told reporters later.¶ An agreement would end the threat of a conflict that would disrupt the region, roil oil markets and possibly embroil the U.S. in another unwelcome Mideast conflict. An accord also would lift the international economic sanctions on Iran, which used to be OPEC’s second-largest oil producer.¶ Olli Heinonen, a former deputy director-general of the UN atomic energy agency in Vienna, said in an interview he’s encouraged by the momentum from Rouhani’s administration to address what he called the “long-running crisis.” At the same time, Heinonen said, “Iran continues to stall in providing substantial answers,” and “what remains to be seen whether a more moderate language leads to concrete results.”¶ The first test of whether a deal is possible will be on the nuts and bolts of Iran’s disputed nuclear program: what activities Iran is willing to concede and what the international community is willing to accept.¶ The second stumbling block is domestic politics in both countries -- how much latitude Iran’s Supreme Leader Ali Khamenei and hard-line groups such as the Islamic Revolutionary Guard Corps will give the newly elected Rouhani to negotiate, and how much flexibility the U.S. Congress and pro-sanctions and pro-Israel lobbying groups will allow Obama.¶ Red Line¶ Khamenei’s red line is “don’t appear weak” in negotiations, said Alireza Nader, a senior analyst at the Santa Monica, California-based Rand Corp.¶ For Khamenei, there’s a deep sense of competition between Iran and the U.S., and “Iran has to operate from a position of strength,” Nader said in an interview. “On the nuclear issue, it means that Iran has to keep its uranium enrichment program.”¶ One clear point of contention pits Iran’s insistence that it has what Rouhani has called an “inherent right” to enrich uranium for peaceful purposes against demands by Israeli Prime Minister Benjamin Netanyahu and his allies that Iran cease such efforts and turn over all its enriched uranium to international monitors.¶ Gaining international agreement about even low-level enrichment would depend on Iran’s willingness to resolve suspicions about clandestine nuclear activities with possible military dimensions and to open all suspect facilities to UN atomic monitors.¶ Proposal Awaited¶ When talks between Iran and nations known as the P5+1 group -- China, France, Russia, the U.K., and the U.S., plus Germany - - resume on Oct. 15 in Geneva, Iranian Foreign Minister Mohammad Javad Zarif will submit a proposal for addressing issues surrounding his country’s nuclear program.¶ Heinonen, who spent years negotiating with Iran over access to disputed facilities and is now a senior fellow at the Belfer Center for Science and International Affairs at Harvard University’s Kennedy School of Government, said the International Atomic Energy Agency’s regular reports have raised four main concerns.¶ First, he said, Iran is enriching uranium in quantities in excess of its present and future requirements for a peaceful nuclear program.¶ Theoretically, it also could break from international commitments and produce weapons-grade uranium in less time than the international community would need to agree on a diplomatic or military response, Heinonen said.¶ Weapons Design¶ Iran is moving toward obtaining plutonium that could be used to make a thermonuclear device, he said. Finally, he said, the country appears to have worked on nuclear weapons designs.¶ Iran says its nuclear program is solely for peaceful energy and medical research purposes. The U.S. and its European allies, as well as Israel, accuse Iran of secretly pursuing the capability to make a nuclear weapon.¶ Rouhani said in a Sept. 26 speech in New York that Iran is “ready to work toward removing any ambiguity and answer any reasonable question about Iran’s peaceful nuclear program.”¶ At a news conference yesterday on the sidelines of the UN General Assembly, Iran’s president said his nation isn’t seeking nuclear weapons and knows that such an arsenal would endanger Iran rather than enhance its security.¶ Key Issues¶ Robert Einhorn, the Obama administration’s chief non-proliferation adviser at the State Department until earlier this year, said in an interview yesterday that key issues remaining to be resolved include whether and under what constraints uranium enrichment can take place; the extent and pace of relief from sanctions; the scope of verification measures, and the future of disputed facilities such as the Fordo underground enrichment facility and the Arak heavy water reactor.¶ In addition to complying with UN Security Council resolutions, Iran must address separate concerns raised by the UN atomic energy agency over the “past Iranian nuclear activities with a military dimension,” Einhorn said.¶ The Vienna-based IAEA circulated a document Sept. 26 showing that Iran so far has stuck to its positions, including barring inspectors from visiting the Parchin military base to investigate whether tests were conducted there related to triggering a nuclear device.¶ Economic Isolation¶ Rouhani, 64, was elected on a pledge to ease Iran’s international isolation and repair an economy crippled by sanctions imposed for its nuclear work. Oil exports have dropped by half, to less than 1 million barrels a day, and inflation almost doubled in two years, reaching 39 percent last month.¶ Iran was the second-biggest crude producer in the Organization of Petroleum Exporting Countries as recently as June 2012, before U.S. and European Union oil sanctions took effect, and fell to sixth place last month, according to a Bloomberg survey of oil companies, producers and analysts.¶ Iran has concerns that U.S. political factors may prevent Obama from having the flexibility to negotiate a deal that removes the sanctions that have crippled Iran’s economy, said an Iranian diplomat involved in negotiations who spoke on condition of anonymity because he wasn’t authorized to be quoted. If new sanctions are introduced in Congress, it will reinforce the sense in Iran that Obama is hamstrung by interests at home.¶ Road Map¶ Iran, the official said, seeks a road map on which every measure taken by Iran is matched by Western powers that have imposed the sanctions. Under this scenario, if Obama can’t deliver sanctions relief, then Iran would halt its cooperation, he said.

#### Government shutdown thumps

Gvosdev 10-2

Nikolas K. Gvosdev, a senior editor at The National Interest, is a professor of national-security studies at the U.S. Naval War College, “Shutdown Amplifies Middle East Policy Problems,” <http://nationalinterest.org/profile/nikolas-k-gvosdev>, CMR

Last week, speaking at the United Nations, President Barack **Obama laid out** an **ambitious** set of **goals** with regards to the Middle East. In the remainder of his second term, **the chief executive promised** to intensify efforts to end the civil war in Syria, broker a lasting settlement between the Israelis and the Palestinians, and initiate a **dialogue with Iran** to end the standoff over its nuclear program. **The government shutdown**, however, imperils all of these initiatives, by exposing the President's political weakness vis-a-vis the Congress.¶ The failure to get even a short-term continuing resolution through the Congress—leaving aside the point that the United States has not had actual budgets passed for years—**sends a** clear signal that **partisan politics trumps** even matters of the highest **national interest**. But it also communicates to other countries that if the U.S. government is so dysfunctional that it cannot get a basic measure for simply funding government operations through the legislature, how in the world is President Obama going to shepherd the legislation that would be required for the United States to be able to move forward on the president's Middle East agenda?

#### Plan creates national unity around threats which ensures successful negotiations

Dueck, 2010 (Colin, Associate Professor in George Mason University’s Department of Public and International Affairs, “Regaining a Realistic Foreign Policy”, Hoover Institution, Stanford University, Policy Review, No. 162, http://www.hoover.org/publications/policy-review/article/43426)

Fifth, think of diplomacy as simply one tool in America’s foreign policy toolkit, to be used in coordination with other instruments. In itself, diplomacy is neither good nor bad. Diplomacy or negotiations alone cannot transform hostile regimes, and it is useless in the absence of material power. At the same time, conservative realists recognize that there is nothing inherently objectionable about using tough negotiations in concert with other policy instruments to pressure hostile regimes. Indeed, to avoid negotiations altogether would be to surrender a form of power that America possesses. The key under such circumstances is to bargain from strength, and to secure worthwhile concessions in exchange for whatever is given. Sixth, recognize that deterrence and containment are not entirely outmoded as strategic options in the 21st century. Certainly, suicide bombers cannot be deterred. But the governing elites of Tehran and Pyongyang, however despicable, hope for survival and not for death. The distinction is crucial. It is the reason why deterrence can still work in relation to existing rogue states such as North Korea and Iran. The U.S. can exhaust, contain, and wear down these regimes. They will break down before the United States does. Seventh, with regard to military intervention, the U.S. should be much more careful than it has been over the past 20 years about intervening abroad, and at the same time much more capable, overwhelming, and relentless when it chooses to do so. From Somalia to Iraq, the pattern must be broken of initially inadequate interventions in peripheral locations of questionable centrality to U.S. security. Picking fights in unpromising locations only encourages the impression of weakness when these fights go badly. Once American forces are committed, however, there can hardly be anything more important than winning the wars the U.S. is actually fighting. This means, among other things, building on the dramatic improvements in recent years in American capacities when it comes to counter-insurgency. If the United States is going to intervene militarily abroad, it must be adequately prepared for the constabulary and reconstruction duties that inevitably follow, or it will only invite humiliation.

### Debt 2AC

#### 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.”

( ) 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 – Boehner won’t budge and vote count is conclusive**

NYT 10/6 “Boehner Stands Firm on Demand for Concessions From Obama,” <http://www.nytimes.com/2013/10/07/us/politics/obama-aide-urges-lawmakers-to-raise-debt-ceiling.html?_r=0>

WASHINGTON — Speaker John A. **Boehner** stood his ground on Sunday, **insisting** that his **Republican House majority would not pass measures** either **to** fund and **reopen the** entire **fed**eral government **or** to **increase** the nation’s soon-to-be-breached **borrowing limit without concessions from** President **Obama**.¶ “There are not the votes in the House to pass a clean C.R.,” Mr. Boehner said on the ABC News program “This Week,” referring to a continuing resolution that would provide stopgap funding and end the government shutdown, now in its sixth day.¶ Some Democrats and some moderate Republicans in the House have said that together their votes would be enough to pass a spending measure necessary to reopen the government with no conditions attached, but Mr. Boehner’s remarks seemed to close the door on that possibility.¶ Similarly, on the subject of the looming deadline for Congress to increase the debt limit by Oct. 17 to avert a first-ever government default, Mr. Boehner seemed to contradict news reports in recent days that he had told Republicans privately that he ultimately would allow a vote to prevent a breach of the debt limit.¶ “We’re not going to pass a clean debt limit increase,” Mr. Boehner said.¶ He added, “I told the president, there’s no way we’re going to pass one. **The votes are not in the House to pass a clean debt limit.** And **the president is risking default** by not having a conversation with us.”

#### 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.**"

#### ---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**.

#### Fiat solves the link — it’s instant — no political effect – most logical because congress is the agent of the resolution this year

#### 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 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.

#### War power losses won’t spillover or effect PC

Perry Bacon 9/9/13, “Losing the Syria vote does not turn Obama into a lame duck”, <http://thegrio.com/2013/09/09/no-losing-the-syria-vote-does-not-turn-obama-into-a-lame-duck/>, CMR

McDonough ducked the question, preferring to focus on the substance of the administration’s case for military action. But to be clear, no, **Obama losing** a vote on Syria **does not turn him into a lame duck**.¶ Would the defeat be bad for the president? Of course. Polls show majorities of not only conservatives, who oppose much of what Obama does on every issue, but also liberals and moderates disagree with the president on intervening in Syria. If a vote gets to the House of Representatives, there’s a chance it will be defeated with large blocs of liberals and black members of Congress voting against a president who they have strongly supported for much of the last five years. The White House would have made an all-out blitz to win the support of American voters and Congress and lost.¶ A defeat would show Obama’s words on chemical weapons and perhaps other foreign policy ideas won’t be supported by deeds. It would also illustrate Americans are even more wary of intervention in other nations than was generally believed and likely block Obama from any kind of military action in the future, even the kind of limited steps he took in Libya two years ago.¶ But **the presidency is** not one issue**, or just about foreign policy**. **If the House or** the **Senate** **blocks** action in **Syria, Republicans** still would be wise **to back** the **immigration** bill the Senate passed earlier this year, giving Obama a major victory but also making it easier for the GOP to win Latino votes in the future. **House Republicans**, **divided** **internally on that issue**, **have been delaying consideration** of the bill, and **that process is** unaffected **by what happens on Syria**.¶ § Marked 15:41 § The **Obama** administration, **even if it does not act in Syria, will still be implementing** a far-reaching **health care** law that could provide health insurance to millions of Americans. The president will still have the use of the bully pulpit, to make the case against America’s growing income inequality and urge our society to focus more on the specific challenges faced by African-American males, as Obama suggested he would do after the George Zimmerman verdict. **The administration can** still fight controversial voting laws passed in Republican-led states, urge fewer prosecutions of non-violent drug offenders and support the growing American acceptance of gay marriage.¶ And it wasn’t as if Obama’s agenda had been moving quickly through Congress before he starting talking about Syria. Republicans in the Senate had blocked his gun control push, the House delayed the immigration bill and members of both parties were not fully on board with his economic agenda. Before Syria was in the headlines, the administration was planning to spend September pushing for Congress to approve government funding for the next year and raise the federal debt limit, the kind of necessary but unexciting lawmaking that Obama has been limited to since Republicans won control of the House of Representatives in 2010.¶ That’s **the key factor here: Republican control of the House**. **Much speculation has centered on Obama losing his “political capital”** or his ability to influence Congress and the public over the last three years. But **the evidence is fairly clear; Obama has struggled to get legislation through Congress since its membership came to include many more Republicans**, who disagree with him on most issues. If Obama wanted to cut taxes on the wealthy Americans or allow the construction of the Keystone XL Pipeline, both ideas Republicans strongly support, they could easily be passed in Congress.¶ A loss by Obama on Syria won’t change the views of Republicans, who were already against most of what Obama proposed, or congressional Democrats, who won’t suddenly stop supporting Obamacare or other presidential initiatives.¶ **If the president is barred** from attacking Syria by Congress, **that will not be the last real day of his presidency.** The next day will not be the first day of the 2016 campaign, which has long been underway anyway. President George W. **Bush’s poll numbers dropped** quickly **after** his **mishandling** of the aftermath of Hurricane **Katrina**, and **it was considered the end of presidency. But he** still managed **to implement** a whole **new strategy in Iraq and** **loan billions** of taxpayer dollars **to American banks and auto companies** in his last two years in office — **hardly** the stuff of **a man who was powerless**.¶ No matter what **happens** in Syria, Barack **Obama will still have** more than 1200 days to make **an impact** on American public policy and culture.

## 1AR

### CP

**Plan key to effective signaling – only internal link to our offense**

**Scheuerman, 2012** (William, Professor of Political Science and Western European Studies at Indiana University, “Review Essay: Emergencies, Executive Power, and the Uncertain Future of US Presidential Democracy”, Law & Social Inquiry, 37 Law & Soc. Inquiry 743, Lexis)

Posner and Vermeule rely on two main claims. First, even if the president constitutes the dominant actor in a legally unchecked administrative state, he or she has to gain elite and public support to get things done and stand for election. So how can political actors decide whether or not the executive is performing well? Posner and Vermeule tend to hang their hats on "executive signaling": presidents can send signals to voters communicating that they are "well-motivated," and that in fact many voters might make the same (or at least similar) decisions if they possessed the information the president typically has. By communicating in a certain way (e.g., by appointing members of the opposing party to his or her cabinet, promising to accept the recommendations of an independent commission, or by making decisions as transparent as possible), presidents can gain credibility, and voters might thereby come to acknowledge the plausibility--if not necessarily the substantive Tightness--of what the executive is doing (2010, 137-53). However, as Schmitt aptly grasped, even formally free elections potentially become charades when the executive effectively exercises legally unconstrained power (e.g., in Peronist Argentina, or Putin's Russia). Posner and Vermeule never really provide enough evidence for us to dismiss this possibility. Since the president in our system is only subject on one occasion to reelection, it is unclear how their proposals might meaningfully check the executive, particularly during a second term. The fact that executive signaling represents a form of self-binding hardly seems reassuring, either (2010, 135). Nor does the book's highlighting of the possible dangers of different forms of executive signaling (e.g., too much transparency, or an excessive subservience to independent agencies) help very much on this score (2010, 142-46). Why should we expect to get presidents who know how to engage in executive signaling in just the right way? The familiar reason the executive needs elite and popular support, of course, is that it still relies on a popularly elected Congress and other institutional players to get things done: this is why describing such dependence as intrinsically political and "nonlegal" seems odd. For that matter, the relationship between what we traditionally have described as a normative theory of political legitimacy and executive signaling mechanisms--whereby the executive gains popular credibility--remains ambiguous. Is their theory of executive signaling and credibility meant to stand in for a normative theory of legitimacy? If so, one might worry. We can easily imagine an executive diligently doing many of the things prescribed here yet nonetheless pursuing policies deeply at odds with the common good, or at least with what a democratic community under more ideal conditions might determine to be in its best interests. Depending on one's normative preferences, some of the examples provided of executive signaling (e.g., FDR and Obama naming Republicans to their cabinets) might legitimately be taken as evidence for presidential Machiavellianism, rather than as solid proof that the presidents in question were well-motivated and thereby somehow politically acceptable. [\*758] Presidential "signaling" seems like a pale replacement for liberal legalism and the separation of powers.

### Politics

### 1AR UQ

**Obama’s already negotiating and the GOP demanded new cuts---markets already perceive default as likely which means they’ve factored in their impacts**

Peter **Schroeder 10-3**, The Hill, “GOP puts new price on debt hike (Video),” http://thehill.com/homenews/news/326271-gop-puts-new-price-on-debt-hike#ixzz2gh1fRpw7

GOP puts new price on debt hike (Video)

Rank-and-file members want Speaker John Boehner (R-Ohio) to return to the so-called “Boehner Rule,” which they say means any debt limit hike must be matched by an equal amount of spending cuts.

An earlier GOP measure to raise the debt ceiling included a host of GOP priorities, including defunding ObamaCare and constructing the Keystone XL pipeline, but not dollar-for-dollar spending cuts.

Now, as it looks increasingly like the government shutdown fight will be paired with raising the debt ceiling, Republicans are pushing hard for a strong opening bid and are adamant that changes to entitlement programs be included in any final deal.

“The American people are realizing that spending has got to be brought under control,” said Rep. Marsha Blackburn (R-Tenn.). “I want three dollars’ worth of cuts for any dollar [of debt limit increase.]”

Washington is struggling to find a way out of the standoff over the government shutdown with the Oct. 17 deadline for raising the debt ceiling fast approaching.

The earlier GOP plan has been shelved, but a spokesman for Boehner on Wednesday said it technically met the Boehner Rule when taking into account both cuts and economic growth.

Rep. Kevin Brady (R-Texas), who released an economic report touting the benefits of the earlier plan, told The Hill on Wednesday that his colleagues are looking for more “meaningful” cuts, particularly on entitlements.

“It’s very much in play,” he said of the dollar-for-dollar approach. “Discretionary savings were modest but important, but really to get a handle on our finances, we’ve got to really start to save the entitlements.”

Asked what he wants on the debt ceiling deal, Rep. Marlin Stutzman (R-Ind.) quickly replied, “dollar-for-dollar cuts.”

“We’ve got to start getting control of our spending,” he added. “I’d like to see us even address entitlement programs.”

In private, many in the financial industry are growing increasingly concerned about a possible default, given the broad gap between the two parties and the shrinking timeline for action.

President Obama has repeatedly said he will not negotiate over raising the debt limit even as he called congressional leaders to the White House on Wednesday to discuss both the shutdown and debt ceiling.

Some speculate stocks must crash to get the sides to compromise.

“People are willing to risk it all, the credibility of the country … for political reasons,” said one banking lobbyist. “You let the market fall by 400 or 500 points and watch the constituent calls start to come in.”

The president huddled Wednesday with the heads of the nation’s largest financial institutions, who reiterated their concern over using the debt limit as a political tool.

“Individual members of our group represent every point on the political spectrum,” Goldman Sachs head Lloyd Blankfein told reporters after the private meeting. “You can litigate these policy issues, you can re-litigate these policy issues in a public forum, but they shouldn’t use the threat of causing the U.S. to fail on its obligation to repay debt as a cudgel.”

Republicans have long argued they have public opinion on their side in the debt fight, but a new poll released Wednesday by CNN/ORC International found that a majority of the public believe failing to raise the debt limit would be a bad thing for the nation. Only 38 percent said it would be a positive.

A Quinnipiac University poll released one day earlier found 64 percent opposed blocking a debt-limit boost, while 27 percent favored it.

Those results suggest a significant shift from earlier polling, which typically found a large number of Americans opposed to hiking the borrowing limit. A Sept. 13 poll from NBC News and The Wall Street Journal found twice as many Americans opposed a debt limit boost than supported it.

Republicans insist they will have leverage in the debt-ceiling talks with the White House.

### AFF – 1AR link turn – fights good

#### Their most conclusive uniqueness evidence says public opinion controls the GOP decision to cave – if Congress brings a fight, Obama can use it to split their base\*\*\*

Neil Munro, White House Correspondent, October 3, 2013. http://dailycaller.com/2013/10/03/obama-too-many-americans-blame-both-parties-for-shutdown/

However, polls shows little public reaction to Obama’s strategy of shutting down the government until the the public pressures GOP legislators to cave

into his demands. That’s a problem for Obama — his strategy was meant to spur fights within the GOP and weaken it prior to the 2014 mid-term elections.