### 1NC

#### **Asking how the executive should be allowed to conduct war masks the fundamental question of whether war should be allowed at all – ensures a military mentality**

- Accepting that war is inevitable even without realizing it is problematic

Cady 10 (Duane L., prof of phil @ hamline university, From Warism to Pacifism: A Moral Continuum, pp. 22-23)

The widespread, unquestioning acceptance of warism and the corresponding reluctance to consider pacifism as a legitimate option make it difficult to propose a genuine consideration of pacifist alternatives. Warism may be held implicitly or explicitly. Held in its implicit form, it does not occur to the warist to challenge the view that war is morally justified; war is taken to be natural and normal. No other way of understanding large-scale human conflict even comes to mind. In this sense warism is like racism, sexism, and homophobia: a prejudicial bias built into conceptions and judgments without the awareness of those assuming it. In its explicit form, warism is openly accepted, articulated, and deliberately chosen as a value judgment on nations in conflict. War may be defended as essential for justice, needed for national security, as “the only thing the enemy understands,” and so on. In both forms warism misguides judgments and institutions by reinforcing the necessity and inevitability of war and precluding alternatives. Whether held implicitly or explicitly, warism obstructs questioning the conceptual framework of the culture. If we assume (without realizing it) that war itself is morally justifiable, our moral considerations of war will be focused on whether a particular war is justified or whether particular acts within a given war are morally acceptable. These are important concerns, but addressing them does not get at the fundamental issue raised by the pacifist: the morality of war as such. In Just and Unjust Wars Michael Walzer explains that “war is always judged twice, first with reference to the reasons states have for fighting, secondly with reference to the means they adopt.”8 The pacifist suggestion is that there is a third judgment of war that must be made prior to the other two: might war, by its very nature, be morally wrong? This issue is considered by Walzer only as an afterthought in an appendix, where it is dismissed as naïve. Perhaps Walzer should not be faulted for this omission, since he defines his task as describing the conventional morality of war and, as has been argued above, conventional morality does take warism for granted. To this extent Walzer is correct. And this is just the point: our warist conceptual frameworks— our warist normative lenses— blind us to the root question. The concern of pacifists is to expose the hidden warist bias and not merely describe cultural values. Pacifists seek to examine cultural values and recommend what they ought to be. This is why the pacifist insists on judging war in itself, a judgment more fundamental than the more limited assessments of the morality of a given war or the morality of specific acts within a particular war.

#### This mindset is important – our consciousness of war guarantees endless violence that ensures planetary destruction and structural violence

* Another impact: freeing ourselves from war = more resources for peace

Lawrence 9 (Grant, “Military Industrial "War" Consciousness Responsible for Economic and Social Collapse,” OEN—OpEdNews, March 27)

As a presidential candidate, [Barack Obama](http://obama.senate.gov/) called [Afghanistan](http://en.wikipedia.org/wiki/War_in_Afghanistan_%282001%E2%80%93present%29) ''the war we must win.'' He was absolutely right. Now it is time to win it... Senators [John McCain](http://www.imdb.com/name/nm0564587/) and Joseph Lieberman [calling](http://www.miamiherald.com/opinion/inbox/story/960269.html) for an expanded war in Afghanistan "How true it is that war can destroy everything of value." Pope Benedict XVI [decrying](http://www.google.com/hostednews/afp/article/ALeqM5iuue8kE-e0lYZVFpt4RlbX4M_IEw) the suffering of Africa Where troops have been quartered, brambles and thorns spring up. In the track of great armies there must follow lean years. Lao Tzu on [War](http://www.sacred-texts.com/tao/salt/salt09.htm) As Americans we are raised on the utility of war to conquer every problem. We have a drug problem so we wage war on it. We have a cancer problem so we wage war on it. We have a crime problem so we wage war on it. Poverty cannot be dealt with but it has to be warred against. Terror is another problem that must be warred against. In the [United States](http://maps.google.com/maps?ll=38.8833333333,-77.0166666667&spn=10.0,10.0&q=38.8833333333,-77.0166666667%20%28United%20States%29&t=h), solutions can only be found in terms of wars. In a society that functions to support a massive military industrial war machine and empire, it is important that the terms promoted support the conditioning of its citizens. We are conditioned to see war as the solution to major social ills and major political disagreements. That way when we see so much of our resources devoted to war then we don't question the utility of it. The term "war" excites mind and body and creates a fear mentality that looks at life in terms of attack. In war, there has to be an attack and a must win attitude to carry us to victory. But is this war mentality working for us? In an age when nearly half of our tax money goes to support the war machine and a good deal of the rest is going to support the elite that control the war machine, we can see that our present war mentality is not working. Our values have been so perverted by our war mentality that we see sex as sinful but killing as entertainment. Our society is dripping violence. The violence is fed by poverty, social injustice, the break down of family and community that also arises from economic injustice, and by the managed media. The cycle of violence that exists in our society exists because it is useful to those that control society. It is easier to sell the war machine when your population is conditioned to violence. Our military industrial consciousness may not be working for nearly all of the life of the planet but it does work for the very few that are the master manipulators of our values and our consciousness. Rupert Murdoch, the media monopoly man that runs the "Fair and Balanced" [Fox Network](http://www.fox.com/), Sky Television, and [News Corp](http://www.newscorp.com/) just to name a few, [had](http://en.wikipedia.org/wiki/Rupert_Murdoch) all of his 175 newspapers editorialize in favor of the [Iraq war](http://en.wikipedia.org/wiki/Iraq_War). Murdoch snickers when [he says](http://www.newscorpse.com/ncWP/?p=341) "we tried" to manipulate public opinion." The Iraq war was a good war to Murdoch [because,](http://www.americanprogress.org/issues/2004/07/b122948.html) "The death toll, certainly of Americans there, by the terms of any previous war are quite minute." But, to the media manipulators, the phony politicos, the military industrial elite, a million dead Iraqis are not to be considered. War is big business and it is supported by a war consciousness that allows it to prosper. That is why more war in Afghanistan, the war on Palestinians, and the other wars around the planet in which the [military industrial complex](http://en.wikipedia.org/wiki/Military-industrial_complex) builds massive wealth and power will continue. The military industrial war mentality is not only killing, maiming, and destroying but it is also contributing to the present social and economic collapse. As mentioned previously, the massive wealth transfer that occurs when the American people give half of their money to support death and destruction is money that could have gone to support a just society. It is no accident that after years of war and preparing for war, our society is crumbling. Science and technological resources along with economic and natural resources have been squandered in the never-ending pursuit of enemies. All of that energy could have been utilized for the good of humanity, ¶ instead of maintaining the power positions of the very few super wealthy. So the suffering that we give is ultimately the suffering we get. Humans want to believe that they can escape the consciousness that they live in. But that consciousness determines what we experience and how we live. As long as we choose to live in "War" in our minds then we will continue to get "War" in our lives. When humanity chooses to wage peace on the world then there will be a flowering of life. But until then we will be forced to live the life our present war consciousness is creating.

#### The alternative must begin in our minds – we need to free ourselves of the presumption towards war and advocate for peace and social justice to stop the flow of militarism that threatens existence

* Democracy itself is the product of searching for peaceful solutions

Demenchonok 9 – Worked as a senior researcher at the Institute of Philosophy of the Russian Academy of Sciences, Moscow, and is currently a Professor of Foreign Languages and Philosophy at Fort Valley State University in Georgia, listed in 2000 Outstanding Scholars of the 21st Century and is a recipient of the Twenty-First Century Award for Achievement in Philosophy from the International Biographical Centre --Edward, Philosophy After Hiroshima: From Power Politics to the Ethics of Nonviolence and Co-Responsibility, February, American Journal of Economics and Sociology, Volume 68, Issue 1, Pages 9-49

Where, then, does the future lie? Unilateralism, hegemonic political anarchy, mass immiseration, ecocide, and global violence—a Hobbesian bellum omnium contra omnes? Or international cooperation, social justice, and genuine collective—political and human—security? Down which path lies cowering, fragile hope?¶ Humanistic thinkers approach these problems from the perspective of their concern about the situation of individuals and the long-range interests of humanity. They examine in depth the root causes of these problems, warning about the consequences of escalation and, at the same time, indicating the prospect of their possible solutions through nonviolent means and a growing global consciousness. Today's world is in desperate need of realistic alternatives to violent conflict. Nonviolent action—properly planned and executed—is a powerful and effective force for political and social change. The ideas of peace and nonviolence, as expressed by Immanuel Kant, Leo Tolstoy, Mahatma Gandhi, Martin Luther King, and many contemporary philosophers—supported by peace and civil rights movements—counter the paralyzing fear with hope and offer a realistic alternative: a rational approach to the solutions to the problems, encouraging people to be the masters of their own destiny.¶ Fortunately, the memory of the tragedies of war and the growing realization of this new existential situation of humanity has awakened the global conscience and generated protest movements demanding necessary changes. During the four decades of the Cold War, which polarized the world, power politics was challenged by the common perspective of humanity, of the supreme value of human life, and the ethics of peace. Thus, in Europe, which suffered from both world wars and totalitarianism, spiritual-intellectual efforts to find solutions to these problems generated ideas of "new thinking," aiming for peace, freedom, and democracy. Today, philosophers, intellectuals, progressive political leaders, and peace-movement activists continue to promote a peaceful alternative. In the asymmetry of power, despite being frustrated by war-prone politics, peaceful projects emerge each time, like a phoenix arising from the ashes, as the only viable alternative for the survival of humanity. The new thinking in philosophy affirms the supreme value of human and nonhuman life, freedom, justice, and the future of human civilization. It asserts that the transcendental task of the survival of humankind and the rest of the biotic community must have an unquestionable primacy in comparison to particular interests of nations, social classes, and so forth. In applying these principles to the nuclear age, it considers a just and lasting peace as a categorical imperative for the survival of humankind, and thus proposes a world free from nuclear weapons and from war and organized violence.44 In tune with the Charter of the United Nations, it calls for the democratization of international relations and for dialogue and cooperation in order to secure peace, human rights, and solutions to global problems. It further calls for the transition toward a cosmopolitan order.¶ The escalating global problems are symptoms of what might be termed a contemporary civilizational disease, developed over the course of centuries, in which techno-economic progress is achieved at the cost of depersonalization and dehumanization. Therefore, the possibility of an effective "treatment" today depends on whether or not humankind will be able to regain its humanity, thus establishing new relations of the individual with himself or herself, with others, and with nature. Hence the need for a new philosophy of humanity and an ethics of nonviolence and planetary co-responsibility to help us make sense not only of our past historical events, but also of the extent, quality, and urgency of our present choices.

#### Framing issue – the way we discuss and represent war should come first – the language surrounding violence has direct, concrete effects

* Political acts of violence are uniquely tied to language – every government has to convince their people that it’s legitimate. The plan helps make that VERY convincing – makes it look like there’s some restraint

**Collins & Glover 2** (John, Assistant Prof. of Global Studies at St. Lawrence University, Ross, Visiting Professor of Sociology at St. Lawrence University, Collateral Language, p. 6-7)

As any university student knows, theories about the “social con­struction” and social effects of language have become a common feature of academic scholarship. Conservative critics often argue that those who use these theories of language (e.g., deconstruc­tion) are “just” talking about language, as opposed to talking about the “real world.” The essays in this book, by contrast, begin from the premise that language matters in the most concrete, im­mediate way possible: its use, by political and military leaders, leads directly to violence in the form of war, mass murder (in­cluding genocide), the physical destruction of human commu­nities, and the devastation of the natural environment. Indeed, if the world ever witnesses a nuclear holocaust, it will probably be because leaders in more than one country have succeeded in convincing their people, through the use of political language, that the use of nuclear weapons and, if necessary, the destruction of the earth itself, is justifiable. From our perspective, then, every act of political violence—from the horrors perpetrated against Native Americans to the murder of political dissidents in the So­viet Union to the destruction of the World Trade Center, and now the bombing of Afghanistan—is intimately linked with the use of language. Partly what we are talking about here, of course, are the processes of “manufacturing consent” and shaping people’s per­ception of the world around them; people are more likely to sup­port acts of violence committed in their name if the recipients of the violence have been defined as “terrorists,” or if the violence is presented as a defense of “freedom.” Media analysts such as Noam Chomsky have written eloquently about the corrosive ef­fects that this kind of process has on the political culture of sup­posedly democratic societies. At the risk of stating the obvious, however, the most fundamental effects of violence are those that are visited upon the objects of violence; the language that shapes public opinion is the same language that burns villages, besieges entire populations, kills and maims human bodies, and leaves the ground scarred with bomb craters and littered with land mines. As George Orwell so famously illustrated in his work, acts of vio­lence can easily be made more palatable through the use of eu­phemisms such as “pacification” or, to use an example discussed in this book, “targets.” It is important to point out, however, that the need for such language derives from the simple fact that the violence itself is abhorrent. Were it not for the abstract language of “vital interests” and “surgical strikes” and the flattering lan­guage of “civilization” and ‘just” wars, we would be less likely to avert our mental gaze from the physical effects of violence.

### 1NC

#### Text: The Office of Legal Counsel should determine that the Executive Branch lacks the legal authority to initiate warfare without a Congressionally-issued formal declaration of war, unless to repel attacks on the United States.

#### The President should require the Office of Legal Counsel to publish any legal opinions regarding policies adopted by the Executive Branch.

#### The CP is competitive and solves the case—OLC rulings do not actually remove authority but nevertheless hold binding precedential value on the executive.

Trevor W. Morrison (Professor of Law, Columbia Law School) October 2010. “STARE DECISIS IN THE OFFICE OF LEGAL COUNSEL,” Columbia Law Review, 110 Colum. L. Rev. 1448, Lexis.

On the other hand, an OLC that says "yes" too often is not in the client's long-run interest. n49 Virtually all of OLC's clients have their own legal staffs, including the White House Counsel's Office in the White House and the general counsel's offices in other departments and agencies. Those offices are capable of answering many of the day-to-day issues that arise in those components. They typically turn to OLC when the issue is sufficiently controversial or complex (especially on constitutional questions) that some external validation holds special value. n50 For example, when a department confronts a difficult or delicate constitutional question in the course of preparing to embark upon a new program or course of action that raises difficult or politically sensitive legal questions, it has an interest in being able to point to a credible source affirming the [\*1462] legality of its actions. n51 The in-house legal advice of the agency's general counsel is unlikely to carry the same weight. n52 Thus, even though those offices might possess the expertise necessary to answer at least many of the questions they currently send to OLC, in some contexts they will not take that course because a "yes" from the in-house legal staff is not as valuable as a "yes" from OLC. But that value depends on OLC maintaining its reputation for serious, evenhanded analysis, not mere advocacy. n53¶ The risk, however, is that OLC's clients will not internalize the long-run costs of taxing OLC's integrity. This is in part because the full measure of those costs will be spread across all of OLC's clients, not just the client agency now before it. The program whose legality the client wants OLC to review, in contrast, is likely to be something in which the client has an immediate and palpable stake. Moreover, the very fact that the agency has come to OLC for legal advice will often mean it thinks there is [\*1463] at least a plausible argument that the program is lawful. In that circumstance, the agency is unlikely to see any problem in a "yes" from OLC.¶ Still, it would be an overstatement to say that OLC risks losing its client base every time it contemplates saying "no." One reason is custom. In some areas, there is a longstanding tradition - rising to the level of an expectation - that certain executive actions or decisions will not be taken without seeking OLC's advice. One example is OLC's bill comment practice, in which it reviews legislation pending in Congress for potential constitutional concerns. If it finds any serious problems, it writes them up and forwards them to the Office of Management and Budget, which combines OLC's comments with other offices' policy reactions to the legislation and generates a coordinated administration position on the legislation. n54 That position is then typically communicated to Congress, either formally or informally. While no statute or regulation mandates OLC's part in this process, it is a deeply entrenched, broadly accepted practice. Thus, although some within the Executive Branch might find it frustrating when OLC raises constitutional concerns in bills the administration wants to support as a policy matter, and although the precise terms in which OLC's constitutional concerns are passed along to Congress are not entirely in OLC's control, there is no realistic prospect that OLC would ever be cut out of the bill comment process entirely. Entrenched practice, then, provides OLC with some measure of protection from the pressure to please its clients.¶ But there are limits to that protection. Most formal OLC opinions do not arise out of its bill comment practice, which means most are the product of a more truly voluntary choice by the client to seek OLC's advice. And as suggested above, although the Executive Branch at large has an interest in OLC's credibility and integrity, the preservation of those virtues generally falls to OLC itself. OLC's nonlitigating function makes this all the more true. Whereas, for example, the Solicitor General's aim of prevailing before the Supreme Court limits the extent to which she can profitably pursue an extreme agenda inconsistent with current doctrine, OLC faces no such immediate constraint. Whether OLC honors its oft-asserted commitment to legal advice based on its best view of the law depends largely on its own self-restraint.¶ 2. Formal Requests, Binding Answers, and Lawful Alternatives. - Over time, OLC has developed practices and policies that help maintain its independence and credibility. First, before it provides a written opinion, n55 OLC typically requires that the request be in writing from the head or general counsel of the requesting agency, that the request be as specific and concrete as possible, and that the agency provide its own written [\*1464] views on the issue as part of its request. n56 These requirements help constrain the requesting agency. Asking a high-ranking member of the agency to commit the agency's views to writing, and to present legal arguments in favor of those views, makes it more difficult for the agency to press extreme positions.¶ Second, as noted in the Introduction, n57 OLC's legal advice is treated as binding within the Executive Branch until withdrawn or overruled. n58 As a formal matter, the bindingness of the Attorney General's (or, in the modern era, OLC's) legal advice has long been uncertain. n59 The issue has never required formal resolution, however, because by longstanding tradition the advice is treated as binding. n60 OLC protects that tradition today by generally refusing to provide advice if there is any doubt about whether the requesting entity will follow it. n61 This guards against "advice-shopping by entities willing to abide only by advice they like." n62 More broadly, it helps ensure that OLC's answers matter. An agency displeased with OLC's advice cannot simply ignore the advice. The agency might [\*1465] construe any ambiguity in OLC's advice to its liking, and in some cases might even ask OLC to reconsider its advice. n63 But the settled practice of treating OLC's advice as binding ensures it is not simply ignored.¶ In theory, the very bindingness of OLC's opinions creates a risk that agencies will avoid going to OLC in the first place, relying either on their general counsels or even other executive branch offices to the extent they are perceived as more likely to provide welcome answers. This is only a modest risk in practice, however. As noted above, legal advice obtained from an office other than OLC - especially an agency's own general counsel - is unlikely to command the same respect as OLC advice. n64 Indeed, because OLC is widely viewed as "the executive branch's chief legal advisor," n65 an agency's decision not to seek OLC's advice is likely to be viewed by outside observers with skepticism, especially if the in-house advice approves a program or initiative of doubtful legality.¶ OLC has also developed certain practices to soften the blow of legal advice not to a client's liking. Most significantly, after concluding that a client's proposed course of action is unlawful, OLC frequently works with the client to find a lawful way to pursue its desired ends. n66 As the OLC Guidelines put it, "when OLC concludes that an administration proposal is impermissible, it is appropriate for OLC to go on to suggest modifications that would cure the defect, and OLC should stand ready to work with the administration to craft lawful alternatives." n67 This is a critical component of OLC's work, and distinguishes it sharply from the courts. In addition to "providing a means by which the executive branch lawyer can contribute to the ability of the popularly-elected President and his administration to achieve important policy goals," n68 in more instrumental terms the practice can also reduce the risk of gaming by OLC's clients. And that, in turn, helps preserve the bindingness of OLC's opinions. n69¶ [\*1466] To be sure, OLC's opinions are treated as binding only to the extent they are not displaced by a higher authority. A subsequent judicial decision directly on point will generally be taken to supersede OLC's work, and always if it is from the Supreme Court. OLC's opinions are also subject to "reversal" by the President or the Attorney General. n70 Such reversals are rare, however. As a formal matter, Dawn Johnsen has argued that "the President or attorney general could lawfully override OLC only pursuant to a good faith determination that OLC erred in its legal analysis. The President would violate his constitutional obligation if he were to reject OLC's advice solely on policy grounds." n71 Solely is a key word here, especially for the President. Although his oath of office obliges him to uphold the Constitution, n72 it is not obvious he would violate that oath by pursuing policies that he thinks are plausibly constitutional even if he has not concluded they fit his best view of the law. It is not clear, in other words, that the President's oath commits him to seeking and adhering to a single best view of the law, as opposed to any reasonable or plausible view held in good faith. Yet even assuming the President has some space here, it is hard to see how his oath permits him to reject OLC's advice solely on policy grounds if he concludes that doing so is indefensible as a legal matter. n73 So the President needs at least a plausible legal basis for [\*1467] disagreeing with OLC's advice, which itself would likely require some other source of legal advice for him to rely upon.¶ The White House Counsel's Office might seem like an obvious candidate. But despite recent speculation that the size of that office during the Obama Administration might reflect an intention to use it in this fashion, n74 it continues to be virtually unheard of for the White House to reverse OLC's legal analysis. For one thing, even a deeply staffed White House Counsel's Office typically does not have the time to perform the kind of research and analysis necessary to produce a credible basis for reversing an OLC opinion. n75 For another, as with attempts to rely in the first place on in-house advice in lieu of OLC, any reversal of OLC by the White House Counsel is likely to be viewed with great skepticism by outside observers. If, for example, a congressional committee demands to know why the Executive Branch thinks a particular program is lawful, a response that relies on the conclusions of the White House Counsel is unlikely to suffice if the committee knows that OLC had earlier concluded otherwise. Rightly or wrongly, the White House Counsel's analysis is likely to be treated as an exercise of political will, not dispassionate legal analysis. Put another way, the same reasons that lead the White House to seek OLC's legal advice in the first place - its reputation for [\*1468] providing candid, independent legal advice based on its best view of the law - make an outright reversal highly unlikely. n76¶ Of course, the White House Counsel's Office may well be in frequent contact with OLC on an issue OLC has been asked to analyze, and in many cases is likely to make it abundantly clear what outcome the White House prefers. n77 But that is a matter of presenting arguments to OLC in support of a particular position, not discarding OLC's conclusion when it comes out the other way. n78The White House is not just any other client, and so the nature of - and risks posed by - communications between it and OLC on issues OLC is analyzing deserve special attention. I take that up in Part III. n79 My point at this stage is simply that the prospect of literal reversal by the White House is remote and does not meaningfully threaten the effective bindingness of OLC's decisions.

#### Mandatory publishing requirements prevent OLC deferral to presidential pressure—can be self-imposed—avoids SOP concerns with congressional interference.

Ross L. Weiner, February 2009. JD May 2009 @ George Washington University Law School. “THE OFFICE OF LEGAL COUNSEL AND TORTURE: THE LAW AS BOTH A SWORD AND SHIELD,” THE GEORGE WASHINGTON LAW REVIEW, 77 Geo. Wash. L. Rev. 524, Lexis.

The Torture Memo exposed serious deficiencies in how the OLC operates. For two years, interrogators were given erroneous legal advice regarding torture, with two adverse results. First, American interrogators behaved in ways contrary to traditional American values, possibly leading in part to the Abu Ghraib scandal n147 and to a decline in American reputation around the globe. n148 Second, agents on the [\*549] frontlines were given advice that, if followed, might be the basis for prosecution one day. n149 More importantly, when the Torture Memo was leaked to the public, it exposed the OLC to charges of acting as an enabler to the executive branch. John Yoo, the author of the Torture Memo, was known as "Dr. Yes" for his ability to author memos asserting exactly what the Bush Administration wanted to hear. n150 To ensure that this situation does not repeat itself in the future, it is critical for changes to be implemented at the OLC by mandating publication and increasing oversight.¶ A. Mandated Publishing One explanation for the Torture Memo and its erroneous legal arguments was the OLC authors' belief that the Memo would remain secret forever. When he worked in the OLC, Harold Koh was often told that we should act as if every opinion might be [sic] some day be on the front page of the New York Times. Almost as soon as the [Torture Memo] made it to the front page of the New York Times, the Administration repudiated it, demonstrating how obviously wrong the opinion was. n151 Furthermore, James B. Comey, a Deputy Attorney General in the OLC, told colleagues upon his departure from the OLC that they would all be "ashamed" when the world eventually found out about other opinions that are still classified today on enhanced interrogation techniques. n152 This suggests that OLC lawyers, operating in relative obscurity, felt somewhat protected by the general veil of secrecy surrounding their opinions.¶ [\*550] For many opinions, some of which are already published on the OLC's Web site, n153 this will not be a controversial proposition. Publication has three advantages: (1) accessibility; (2) letting people see the factual predicate on which an opinion is based; and (3) eliminating people's ability to strip an OLC opinion of nuance in favor of saying "OLC says we can do it." n154 Koh provides a telling illustration of the problems associated with the absence of mandated publishing as he found an OLC opinion placed in the Territorial Sea Journal that was critical to a case he was trying on behalf of a group of Haitians seeking to enter the United States. n155 He was incredulous that on a matter "of such consequence," n156 he literally had to be lucky to find the opinion. n157¶ Secrecy in government facilitates abuse, and nowhere is the need for transparency more important than the OLC, whose opinions are binding on the entire executive branch. In a telling example, on April 2, 2008, the Bush Administration declassified a second Torture Memo. n158 In eighty-one pages, John Yoo presented legal arguments that effectively allowed military interrogators carte blanche to abuse prisoners without any fear of prosecution. n159 While the Memo was classified at the "secret" level, it is clear that there was no strategic rationale for classifying it beyond avoiding public scrutiny. n160 According [\*551] to J. William Leonard, the nation's top classification oversight official from 2002-2007, "There is no information contained in this document which gives an advantage to the enemy. The only possible rationale for making it secret was to keep it from the American people." n161¶ To address this problem, the OLC should be required to publish all of its opinions, with a few limited exceptions. John F. Kennedy once said, "The very word 'secrecy' is repugnant in a free and open society." n162 Justice Potter Stewart, in New York Times Co. v. United States, n163 laid out the inherent dangers of secrecy in the realm of foreign affairs: I should suppose that moral, political, and practical considerations would dictate that a very first principle of that wisdom would be an insistence upon avoiding secrecy for its own sake. For when everything is classified, then nothing is classified, and the system becomes one to be disregarded by the cynical or the careless, and to be manipulated by those intent on self-protection or self-promotion. I should suppose, in short, that the hallmark of a truly effective internal security system would be the maximum possible disclosure, recognizing that secrecy can best be preserved only when credibility is truly maintained. n164¶ The proposal to require the OLC to publish its opinions has been advocated by many, including former heads of the OLC. n165 [\*552] ¶ 1. Process for Classification In certain situations, an opinion may have to remain confidential for national security purposes, but mechanisms can be designed to deal with this scenario. First, in order to deem a memorandum classified as a matter of national security, another agency in the executive branch with expertise on the subject should be required to sign off on such a classification. The Torture Memo exposed an instance of the OLC acting secretively not only for national security purposes, but also because it knew the Torture Memo could not withstand scrutiny. n166 Thus, only opinions dealing with operational matters that give aide to the enemy should be classified. Opinions that consist solely of legal reasoning on questions of law clearly would not pass that test.¶ If there is a disagreement between those in the OLC who choose to classify something and those in the other executive agency who believe it should be published, then the decision should be sent back to the OLC to review the potential for publishing a redacted version of the opinion. For example, consider a memo from the OLC on the different interrogation techniques allowable under the law. While it would be harmful for the OLC to publish specific activities, and thus alert the country's enemies as to interrogation tactics, publishing the legal analysis that gives the President this authority would not be harmful. Publishing would restore legitimacy to the work the OLC is doing and help remove the taint the Torture Memo has left on the office.¶ 2. Exceptions There are a few necessary exceptions to a rule requiring publication, and the former OLC attorneys who wrote a series of guidelines for the OLC are clear on them: Ordinarily, OLC should honor a requestor's desire to keep confidential any OLC advice that the proposed executive action would be unlawful, where the requestor then does not take the action. For OLC routinely to release the details of all contemplated action of dubious legality might deter executive branch actors from seeking OLC advice at sufficiently early stages in policy formation. n167 [\*553] This reasoning stems directly from the attorney-client privilege and the need for candor in government. It is imperative that the executive branch seek information on potential action that may or may not be legal (or constitutional), and this type of inquiry should not be discouraged. This exception is only to be applied when the President does not go ahead with the policy in question. If the OLC were to opine that something is illegal or unconstitutional, and the President were to disregard that advice and proceed with the action anyway, this type of opinion should be made public. n168¶ If the OLC tells a President he can ignore a statute, and the President follows that advice, that opinion should be available to the public. One of the foundations of American governance is that nobody is above the law; advice that a statute should not be enforced contradicts this maxim. The Torture Memo asserted that violations of U.S. law would probably be excused by certain defenses, including necessity and self-defense. n169 Additionally, the Torture Memo argued that "Congress can no more interfere with the President's conduct of the interrogation of enemy combatants than it can dictate strategic or tactical decisions on the battlefield." n170 The OLC thus told the President that he does not have to enforce any congressional statutes that infringe on his Commander in Chief power. For both the purposes of good government and accountability, this type of claim should be made in public, rather than in secret, so Americans know how the President is interpreting the laws.¶ 3. Oversight of Secret Opinions Increased oversight at the OLC is most important for opinions that are classified as secret pursuant to the above procedures, and are unlikely to ever be heard in a court of law. According to former OLC attorneys: The absence of a litigation threat signals special need for vigilance: In circumstances in which judicial oversight of executive branch action is unlikely, the President - and by extension [\*554] OLC - has a special obligation to ensure compliance with the law, including respect for the rights of affected individuals and the constitutional allocation of powers. n171 How can oversight be ensured?¶ First, memos that are both secret and unlikely to be heard in court must be reviewed by others with an expertise in the field. In 2002, there were two major issues with the OLC: first, almost nobody outside a group of five attorneys was allowed to read the secret opinions, n172 and second, there was a lack of expertise in the office on matters of national security. n173 As Goldsmith later confessed, "I eventually came to believe that [the immense secrecy surrounding these memoranda] was done [not for confidentiality, but] to control outcomes in the opinions and minimize resistance to them."n174¶ For opinions that are classified as secret, at least one other legal department in the federal government, with a similar level of expertise, should be asked to review a secret opinion in order to take a [\*555] substantive look at the legal work in question. According to Jack Goldsmith, this process was traditionally how things worked; n175 when the Bush Administration started "pushing the envelope," n176 however, nearly all outside opinion was shut out under the guise of preventing leaks. n177 It is now apparent that the concern stemmed more from a fear of objections than from the national security concern of a leak. n178 Based on the declassification of the Torture Memo, along with the subsequent declassification of another memo on torture, n179 there was no national security purpose for keeping the memos secret.¶ The reason an outside review of memos labeled as classified is important is that in times of crisis, proper oversight mechanisms need to be in place. It is in times of emergency when the country is most vulnerable to decisions that it might later regret. n180 Based on the legal reasoning exposed in both the Torture Memo and the released Yoo opinion from March 2003, it is reasonable to surmise that other opinions written in the aftermath of September 11 are similarly flawed. n181 Currently, there are a number of classified memoranda that have been referenced in declassified OLC opinions, but have never been declassified themselves. n182 What these memoranda assert, and whether President Bush decided to follow them, are currently unknown. In a recently declassified opinion, however, there is a footnote indicating that the Fourth Amendment's protection against unreasonable searches and seizures is not applicable to domestic military operations related to the war on terror.n183 Because this would be a novel assertion [\*556] of authority, the American public should be able to evaluate the merits of such a legal argument.¶ Different agencies of government have personnel with different expertise, so it will be incumbent upon those in the OLC to determine which department, and which individual in the department, has the required security clearance and knowledge to review an opinion. Thus, when an opinion has been deemed classified, before it can be forwarded outside of the OLC, it would have to go to another agency for approval.¶ The question that the reviewer should have to answer is whether the work he or she is analyzing is an "accurate and honest appraisal of applicable law." n184 If it is, then there is no problem with the opinion, and the second agency will sign off on it. If it is not, then the reviewer should prepare a minority report. What is most critical is that both the Attorney General and the President - who might not be an attorney - understand exactly what their lawyers are saying. For a controversial decision, it should not be sufficient for someone in the OLC like John Yoo to write an inaccurate legal memo that asserts one thing, while the law and precedent say another, with the eventual decisionmaker - the President - only viewing the flawed opinion. The minority report will serve two purposes: first, it will encourage lawyers to avoid dressing up a shoddy opinion in "legalese" to make it look legitimate when in reality it is not; and second, it will ensure that the opinion truly is a full and fair accounting of the law.¶ The most important by-product from mandated review of secret opinions will be that lawyers in the OLC will no longer be able to hide behind a wall of total confidentiality. n185 Rather than acting as if the OLC is above the law and answerable to no one, the knowledge that every classified opinion will be reviewed by someone with an expertise in the field should give pause to any OLC attorney who lacks independence and serves as a yes-man for the President.¶ [\*557] ¶ B. Mechanisms for Implementing Changes¶ 1. Self-Imposed by Executive The easiest way to implement such a change in OLC requirements would be for the President to impose them on the OLC. The OLC's authority stems from the Attorney General, who has delegated some of his power to the OLC. n186 The Attorney General is in the executive branch, which means that the President has the authority to order these changes.¶ It is unlikely that the executive branch would self-impose constraints on the OLC, because Executives from both parties have historically exhibited a strong desire to protect the levers of power. n187One of the reasons lawyers at the OLC were able to write documents like the Torture Memo without anyone objecting was because the results were in line with what the Bush Administration wanted to hear. n188 Thus, it was unlikely that the Bush Administration would make any changes during its final year in office, and as it turned out, the Bush Administration ended on January 20, 2009, without making any changes.¶ Nevertheless, in light of the OPR's publicly announced investigation of the OLC's conduct, n189 and the release of another John Yoo memorandum on torture, n190 the lack of oversight at the OLC could come to the forefront of the public's attention. n191 Thus, it is possible that through public pressure, President Bush could be persuaded to mandate these changes himself. n192¶ 2. Congressional Mandate Alternatively, Congress could step into the void and legislate. Any potential congressional interference, however, would be fraught with separation of powers concerns, which would have to be dealt with directly. First, the President is entitled to advice from his advisors. n193 Second, a great deal of deference is owed to the President when he is operating in the field of foreign affairs. n194 Any attempt by Congress to limit either of these two powers will most likely be met with resistance. n195

### 1NC

#### Obama’s new strategy will secure GOP House support for immigration reform

Bennett 10-24-13 (Brian, and Christi Parsons, “Obama softens tone on immigration reform,” [http://www.latimes.com/nation/la-na-immigration-obama-20131025,0,6755968.story#axzz2ikONvPvJ](http://www.latimes.com/nation/la-na-immigration-obama-20131025%2C0%2C6755968.story#axzz2ikONvPvJ), CMR)

After months of insisting the House should take up the comprehensive immigration bill that passed the Senate in June, President **Obama changed tactics** Thursday **and said he might consider GOP proposals to overhaul separate parts of the immigration system**. The White House is hoping that public anger at the 16-day government shutdown has so badly damaged the GOP that House Republican leaders will consider immigration reform as a way to improve their popularity with moderate voters. Obama's aides also are intent on showing the president is willing to compromise, partly to counter GOP charges that he was inflexible during the bitter shutdown standoff. In remarks at the White House, Obama hinted that he was no longer tied to the Senate bill, the elaborate product of months of intense bipartisan negotiations, to achieve what he has called a major priority for his second term. Obama instead signaled that he might consider a package of smaller bills, if necessary, as long as they provide a path to citizenship for the estimated 11 million people in the country without legal status. "If House Republicans have new and different additional ideas on how we should move forward, then we want to hear them. I'll be listening," Obama told several dozen pro-reform activists from labor, business and religious groups. White House spokesman Jay Carney echoed the shift, telling reporters there are "a variety of ways that you can reach the ultimate goal" of a bill that Obama could sign into law. "The House's approach will be up to the House," Carney said. "There is a comprehensive bill the House Democrats have put together that is similar to the Senate bill and reflects the president's principles. But the means by which we arrive at our destination is in some ways of course up to the lawmakers who control the houses of Congress." The White House effort to resuscitate a bill that seemed all but dead in the House before the shutdown still faces steep and perhaps insurmountable odds. But the jockeying Thursday raised at least some hope that compromise remains possible. "I hope President Obama meant what he said today about listening to new and different ideas presented by House Republicans," House Judiciary Committee Chairman Robert W. Goodlatte (R-Va.) said in a statement. "The president should work with Congress, including House Republicans, to achieve immigration reform, and not against us." In recent weeks, GOP leaders have worked behind the scenes to craft legislative proposals that might pass muster with rank-and-file Republicans and — if joined with a legalization program — could appeal to the White House. Majority Leader Eric Cantor and other House Republicans have met in small groups to write bills that would change parts of the immigration system. GOP proposals include adding high-tech visas, revamping farm and low-skilled immigrant labor programs, and ramping up border security. "I expect us to move forward this year in trying to address reform and what is broken about our system," Cantor said on the House floor Wednesday.

#### Plan tanks PC – creates fight between the Obama and Congress

Morrison 6 (Fred L.---Popham Haik Schnobrich/Lindquist & Vennum Professor of Law at the University of Minnesota Law School, “Characteristics of International Administration in Crisis Areas: A View from the United States of America”, 2006, 54 Am. J. Comp. L. 443, lexis)

This separation of powers between the two branches leads to conflicts between them in which the President may act, citing his command-in-chief and foreign affairs powers, and the Congress may take an opposing view, based on its financial powers and power over the declaration of war. The controversy plays out in many arenas, including authorization for the use of force and the appropriation of funds to support chosen policy directions.

#### Political capital is key

Matthews, 10/16 (Laura, 10/16/2013, “2013 Immigration Reform Bill: 'I'm Going To Push To Call A Vote,' Says Obama,” [http://www.ibtimes.com/2013-immigration-reform-bill-im-going-push-call-vote-says-obama-1429220, CMR)](http://www.ibtimes.com/2013-immigration-reform-bill-im-going-push-call-vote-says-obama-1429220%2C%20CMR%29)

When Congress finally passes a bipartisan bill that kicks the fiscal battles over to early next year, the spotlight could return to comprehensive immigration reform before 2013 ends. At least that’s the hope of President Barack Obama and his fellow Chicagoan Rep. Luis Gutierrez, D-Ill., chairman of the Immigration Task Force of the Congressional Hispanic Caucus and one of the most vocal advocates for immigration reform in the House of Representatives. “When we emerge from this crazy partisan eruption from the Republicans, there will be a huge incentive for sensible Republicans who want to repair some of the damage they have done to themselves,” Gutierrez said in a statement. “Immigration reform remains the one issue popular with both Democratic and Republican voters on which the two parties can work together to deliver real, substantive solutions in the Congress this year.” Reforming the status quo has consistently been favored by a majority of Americans. Earlier this year, at least two-thirds of Americans supported several major steps to make the system work better, according to a Gallup poll. Those steps include implementing an E-verify system for employers to check electronically the immigration status of would-be employees (85 percent), a path to citizenship for undocumented immigrants, (72 percent), an entry-exit check system to make sure people who enter the country then leave it (71 percent), more high-skilled visas (71 percent) and increased border security (68 percent). The Senate passed its version of a 2013 immigration reform bill in June that includes, but is not limited to, a pathway to citizenship for immigrants without documentation and doubling security on the southern border. But that measure has stalled in the House, where Republicans are adamant they will take a piecemeal approach. The momentum that lawmakers showed for reform has been sapped by the stalemate that that has shut down the government for 16 days and brought the U.S. to the brink of default. The Senate has agreed on Wednesday to a bipartisan solution to break the gridlock. When the shutdown and default threat is resolved (for a time), that’s when Obama will renew his push to get Congress to move on immigration reform. On Tuesday the president said reform will become his top priority.“Once that’s done, you know, the day after, I’m going to be pushing to say, call a vote on immigration reform,” Obama told Univision affiliate KMEX-TV in Los Angeles. “And if I have to join with other advocates and continue to speak out on that, and keep pushing, I’m going to do so because I think it’s really important for the country. And now is the time to do it.” The president pointed the finger at House Speaker John Boehner, R-Ohio, for not allowing the bill to be brought to the floor for a vote. Boehner had promised that the Senate’s bill would not be voted on unless a majority of the majority in the House supports it -- the same principle he was holding out for on the government shutdown before he gave in. “We had a very strong Democratic and Republican vote in the Senate,” Obama said. “The only thing right now that’s holding it back is, again, Speaker Boehner not willing to call the bill on the floor of the House of Representatives. So we’re going to have to get through this crisis that was unnecessary, that was created because of the obsession of a small faction of the Republican Party on the Affordable Care Act.” Republicans are opposing the Democratic view of immigration reform because of its inclusion of a 13-year path to citizenship for undocumented immigrants. They said this amounted to “amnesty.” Some Republicans prefer to give them legal resident status instead. Immigration advocates have also been urging Obama to use his executive authority to halt the more than 1,000 deportations taking place daily. Like the activists, Gutierrez said the government shutdown didn’t do anything to slow the number of daily deportations. Some Republicans who welcomed Sen. Ted Cruz’s filibuster over Obamacare because it shifted the focus from immigration. “If Ted [didn’t] spin the filibuster, if we don’t make this the focus, we had already heard what was coming,” Rep. Louie Gohmert, R-Texas, told Fox News on Tuesday. “As soon as we got beyond this summer, we were going to have an amnesty bill come to the floor. That’s what we would have been talking about. And that’s where the pivot would have been if we had not focused America on Obamacare.” Still, pro-immigration advocates are hopeful they can attain their goal soon. “With more prodding from the president and the American people,” Gutierrez said, “we can get immigration reform legislation passed in the House and signed into law.”

### UN

#### Legal restrictions are temporary and unenforceable – the executive will circumvent the plan

Eric Posner (professor of law at the University of Chicago) and Adrian Vermeule (professor of law at Harvard) 2010 The Executive Unbound, p. 41-45)

Liberal legalists, following Madison, describe Congress as the deliberative institution par excellence. On this view, Congress is a summation of local majorities, bringing local information and diverse perspectives to national issues. The bicameral structure of Congress aids deliberation; the House shifts rapidly in response to changing conditions and national moods, while the Senate provides a long-term perspective, and cools off overheated or panicky legislation. The Madisonian emphasis on the cooling-off function of the Senate functions as a check on executive claims that an emergency is at hand. The application of the Madisonian view to crises or emergencies is the default position among legal academics. On this view, even in crisis situations the executive may act only on the basis of clear congressional authorization that follows public deliberation, and the executive’s actions must presumptively be subject to judicial review. A proviso to the Madisonian view is that if immediate action is literally necessary, the executive may act, but only until Congress can convene to deliberate; if the executive’s interim actions were illegal, it must seek ratification from Congress and the public after the fact.53 In the Schmittian view, by contrast, the Madisonian vision of Congress seems hopelessly optimistic. Even in normal times, Schmitt believed, the deliberative aspirations of classical parliamentary democracy have become a transparent sham under modern conditions of party discipline, interest-group conflict, and a rapidly changing economic and technical environment. Rather than deliberate, legislators bargain, largely along partisan lines. Discussion on the legislative floor, if it even occurs, is carefully orchestrated posturing for public consumption, while the real work goes on behind closed doors, in party caucuses. How does this picture relate to Schmitt’s point that legislatures invariably “come too late” to a crisis? Crises expose legislative debility to view, but do not create it. Indeed, legislative failure during crises is in part a consequence of legislative failure during the normal times that precede crises. The basic dilemma for legislators, is that before a crisis, they lack the motivation and information to provide for it in advance, while after the crisis has begun, they lack the capacity to manage it themselves. We will describe each horn of the dilemma in detail. BEFORE THE CRISIS In the precrisis state, legislatures mired in partisan conflict about ordinary politics lack the motivation to address long-term problems. Legislators at this point act from behind a veil of uncertainty about the future, and may thus prove relatively impartial; at least high uncertainty obscures the distributive effects of legislation for the future, and thus reduces partisan opposition. However, by virtue of these very facts, there is no strong partisan support for legislation, and no bloc of legislators has powerful incentives to push legislation onto the crowded agenda. The very impartiality that makes ex ante legislation relatively attractive, from a Madisonian perspective, also reduces the motivation to enact it. This point is related to, but distinct from, Schmitt’s more famous claim about the “norm” and the “exception.” In a modern rendition, that claim holds that ex ante legal rules cannot regulate crises in advance, because unanticipated events will invariably arise. Legislatures therefore either decline to regulate in advance or enact emergency statutes with vague standards that defy judicial enforcement ex post. Here, however, a different point is at issue: even if ex ante legal rules could perfectly anticipate all future events, legislatures will often lack the incentive to adopt them in advance. Occasionally, when a high-water mark of public outrage against the executive is reached, legislatures do adopt framework statutes that attempt to regulate executive behavior ex ante; several statutes of this kind were adopted after Watergate. The problem is that new presidents arrive, the political coalitions that produced the framework statute come apart as new issues emerge, and public outrage against executive abuses cools. Congress soon relapses into passivity and cannot sustain the will to enforce, ex post, the rules set out in the framework statutes. As we will discuss more fully in chapter 3, the post-Watergate framework statutes have thus, for the most part, proven to impose little constraint on executive action in crisis, in large part because Congress lacks the motivation to enforce them. DURING THE CRISIS The other horn of the dilemma arises after the crisis has begun to unfold. Because of their numerous memberships, elaborate procedures, and internal structures, such as bicameralism and the committee system, and internal problems of collective action, legislatures can rarely act swiftly and decisively as events unfold. The very complexity and diversity that make legislatures the best deliberators, from a Madisonian perspective, also raise the opportunity costs of deliberation during crises and disable legislatures from decisively managing rapidly changing conditions. After 9/11, everyone realized that another attack might be imminent; only an immediate, massive response could forestall it. In September 2008, the financial markets needed immediate reassurance: only credible announcements from government agencies that they would provide massive liquidity could supply such reassurance. Indeed, though commentators unanimously urged Congress to take its time, within weeks the Bush administration was being criticized for not acting quickly enough. In such circumstances, legislatures are constrained to a reactive role, at most modifying the executive’s response at the margins, but not themselves making basic policy choices. Liberal legalists sometimes urge that the executive, too, is large and unwieldy; we pointed out in the introduction that the scale of executive institutions dwarfs that of legislative and judicial institutions. On this view, the executive has no systematic advantages in speed and decisiveness. Yet this is fatally noncomparative. The executive is internally complex, but it is structured in a far more hierarchical fashion than is Congress, especially the Senate, where standard procedure requires the unanimous consent of a hundred barons, each of whom must be cosseted and appeased. In all the main cases we consider here, the executive proved capable of acting with dispatch and power, while Congress fretted, fumed, and delayed. The main implication of this contrast is that crises in the administrative state tend to follow a similar pattern. In the first stage, there is an unanticipated event requiring immediate action. Executive and administrative officials will necessarily take responsibility for the front-line response; typically, when asked to cite their legal authority for doing so, they will either resort to vague claims of inherent power or will offer creative readings of old statutes. Because legislatures come too late to the scene, old statutes enacted in different circumstances, and for different reasons, are typically all that administrators have to work with in the initial stages of a crisis. “Over time, the size and complexity of the economy will outgrow the sophistication of static financial safety buffers”54—a comment that can also be made about static security safety buffers, which the advance of weapons technology renders obsolete. In this sense, administrators also “come too late”—they are forced to “base decisions about the complex, ever-changing dynamics of contemporary economic [and, we add, security] conditions on legal relics from an oftentimes distant past.”55 Thus Franklin Roosevelt regulated banks, in 1933, by offering a creative reading of the Trading with the Enemy Act of 1917, a statute that needless to say was enacted with different problems in mind. Likewise, when in 2008 it became apparent on short notice that the insurance giant AIG had to be bailed out, lest a systemwide meltdown occur, the Treasury and Federal Reserve had to proceed through a strained reading of a hoary 1932 statute. While the statute authorized “loans,” it did not authorize government to purchase private firms; administrators structured a transaction that in effect accomplished a purchase in the form of a loan. Ad hoc “regulation by deal,”56 especially in the first phase of the financial crisis, was accomplished under the vague authority of old statutes. The pattern holds for security matters as well as economic issues, and for issues at the intersection of the two domains. Thus after 9/11, the Bush administration’s attempts to choke off Al Qaeda’s funding initially proceeded in part under provisions of the International Emergency Economic Powers Act, a 1977 statute whose purpose, when enacted, was actually to restrict the president’s power to seize property in times of crisis.57

#### The UN is structurally Bankrupt

**UN 2010** (UN General Assumbly 9/24/11, “WITH UNITED NATIONS CREDIBILITY, LEADERSHIP ROLE IN JEOPARDY, WORLD LEADERS WARN ONLY ‘RADICAL OVERHAUL’ CAN BRING ORGANIZATION FULLY INTO TWENTY-FIRST CENTURY Annual General Debate Continues With Calls for Security Council Reform” http://www.un.org/News/Press/docs/2010/ga10999.doc.htm)

A shifting power balance and rapid globalization of threats — from economic crisis and drug trafficking to pollution and terrorism — taken together, had ushered in a new world order, challenging the United Nations to update its anachronistic structures and mindsets so it could truly lead in the twenty-first century, world leaders told the General Assembly today as it moved into day two of its annual general debate. Such reforms, many of the day’s nearly 40 speakers argued, must include a Security Council that reflected the views of developing countries and emerging economies, which were currently sidelined from that powerful decision-making table. Africa’s voice in particular should be heard on compelling peace and security issues, as well as water management, poverty eradication and women’s empowerment. Some urged that blocs like the European Union be represented in the General Assembly, while others were hopeful that a broad international push over the next year could lead to the addition of a new member, Palestine. The key to making headway on all those issues was a United Nations that was more responsive to changed circumstances. “We are not doing anything like what we must,” said Nick Clegg, Deputy Prime Minister of the United Kingdom. In recent years, global institutions had sometimes struggled to adapt to new circumstances. Reform was essential, he said, adding: “All of us have to respond to a world that is profoundly altered.” Without a radical overhaul, the United Nations would not provide the needed leadership. The Security Council must reflect the new geography of power, with permanent seats for Brazil, India, Germany and Japan, as well as African representation. The European Union’s vital role in promoting prosperity should be represented in the Assembly. As a community of nations, he said the United Nations faces three challenges: redrawing of the map of power; globalization of problems, including terrorism and climate change; and increasingly fluid forms of identity. Pressing further, Abdoulaye Wade, President of Senegal, pointed out that the Organizations very Charter bore the “stigma of colonial prejudice” as it still referred to the notion of an “enemy State” and general principles of law recognized by “civilized” nations, as if there existed uncivilized ones. Composed of 51 Members in 1945, the United Nations today counted 192. Meanwhile, the Security Council’s membership had changed only once — in 1965 — and 17 years of discussion on the matter had passed without much progress. He said maintaining the status quo would only expose that body to more criticism. “Inertia can be very dangerous,” he said. The United Nations could never be credible without a permanent Security Council seat for Africa with veto rights.

#### The UN is irrelevant – other institutions check

Bosco 9-22 2011 [David, “Foreign Policy: Obama's Hybrid Multilateralism”, <http://www.npr.org/2011/09/22/140700647/foreign-policy-obamas-hybrid-multilateralism>, CMR]

The Palestine debate is still consuming most of the oxygen at the UN's annual General Assembly meetings. But the Obama administration is also helping to unveil two new initiatives that signal a flexible approach to multilateralism. The first is the so-called Open Government Partnership, which President Obama formally kicked off yesterday together with Brazil's Dilma Rousseff and a handful of other national leaders (snazzy video here). The Open Government Partnership is a new multilateral initiative that aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. In the spirit of multi-stakeholder collaboration, OGP is overseen by a steering committee of governments and civil society organizations....To become a member of OGP, participating countries must embrace a high-level Open Government Declaration; deliver a country action plan developed with public consultation; and commit to independent reporting on their progress going forward. Eight countries (Brazil, Indonesia, Mexico, Norway, Philippines, South Africa, United Kingdom, United States) have committed to the program and another thirty have been deemed eligible to participate. Interestingly, Russia is currently eligible while China is not. Those countries that participate conduct regular self-assessments and are reviewed as well by outside observers. Tomorrow, Secretary of State Hillary Clinton will help launch—with Turkey—the second major initiative: a Global Counterterrorism Forum. Like the open government initiative, the counterrorism forum is an attempt to bring together certain key players outside the formal UN structures. The GCTF is a new multilateral counterterrorism body with 30 founding members (29 countries plus the EU) from around the world and is a major initiative within the Administration's broader effort to build the international architecture for dealing with 21st century terrorism. It will provide a unique platform for senior counterterrorism policymakers and experts from around the world to work together to identify urgent needs, devise solutions and mobilize resources for addressing key counterterrorism challenges. With its primary focus on capacity building in relevant areas, the GCTF aims to increase the number of countries capable of dealing with the terrorist threats within their borders and regions. The forum is designed to provide a space for senior counterterrorism practitioners to exchange information and expertise. The initiative enters a field that has become understandably crowded at the multilateral level. The UN Security Council already has its own counterterrorism committee, which formed after the 9/11 attacks, and an executive directorate that supports its work. (The UN's structure has received decidedly mixed reviews.) Outside the UN, the G-8 countries formed their own Counter-Terrorism Action Group (CTAG) in July 2003, although much of the energy has gone out of that initiative. CTAG will continue to exist, but all indications are that the new forum will effectively displace it. The administration is at pains to emphasize that while these programs are not part of the formal UN structure, they do not represent attempts to circumvent the organization. UN Secretary-General Ban Ki-moon has endorsed the Open Government Partnership, and I've been told that UN officials were consulted regularly on the counterterrorism initiative. But both programs clearly reflect an understanding that operating within the formal UN context has **severe limitations** and that **plenty of useful multilateralism can take place outside**. The Bush administration tried its own form of ad hoc multilateralism—the Proliferation Security Initiative—which, after a bumpy start, has received good marks from some keen observers. A desire to conduct multilateralism outside the **hyper-politicized** and **byzantine** UN structure, it turns out, is **bipartisan**.

#### No AQIM threat—they’re locally focused and not tied to broader al Qaeda—their authors are biased

Christina Hellmich 13 (reader in International Relations and Middle East Studies at the Department of Politics and International Relations, University of Reading) 1-22-13, “Mali/Algeria: Threat Of AQIM To Europe Has Been Overstated” http://africanarguments.org/2013/01/22/malialgeria-threat-of-aqim-to-europe-has-been-overstated-by-christina-hellmich/

The intervention of French military forces in Mali and the apparent reprisals in the form of the hostage crisis at the In Amenas gas processing plant in Algeria have brought the threat of Al-Qaeda in the Islamic Maghreb (AQIM) to international attention. The drama of the hostage crisis has shot the hitherto unknown group ‘Signatories in Blood’ and its leader Mokhtar Belmokhtar, variably referred to as an Islamist with ties to bin Ladin and/or a senior al-Qaeda leader, to notoriety overnight and has prompted Western leaders to focus on the possibility of a growing threat of Islamist terrorism on Europe’s southern border. Such tragic events are bound to provoke a strong reaction, yet, upon closer examination, it seems that the idea of a threat to mainland Europe is overstated. Even at a glance, the nature of the attack – hostage-taking for financial gain – is not the kind we have come to associate with al-Qaeda over the years. Rather than reflecting the “signature” suicide attack with mass casualties, the event fits more appropriately into the series of other hostage-takings that have taken place in Algeria in recent years but which have not been on so grand a scale and hence have not gained the same attention as events at In Amenas. It is not only the events which are different: the particular branch of al-Qaeda to which they have been ascribed, al-Qaeda in the Islamic Maghreb (AQIM), formerly known as the GSPC (Groupe Salafiste pour la Prédication et le Combat – Salafist Group for Preaching and Combat) stands out for its focus on a local agenda. Although it has allegedly claimed that it supports Osama bin Ladin, the group, which was found to be responsible for car bombings that took place in Algiers in 2007, as well as a number of other local incidents, appears to be more concerned with the goal of overthrowing the Algerian government and the institution of an Islamic state in its place than with bin Ladin’s vision of the reestablishment of the caliphate and global jihad against the West. While it can be argued that the above is not entirely out of touch with al-Qaeda’s stated aims, it is nonetheless a return to the “near enemy” – the forces of occupation and secularisation – that have preoccupied Islamists for almost a century. While the AQIM’s claim to be acting in the name of “al-Qaeda central” feels very much like a convenient piece of flag-waving, current al-Qaeda leader Ayman al-Zawahiri declared in 2006 that America and France were the enemies, indicating a pragmatic approach by which senior al-Qaeda leaders aim to flatter their local affiliates, enabling one side to continue to maintain the impression of its global reach while the other benefits from association with the infamous name. The true extent of any link or co-operative strategy, however, remains open to question. If there is little evidence to suggest genuine cooperation between AQIM and the senior leadership of al-Qaeda, the connection between al-Qaeda and Belmokhtar and his Signatories in Blood is even more tenuous. Sometimes referred to as “Marlboro man” for his cigarette-smuggling exploits, Belmokhtar has a wide-ranging and impressive criminal career which includes drug trafficking, diamond smuggling and the kidnapping of dozens of Westerners, such as diplomats, aid workers and tourists, for ransoms of up to $3 million each. Yet Belmokhtar’s success and growing influence were to be his downfall as far as his membership of AQIM was concerned. While his actions at In Amenas supposedly link Belmokhtar to al-Qaeda in the eyes of the West, he in fact made the news on various jihadist forums for falling out with AQIM for his “fractious behavior”, and either resigned or was formally dismissed from its ranks in late 2012. Such splintering is far from exceptional; indeed, it exemplifies the present state of al-Qaeda. Al-Qaeda in the Arabian Peninsula (AQAP), operating in Yemen, and the recently formed Ansar al-Sharia are a case in point: despite their different names and agendas, the two groups are frequently referred to as one and the same and are conceived of as somehow representing a joint force. This bias amongst commentators towards presenting a united al-Qaeda in various regions of the world is conducive only to resurrecting the popular, yet deeply flawed theory that al-Qaeda operates on a global basis as a cohesive group, with all that this implies for the threat it poses to global security. Today more than ever before, al-Qaeda and its local affiliates are highly fragmented and in disagreement as to their priorities of ideology and strategy. Indeed, the lines of fragmentation only begin here: beyond the increasing internal debate, al-Qaeda and its local affiliates find themselves in direct contest with other, often more established Islamist groups with radically different worldviews and agendas, many of which now enjoy greater popularity because they are not so ready to spill the blood of their fellow Muslims. Whilst the existence of groups such as The Signatories in Blood and the dramatic, violent nature of incidents such as mass hostage-takings and car-bombings heightens fears in the West of a resurgence of the al-Qaeda that caused so much death and destruction on 9/11, the truth is that most of today’s al-Qaeda franchises have a much more limited vision. Thus, when David Cameron announces that Britain must pursue the terrorists with an iron resolve, he unwittingly reinforces a notion of a unified Islamist threat that does not exist in that form in reality. It is a convenient narrative which benefits both the propaganda machine of Islamists and the calls of those in the West who support military action, yet the true picture of those who claim to act in the name of al-Qaeda – both in Africa and elsewhere – is far more nuanced, and much less of a threat to Europe, than we are commonly led to believe.

#### AQIM is not plotting attacks against the US

Seth Jones 13 (associate director of the International Security and Defense Policy Center at RAND and former advisor to the Special Operations Command in Afghanistan), 1-24-13, "The al Qaeda Threat in North Africa" RAND Corporation) www.rand.org/blog/2013/01/the-al-qaeda-threat-in-north-africa.html

At the moment, most of al Qaeda's terrorist plotting against the U.S. homeland appears to be coming from al Qaeda in the Arabian Peninsula (AQAP), based in Yemen, and al Qaeda core in Pakistan. Neither al Qaeda in the Islamic Maghreb (AQIM) nor its allies in Africa—such as Ansar al-Sharia (Libya), Ansar al-Din (Mali), or Boko Haram (Nigeria)—appear to be plotting terrorist attacks against the U.S. homeland.

#### No WMD terror – most recent evidence

Oswald 9/9/13

Rachel, “Expert Report: Talk of WMD Terror Threat to U.S. Has Been 'Overheated'”, GSN, <http://www.nti.org/gsn/article/new-expert-report-says-talk-wmd-terror-threat-us-has-been-overheated/>, CMR

WASHINGTON -- Warnings over the past dozen years of the threat of extremists carrying out weapons-of-mass-destruction attacks on the United States have been overblown, concludes a new think-tank report released on Monday.¶ The Bipartisan Policy Center report notes that in the 12 years since the Sept. 11 attacks, no domestic Islamist terrorist groups or individuals are known to have gained access to or utilized chemical, biological, radiological or nuclear weapons.¶ “This point bears repeating as there has been considerable overheated commentary on this subject over the past decade,” states the report, a project of the Bipartisan Policy Center’s Homeland Security Project. The 84-page report, which is backed by the former heads of the 9/11 Commission, is the first in a series of planned yearly threat assessments on the Islamist terror threat.¶ The document notes that none of the 221 separate cases of known Islamist extremism since Sept. 11 have involved reports of WMD acquisition, production or usage.¶ "Jihadist Terrorism: A Threat Assessment" was written by Peter Bergen, a national security analyst who appears on CNN; Bruce Hoffman, director of Georgetown University’s Center for Security Studies; and Mike Hurley, a former career CIA operations officer.¶ The authors emphasize that the lack of Islamist WMD attacks to date does not eliminate the need to continue efforts to secure and lock-down WMD-relevant materials.¶ Former Republican New Jersey Governor Tom Kean, who chaired the now-disbanded 9/11 Commission, formally named the National Commission on Terrorist Attacks Upon the United States, said he sees some WMD threats as more exaggerated than other perils. Those include, he said, "the wilder, almost science-fiction" warnings about the potential for terrorists to detonate a nuclear device in the atmosphere above the United States for the purposes of creating an electromagnetic pulse that could disrupt and damage the electrical grid below.

### Warfighting

#### Heg is unsustainable

Christopher Layne, Professor, National Security, Texas A&M University, “This Time It’s Real: The End of Unipolarity and *Pax Americana,*”INTERNATIONAL STUDIES QUARTERLY, 2012 http://onlinelibrary.wiley.com/doi/10.1111/j.1468-2478.2011.00704.x/full,

Before the Great Recession’s foreshocks in fall 2007, most American security studies scholars believed that unipolarity—and perforce American hegemony—would be enduring features of international politics far into the future. However, in the Great Recession’s aftermath, it is apparent that much has changed since 2007. Predictions of continuing unipolarity have been superseded by premonitions of American decline and geopolitical transformation. The Great Recession has had a two-fold impact. First, it highlighted the shift of global wealth—and power—from West to East, a trend illustrated by China’s breathtakingly rapid rise to great power status. Second, it has raised doubts about the robustness of US primacy’s economic and financial underpinnings. This article argues that the unipolar moment is over, and the Pax Americana—the era of American ascendancy in international politics that began in 1945—is fast winding down. This article challenges the conventional wisdom among International Relations/Security Studies scholars on three counts. First, it shows that contrary to the claims of unipolar stability theorists, the distribution of power in the international system no longer is unipolar. Second, this article revisits the 1980s’ debate about American decline and demonstrates that the Great Recession has vindicated the so-called declinists of that decade. Finally, this article takes on the institutional lock-in argument, which holds that by strengthening the Pax Americana’s legacy institutions, the United States can perpetuate the essential elements of the international order it constructed following World War II even as the material foundations of American primacy erode.

#### Decline causes regionalism – solves your impacts

Leon T. Hadar, Cato Institute, "Welcome to the Post-Unipolar World: Great for the U.S. and for the Rest," HUFFINGTON POST, 7--8--10, <http://www.cato.org/pub_display.php?pub_id=11967>

Moreover, in the context of the evolving international system under which America is gradually losing its post-Cold War unipolar status, trying to reset U.S. relationship with Russia as part of an overall policy to improve ties with other rising global players, like China, India, Brazil and Turkey makes a lot of sense. This is a cost-effective strategy that could help Washington win support from Russia for policies that actually strengthen U.S. national security and economic interests. At the same time, the fact that Georgia is also improving its ties with Iran and Turkey — and Russia — should not be considered a "loss" for Washington. By establishing close economic ties with Iran and Turkey, Georgia is helping facilitate economic cooperation in the region that could lead to diplomatic collaboration and provide for more stability in the Caucasus and the Middle East. Why should Washington be opposed to such a process that brings more economic prosperity and secure a regional stable balance of power? Georgia may or may not regain control of its lost territories, not unlike, say, Germany, Hungary, Poland, Serbia, etc., who seemed to have been able to cope with their territorial contraction. But the U.S. does not have the strategic interest or the moral obligation to change the new status quo, or for that matter, to invite Georgia to join NATO — remind me again why that organization still exists? — and commit American military power to provide that country with what would amount to disincentives for improving its relations with its close neighbors. In a way, the collapse of the American-controlled unipolar system — and before that, the end of the bipolar system of the Cold War — should help us recognize that international relations have ceased to be a zero-sum-game under which gains of other global powers become by definition a loss for America, and vice versa. It was inevitable that former members of the Soviet Union and the Soviet Bloc like Ukraine, Poland, Azerbaijan, Armenia and Georgia will try to stabilize their diplomatic and economic ties with Russia, while at the same time deterring powerful Russia by expanding cooperation with other players: Poland with Ukraine with Germany; Azerbaijan, Armenia and Georgia with Turkey and Iran, and all of these countries with the U.S and the European Union (EU). Similarly, Washington should welcome — not discourage — the growing diplomatic and economic role that Turkey is playing in the Middle East, which could help bring stability to Iraq (and allow for American military to start withdrawing from there), moderate the policies of Iran (and prevent a military conflict with the U.S.), encourage negotiations between Israel and Syria, and lead eventually to the creation of a more stable Middle East where Turkey, Iran, the Arabs states and Israel will be more secure and prosperous. It is not surprising those representatives of economic and bureaucratic interests in Washington, and some of America's client states that draw benefits from American interventionist policy, operate under the axiom that the U.S. should always be prepared to "do something" to "resolve" this or that conflict, here, there, and everywhere. That kind of never-ending American interventionism only discourages regional powers, counting on Washington to come to their aid, from actually taking steps to resolve those conflicts that end-up drawing-in other regional and global players, ensuring that America will never leave Japan and Korea (to help contain China), Iraq (to deter Iran), Afghanistan (to deal with Pakistan). And that is exactly what the pro-interventionists in Washington want when they suggested that America is the "indispensable power." In any case, the notion that American hegemony is a precondition for global peace and security and that Washington needs therefore to extend its military commitments in Europe, the Middle East, Caucus, East Asia and elsewhere is not very practical — America does not have the resources in order to play that ambitious role — and is not very helpful, considering the most recent U.S. experience in the Middle East. The U.S. should not retreat from the world. But by embracing a policy of "constructive disengagement" from some parts of the world, America could help itself and the rest of the world.

#### There is no “global liberal order”---it’s not key to anything and fails inevitably

Barma et al., 13 (Naazneen, assistant professor of national-security affairs at the Naval Postgraduate School; Ely Ratner, a fellow at the Center for a New American Security; and Steven Weber, professor of political science and at the School of Information at the University of California, Berkeley, March/April 2013, “The Mythical Liberal Order,” The National Interest, http://nationalinterest.org/print/article/the-mythical-liberal-order-8146)

Loyalists are quick to defend the concept of a robust liberal order by falling back on outdated metrics of success. The original de minimis aims of the postwar order achieved what now should be considered a low bar: preventing a third world war and a race-to-the-bottom closure of the global-trade regime. Beyond that, the last seventy years have certainly seen movement toward globalization of trade and capital as well as some progress on human rights—but less clearly as a consequence of anything like a liberal world order than as a consequence of national power and interest. ¶ What would a meaningful liberal world order actually look like if it were operating in practice? Consider an objective-based definition: a world in which most countries most of the time follow rules that contribute to progressively more collective security, shared economic gains and individual human rights. States would gradually downplay the virtues of relative advantage and self-reliance. Most states would recognize that foreign-policy choices are constrained (to their aggregate benefit) by multilateral institutions, global norms and nonstate actors. They would cede meaningful bits of sovereign authority in exchange for proactive collaboration on universal challenges. And they would accept that economic growth is best pursued through integration, not mercantilism, and is in turn the most reliable source of national capacity, advancement and influence. With those ingredients in place, we would expect to see the gradual, steady evolution of something resembling an “international community” bound by rights and responsibilities to protect core liberal values of individual rights and freedoms. ¶ No wonder proponents of the liberal-world-order perspective hesitate to offer precise definitions of it. Few of these components can reasonably be said to have been present for any length of time at a global level in the post–World War II world. There may be islands of liberal order, but they are floating in a sea of something quite different. Moreover, the vectors today are mostly pointing away from the direction of a liberal world order. ¶ HOW DID we get here? Consider two founding myths of liberal internationalism. The first is that expressions of post–World War II American power and leadership were synonymous with the maturation of a liberal order. The narrative should sound familiar: The United States wins World War II and controls half of global GDP. The United States constructs an international architecture aimed at promoting an open economic system and a semi-institutionalized approach to fostering cooperation on security and political affairs. And the United States provides the essential global public goods—an extended security deterrent and the global reserve currency—to make cooperation work. Some essential elements of the system survive in a posthegemony era because the advantages to other significant powers of sustained institutionalized cooperation exceed the costs and risks of trying to change the game. ¶ In the 1990s the narrative gets more interesting, controversial and relevant. This is when the second foundational myth of the liberal world order—that it has an inexorable magnetic attraction—comes to the fore. The end of the Cold War and the attendant rejection of Communism is supposed to benefit the liberal world order in breadth and depth: on the internal front, new capitalist democracies should converge on individuals’ market-based economic choice and election-based political choice; on the external front, the relationships among states should become increasingly governed by a set of liberal international norms that privilege and protect the civic and political freedoms that capitalist democracies promise. The liberal order’s geography should then expand to encompass the non-Western world. Its multilateral rules, institutions and norms should increase in density across economic, political and security domains. As positive network effects kick in, the system should evolve to be much less dependent on American power. It’s supposedly easier—and more beneficial—to join the liberal world order than it is to oppose it (or even to try to modify it substantially). A choice to live outside the system becomes progressively less realistic: few countries can imagine taking on the contradictions of modern governance by themselves, particularly in the face of expanding multilateral free trade and interdependent security institutions. ¶ The story culminates in a kind of magnetic liberalism, where countries and foreign-policy decisions are attracted to the liberal world order like iron filings to a magnet. With few exceptions, U.S. foreign policy over the last two decades has been predicated on the assumption that the magnetic field is strong and getting stronger. It’s a seductive idea, but it should not be confused with reality. In practice, the magnetic field is notable mainly for its weakness. It is simply not the case today that nations feel equally a part of, answerable to or constrained by a liberal order. And nearly a quarter century after 1989, it has become disingenuous to argue that the liberal world order is simply slow in getting off the ground—as if the next gust of democratic transitions or multilateral breakthroughs will offer the needed push to revive those triumphalist moments brought on by the end of World War II and the fall of the Berlin Wall. To the contrary, the aspirational liberal end state is receding into the horizon. ¶ THE PICTURE half a century ago looked more promising, with the initial rounds of the General Agreement on Tariffs and Trade and the successful establishment of NATO setting expectations about what multilateral governance could achieve. But international institutions picked off the low-hanging fruit of global cooperation decades ago and have since stalled in their attempts to respond to pressing international challenges. The 1990s served up the best possible set of conditions to advance global liberalism, but subsequent moves toward political and economic liberalization that came with the end of the Cold War were either surprisingly shallow or fragile and short-lived. ¶ Ask yourself this: Have developing countries felt and manifested over time the increasing magnetic pull of the liberal world order? A number of vulnerable developing and post-Communist transitional countries adopted a “Washington Consensus” package of liberal economic policies—freer trade, marketization and privatization of state assets—in the 1980s and 1990s. But these adjustments mostly arrived under the shadow of coercive power. They generally placed the burden of adjustment disproportionately on the most disempowered members of society. And, with few exceptions, they left developing countries more, not less, vulnerable to global economic volatility. The structural-adjustment policies imposed in the midst of the Latin American debt crisis and the region’s subsequent “lost decade” of the 1980s bear witness to each of these shortcomings, as do the failed voucher-privatization program and consequent asset stripping and oligarchic wealth concentration experienced by Russians in the 1990s. ¶ If these were the gains that were supposed to emerge from a liberal world order, it’s no surprise that liberalism came to have a tarnished brand in much of the developing world. The perception that economic neoliberalism fails to deliver on its trickle-down growth pledge is strong and deep. In contrast, state capitalism and resource nationalism—vulnerable to a different set of contradictions, of course—have for the moment delivered tangible gains for many emerging powers and look like promising alternative development paths. Episodic signs of pushback against some of the excesses of that model, such as anti-Chinese protests in Angola or Zambia, should not be confused with a yearning for a return to liberal prescriptions. And comparative economic performance in the wake of the global financial crisis has done nothing to burnish liberalism’s economic image, certainly not in the minds of those who saw the U.S. investment banking–led model of capital allocation as attractive, and not in the minds of those who held a vision of EU-style, social-welfare capitalism as the next evolutionary stage of liberalism. ¶ There’s just as little evidence of sustained liberal magnetism operating in the politics of the developing world, where entrenched autocrats guarding their legitimacy frequently caricature democracy promotion as a not-very-surreptitious strategy to replace existing regimes with either self-serving instability or more servile allies of the West. In practice, the liberal order’s formula for democratic freedom has been mostly diluted down to observing electoral procedures. The results have been almost uniformly disappointing, as the legacy of post–Cold War international interventions from Cambodia to Iraq attests. Even the more organic “color revolutions” of Eastern Europe and Central Asia at the beginning of the twenty-first century have stalled into equilibria Freedom House identifies as only “partly free”—in reality affording average citizens little access to political or economic opportunities. Only two years past the initial euphoria of the Arab Spring a similar disillusionment has set in across the Middle East, where evidence for the magnetic pull of a liberal world order is extremely hard to find.

# Block

## Politics

### Add-On

#### War powers stalemate signals a lack of commitment and emboldens our adversaries

Kahn 2k—Professor of Law and Humanities @ Yale Law School [Paul W. Kahn, “"War Powers and the Millennium" Faculty Scholarship Series, Paper 328, 2000, http://digitalcommons.law.yale.edu/fss\_papers/328]

With respect to foreign affairs, however, these techniques of congressional decision-making work poorly. The differentiation that marks the parties as distinct and separate, and is domestically an initial step toward compromise, serves the same differentiating function in foreign policy, but there it tends to freeze party positions. Treaties come before the Senate too late in the process for compromise to be an option, particularly when they are multiparty covenants.62 Moreover, compromises can look like concessions of U.S. interests to foreign states, rather than a distribution among competing elements of the polity. Nor is there a great deal of pressure to compromise. Rejecting foreign policy initiatives is a way of preserving the status quo, and preserving the international status quo is rarely a policy for which one is held politically accountable. It is hard to make an issue out of a failure to change the conditions that prevail internationally, when the country is enjoying power, prestige, and wealth. Unable to compromise, the Senate can end up doing nothing, and then treaty ratification fails. Difference leads to stalemate, rather than to negotiation. The problem is greatly exacerbated by the two-thirds requirement for ratification.63 This structural bias toward inaction accounts in part for the use of executive agreements in place of treaties.64 These agreements make use of some of the tactical advantages of presidential initiative. Many of the structural problems remain, however, when executive agreements require subsequent congressional approval.¶ If the issue involves the use of force, compromise is particularly difficult. A compromise that produces a less substantial response to a foreign policy crisis can look like a lack of commitment. Disagreement now threatens to appear to offer an “exploitable weakness” to adversaries. Congress cannot simply give the president less of what he wants, when what he wants is a military deployment. There cannot easily be compromises on a range of unrelated issues in order to achieve support for a military deployment. While that may happen, it has the look of disregard for the national interests and of putting politics ahead of the public interest. Nor can Congress easily adopt the technique of the expert commission.65 The timeframe of a crisis usually will not allow it. More importantly, the military— particularly in the form of the Joint Chiefs of Staff—has already preempted the claim of expertise, as well as the claim to be “apolitical.” Finally, there is little room for the private lobbyist with respect to these decisions.¶ Congress, in short, is not capable of acting because it only knows how to reach compromise across dissensus. When disagreement looks unpatriotic, and compromise appears dangerous, Congress is structurally disabled. This produces the double consequence for American foreign policy of a reluctance to participate in much of the global development of international law—outside of those trade and finance arrangements that are in our immediate self-interest— and a congressional abdication of use of force decisions to the president.The same structural incapacities are behind these seemingly contradictory results.

### O/V

#### They’ve missed the boat on the politics Impact – Defense ev says adaptation is key – we agree – they’ve conceded that more biotech innovation is necessary to adaptation to climate change – extinction only occurs in the world of the aff

#### Try or die – climate change will inevitably collapse global food supply and cause extinction – only GM tech allows adaptation and survival – default to existential risks, regardless of probability

Bostrom 11

Nick Bostrom, Professor in the Faculty of Philosophy & Oxford Martin School, Director of the Future of Humanity Institute, and Director of the Programme on the Impacts of Future Technology at the University of Oxford, recipient of the 2009 Eugene R. Gannon Award for the Continued Pursuit of Human Advancement, holds a Ph.D. in Philosophy from the London School of Economics, 2011 (“The Concept of Existential Risk,” Draft of a Paper published on ExistentialRisk.com, Available Online at <http://www.existentialrisk.com/concept.html>, Accessed 07-04-2011)

Even if we use the most conservative of these estimates, which entirely ignores the possibility of space colonization and software minds, we find thatthe expected loss of **an existential catastrophe is** greaterthan the value of 1018 human lives. This implies that the expected value of reducing existential risk by a mere one millionth of one percentage point is at least ten times the value of a billion human lives. The more technologically comprehensive estimate of 1054 human-brain-emulation subjective life-years (or 1052 lives of ordinary length) makes the same point even more starkly. Even if we give this allegedly lower bound on the cumulative output potential of a technologically mature civilization a mere 1% chance of being correct, we find that the expected value of **reducing existential risk by** a mere one billionth of one billionth of one percentage point **is worth a** hundred billion times as much asa billionhumanlives. One might consequently argue that even the tiniest reductionof existential risk **has** an expected **value greater than** that of the definite provision of **any “ordinary” good,** such as the direct benefit of saving 1 billion lives. And, further, that the absolute value of the indirect effect of saving 1 billion lives on the total cumulative amount of existential risk—positive or negative—is almost certainly larger than the positive value of the direct benefit of such an action.

#### Nuclear war doesn’t cause extinction

**Socol 11**

Yehoshua (Ph.D.), an inter-disciplinary physicist, is an expert in electro-optics, high-energy physics and applications, and material science and Moshe Yanovskiy, Jan 2, “Nuclear Proliferation and Democracy”, http://www.americanthinker.com/2011/01/nuclear\_proliferation\_and\_demo.html, CMR

Nuclear proliferation should no longer be treated as an unthinkable nightmare; it is likely to be the future reality. Nuclear weapons have been acquired not only by an extremely poor per capita but large country such as India, but also by even poorer and medium-sized nations such as Pakistan and North Korea. One could also mention South Africa, which successfully acquired a nuclear arsenal despite economic sanctions (the likes of which have not yet been imposed on Iran). It is widely believed that sanctions and rhetoric will not prevent Iran from acquiring nuclear weapons and that many countries, in the Middle East and beyond, will act accordingly (see, e.g., recent Heritage report). Nuclear Warfare -- Myths And Facts The direct consequences of the limited use of nuclear weapons -- especially low-yield devices most likely to be in the hands of non-state actors or irresponsible governments -- **would** probably **not be great enough** to bring about significant geopolitical upheavals. Casualties from a single 20-KT nuclear device are estimated [1] at about 25,000 fatalities with a similar number of injured, assuming a rather unfortunate scenario (the center of a large city, with minimal warning). Scaling the above toll to larger devices or to a larger number of devices is less than linear. For example, it has been estimated that it would take as many as eighty devices of 20-KT yield each to cause 300,000 civilian fatalities in German cities (a result actually achieved by Allied area attacks, or carpet-bombings, during the Second World War). A single 1-MT device used against Detroit has been estimated by U.S. Congress OTA to result in about 220,000 fatalities. It is anticipated that well-prepared civil defense measures, based on rather simple presently known techniques, would decrease these numbers by maybe an order of magnitude (as will be discussed later). There is little doubt that a nation determined to survive and with a strong sense of its own destiny **would not succumb to** such **losses**. It is often argued that the fallout effects of even the limited use of nuclear weapons would be worldwide and would last for generations. This is an **exaggeration**. The following facts speak for themselves. -- In Japan, as assessed by REFR, less than 1,000 excess cancer cases (i.e., above the natural occurrence) were recorded in over 100,000 survivors over the past sixty years -- compared with about 110,000 immediate fatalities in the two atomic bombings. No clinical or even sub-clinical effects were discovered in the survivors' offspring. -- In the Chernobyl area, as assessed by IAEA, only fifteen cancer deaths can be directly attributed to fallout radiation. No radiation-related increase in congenital formations was recorded. Nuclear Conflict -- Possible Scenarios With reference to a possible regional nuclear conflict between a rogue state and a democratic one, the no-winner (mutual assured destruction) scenario is probably false. An analysis by Anthony Cordesman, et al. regarding a possible Israel-Iran nuclear conflict estimated that while Israel might survive an Iranian nuclear blow, Iran would certainly not survive as an organized society. Even though the projected casualties cited in that study seem to us overstated, especially as regards Israel, the conclusion rings true. Due to the extreme high intensity ("above-conventional") of nuclear conflict, it is nearly certain that such a war, no matter its outcome, **would not last for years,** as we have become accustomed to in current low-intensity conflicts. Rather, we should anticipate a new geo-political reality: the emergence of clear winners and losers **within** several **days**, or at most weeks after the initial outbreak of hostilities. This latter reality will most probably contain fewer nuclear-possessing states than the former.

**No nuke winter - studies**

Seitz 2011

(Russell, Harvard University Center for International Affairs visiting scholar, “Nuclear winter was and is debatable,” Nature, 7-7-11, Vol 475, pg37, accessed 9-27-11, CMR)

Alan Robock's contention that there has been no real scientific debate about the 'nuclear winter' concept is itself **debatable** (Nature 473, 275–276; 2011). This potential climate disaster, popularized in Science in 1983, rested on the output of a one-dimensional model that was later shown to overestimate the smoke a nuclear holocaust might engender. More refined estimates, combined with advanced three-dimensional models (see http://go.nature.com.libproxy.utdallas.edu/kss8te), have dramatically reduced the extent and severity of the projected cooling. Despite this, Carl Sagan, who co-authored the 1983 Science paper, went so far as to posit “the extinction of Homo sapiens” (C. Sagan Foreign Affairs 63, 75–77; 1984). Some regarded this apocalyptic prediction as **an exercise in mythology**. George Rathjens of the Massachusetts Institute of Technology protested: “Nuclear winter is **the worst example of the misrepresentation of science to the public in my memory**,” (see http://go.nature.com.libproxy.utdallas.edu/yujz84) and climatologist Kerry Emanuel observed that the subject had “become **notorious for its lack of scientific integrity”** (Nature 319, 259; 1986). Robock's single-digit fall in temperature is at odds with the subzero (about −25 °C) continental cooling originally projected for a wide spectrum of nuclear wars. Whereas Sagan predicted darkness at noon from a US–Soviet nuclear conflict, Robock projects global sunlight that is several orders of magnitude brighter for a Pakistan–India conflict — literally the difference between night and day. Since 1983, the projected worst-case cooling has fallen from a Siberian deep freeze spanning 11,000 degree-days Celsius (a measure of the severity of winters) to numbers so unseasonably small as to call the very term 'nuclear winter' into question.

#### Counterforce targeting checks

Mueller 9

(John, Woody Hayes Chair of National Security Studies and Professor of Political Science at Ohio State University. “Atomic Obsession: Nuclear Alarmism from Hiroshima to Al-Qaeda” p. 8)

To begin to approach a condition that can credibly justify applying such extreme characterizations as societal annihilation, a full-out attack with hundreds, probably thousands, of thermonuclear bombs would be required. Even in such extreme cases, the area actually devastated by the bombs' blast and thermal pulse effects would be limited: 2,000 I-MT explosions with a destructive radius of 5 miles each would directly demolish less than 5 percent of the territory of the United States, for example. Obviously, if major population centers were targeted, this sort of attack could inflict massive casualties. Back in cold war days, when such devastating events sometimes seemed uncomfortably likely, a number of studies were conducted to estimate the consequences of massive thermonuclear attacks. One of the most prominent of these considered several possibilities. The most likely scenario--one that could be perhaps be considered at least to begin to approach the rational-was a "counterforce" strike in which well over 1,000 thermonuclear weapons would be targeted at America's ballistic missile silos, strategic airfields, and nuclear submarine bases in an effort to destroy the country's strategic ability to retaliate. Since the attack would not directly target population centers, most of the ensuing deaths would be from radioactive fallout, and the study estimates that from 2 to 20 million, depending mostly on wind, weather, and sheltering, would perish during the first month.

#### DA turns the aff – makes coop impossible

Alden 9 (Edward [Jeb Bush and Thomas McLarty III] Director of Chairs of the Council on Foreign Relations Task Force, “U.S. Immigration Policy,” Council on Foreign Relations, Independent Task Force Report No. 63, July http://www.cfr.org/content/publications/attachments/Immigration\_TFR63.pdf)

Immigration has paid direct diplomatic benefits for the United States as well. America’s openness to foreign students, investors, businesspeople, and visitors is a diplomatic asset that no other country has replicated. The State Department keeps on its website a list of current and former foreign leaders educated at American universities that runs into the hundreds. These U.S.-educated foreign leaders are enormously helpful for American foreign policy, providing a core of individuals in important positions across the world inclined to be sympathetic to the United States and its aims. Colin Powell, the former secretary of state, has said that foreign students “return home with an increased understanding and lasting affection for the United States. I can think of no more valuable asset to our country than the friendship of future world leaders who have been educated here.” Robert Gates, the secretary of defense, has echoed that judgment: “In the last half century, allowing students from other countries to study here has been the most positive thing America has done to win friends from around the world.” The current secretary of state, Hillary Clinton, said in a recent speech that “the benefits of such exchanges are so great that I am committed to streamline the visa process, particularly for science and technology students, so that even more qualified students will come to our campuses in the future.” There is strong evidence that when students from nondemocratic countries are **educated abroad** **in democratic countries like the U**nited **S**tates, **those who return home take those values with them and play an important role in trying to** build democratic institutions in their own countries.1 U.S. immigration policy has also been one of the more effective ways to encourage development in poorer countries. The United States has raised the living standards of millions of people around the world simply by allowing them to move here and earn higher wages. Remittances from the United States and other advanced countries to the developing world dwarf official development aid as a source of funds for many developing countries, amounting to more than $305 billion in 2008.2 Many immigrants who succeed here end up returning home, bringing back needed skills and building economic links between their countries of birth and the United States, which help generate economic development that reduces the pressure to migrate.

### Spillover

#### Congressional confrontation of the president costs PC and trades off with the agenda

Berman 10 (Emily Berman is Counsel in the Liberty and National Security Project at the Brennan Center for Justice at NYU School of Law, 2010 3 Alb. Gov’t L. Rev. 741, CMR)

First, all extract a significant toll in political capital, sometimes more than Congress possesses, ¶ or more than it is able to spend.87 **The cost in political capital can be** especially high **in** the ¶ **national security** arena, **where the Executive has argued**—spuriously but successfully—that **it**¶ **ought to have a monopoly on policy**, and where the rewards for legislative diligence are weak. The ¶ President’s detention and interrogations policies present one example. When the Supreme Court ¶ invalidated the President’s initial military-commissions scheme,88 Congress could have refused ¶ to enact any law authorizing military commissions until the President disclosed to Congress ¶ the memoranda justifying “enhanced interrogation tactics.” Instead, Congress simply passed the ¶ Military Commissions Act, providing congressional approval for the President’s desired military ¶ commissions. This may have simply reflected Congress’s reasoned policy judgment. But **seeming to** ¶ **oppose needed national security measures**—even if that opposition is merely a temporary effort to ¶ secure relevant information—**exacts a political toll**.¶ Second, **to exercise its powers, Congress must overcome** the significant challenges **to collective** ¶ **action that plague all legislative decision-making**.89 Given the drastic nature of some of Congress’s ¶ tools, **those challenges prove insurmountable** in all but the most extreme cases. ¶ Third, the disclosure or nondisclosure of some information can dramatically change the very political ¶ environment upon which the current system relies to resolve disputes.90 When Congress most ¶ needs information—because it knows little or nothing about secret activity within the executive ¶ branch for which there have been no public signals of any problem—is precisely when Congress ¶ most lacks both political capital and incentive to compel disclosure. Yet if the information would ¶ reveal malfeasance, public support for Congress’s active pursuit of an investigation might become ¶ considerably more intense. Until that information becomes public, Congress may lack sufficient ¶ support to maintain the political will necessary to employ the tools at its disposal.91 ¶ To make this problem concrete, consider that before the New York Times broke the story of the ¶ NSA’s domestic warrantless surveillance activities,92 Congress would have had little basis for ¶ intrusive inquiry into what the NSA was doing, or the related question of what surveillance Justice ¶ Department lawyers had authorized. It was only when the press published its initial information ¶ about the controversial program that legislators gained sufficient leverage and the political capital to ¶ hold hearings and demand additional information. An executive branch successful in maintaining ¶ confidentiality is thus also successful in maintaining a political environment that facilitates ¶ nondisclosure. ¶ If these problems were not enough, executives since the mid 1980s have unilaterally disabled some ¶ of Congress’s most effective tools for obtaining information from executive officials—contempt of ¶ Congress resolutions, Congress’s inherent contempt powers, and civil enforcement actions.¶ Historically, contempt-of-Congress resolutions have proved important to extracting information ¶ from the Executive. Contempt citations, or threats of contempt citations, have succeeded in ¶ securing congressional access to disputed information, for example, from then-Secretary of State ¶ Henry Kissinger on CIA covert actions;93 from President Reagan’s Secretary of the Interior James ¶ Watt on Canada’s treatment of U.S. mineral investors;94 from President Clinton’s White House ¶ Counsel Jack Quinn on the firings of several White House Travel Office employees.95 But to have¶ more than symbolic effect, a contempt citation requires executive branch enforcement, with a ¶ congressional contempt vote triggering a grand jury investigation into possible indictment.96 Since ¶ 1984, the Justice Department’s Office of Legal Counsel (OLC)97 has taken the position that “a ¶ United States Attorney is not required to refer a congressional contempt citation to a grand jury ¶ or otherwise to prosecute an Executive Branch official who carries out the President’s instruction ¶ to invoke the President’s claim of executive privilege before . . . Congress.”98 Because the Justice ¶ Department will not proceed with a contempt prosecution in these circumstances—and indeed ¶ refused to proceed against Miers and Bolten when they were held in contempt in early 2008 ¶ as well as against then-EPA chief Anne Gorsuch when she was held in contempt for failing to ¶ comply with a congressional subpoena in 198299—¶ contempt citations lack the force they once had to ¶ resolve information disputes between Congress and ¶ the Executive.100 Unless a contempt citation prompts a ¶ compromise resolution of its own force—which might ¶ happen, for example, if it generates sufficient public ¶ pressure for disclosure—it is an empty gesture.¶ Congress also has inherent contempt power to try a ¶ witness for contempt in the House or Senate, and—if ¶ found guilty—to imprison that witness in the Capitol’s ¶ jail.101 But use of this power is as problematic as ¶ Congress’s other tools.102 A contemnor can be held only ¶ until the end of the current session of Congress.103 And ¶ OLC has opined that inherent contempt suffers the same constitutional infirmities as the criminal ¶ contempt statute if used against executive officials claiming executive privilege at the President’s ¶ instruction.104 Thus any use of inherent contempt powers against executive officials likely will give ¶ rise to protracted litigation over the constitutionality of such actions. Most importantly, inherent ¶ **contempt is unseemly, cumbersome,** disruptive **of Congress’s ability to carry out its** other pressing ¶ duties**,**105 **and requires an** inordinate expenditure **of political capital**.106 A system of oversight that ¶ depends on the legislative sergeant-at-arms hauling off Washington bureaucrats into the well of ¶ the Capitol until they repent their taciturn ways is simply no way to run a government. Because ¶ of these drawbacks, the inherent contempt power has fallen into disuse—it was last invoked in ¶ 1935107—and remains unwieldy.

#### Plan imposes huge political costs on Obama---drains capital for other battles

Saunders 13 (Elizabeth N. Saunders, George Washington University, “The Electoral Disconnection in US Foreign Policy”, January, <http://mortara.georgetown.edu/document/1242780359442/SaundersElectoralDisconnectionJan2013.pdf>, CMR)

Self-interested elites can impose costs on the president in exchange for their support (or ¶ for refraining from criticism) in two principal ways. The first is by forcing the president to pay ¶ political costs to achieve his preferred policy, without affecting the policy itself. Such cost raising bargains force the president to spend political capital that he might have expended ¶ elsewhere.70 If the expected political costs are too high, the president may decide not to pursue a ¶ military operation at all, or to curtail an operation already in progress. A second possibility is a ¶ more direct bargain or compromise that changes the final form of the president’s decision, ¶ affecting either the policy itself or how the policy is implemented. The configuration of elites ¶ involved in a particular issue will affect whether cost-raising or policy-adjusting outcomes ¶ emerge. A complete discussion of how likely different elites are to impose certain types of costs ¶ on the president is beyond the scope of this paper, but here it is important to note that the process ¶ of elite coalition management can have significant consequences for policy choices and ¶ implementation, particularly when elites are able to extract policy-adjusting concessions. The ¶ president may be pulled away from his ideal point to accommodate elites, even if public opinion ¶ is not pushing in the same direction.

### Thumpers

#### Budget won’t be a fight

Press TV 10-24-13 (“No end in sight to US budget crisis”, <http://www.presstv.ir/detail/2013/10/24/331004/no-end-in-sight-to-us-budget-crisis/>, CMR)

**If Congress can't come to an agreement by January, the government will again shut down**. However, **experts state this is** unlikely **considering the negative economic impact the last one had- along with the plunging of Congress's public approval**. No compromise will come without a price. The sequestration cuts which are meant to decrease government spending by one trillion dollars over the next decade, will go into effect unless Congress comes to another agreement. Many areas of government will be hit by the sequester and the American public will feel its effects. The added debt ceiling debate has increased pressure on Congress to come to a solution. If the government overspends and borrowing limits are not raised by February, the US will default on its loans, potentially causing a worldwide depression.

#### No farm bill fight

Galston 10-23-13 (William A, “William Galston: An Immigration Challenge for Boehner”, <http://online.wsj.com/news/articles/SB10001424052702303448104579149470077037700>, CMR)

In his post-shutdown remarks, President Obama identified three areas in which bipartisan progress is possible—agriculture, the budget and immigration. **The farm bill is** usually routine **and** should pass easily once agreement is reached on nutrition programs. Unless the ever-elusive grand bargain is on the table, and few believe it is, fiscal talks will yield modest results at best. But immigration is different. Comprehensive immigration reform would be to Mr. Obama's second term what the Affordable Care Act was to his first: a signature legislative achievement.

### UQ

#### The stars have aligned---Obama’s push secures quick passage in both houses

- a2 shutdown thumper

- a2 citizenship

- vote soon

Clift 10-25-13 (Eleanor, “Obama, Congress Get Back to the Immigration Fight”, <http://www.thedailybeast.com/articles/2013/10/25/obama-congress-get-back-to-the-immigration-fight.html>, CMR)

After months of relative quiet on the subject of immigration reform, President **Obama reclaimed center stage** in an event in the East Room of the White House Thursday, **urging the Republican**-controlled **House to take up bipartisan legislation** passed in June by a big margin (68-32) in the Senate. “It doesn’t get easier to put off,” he said, a pointed reminder to Republicans that the politics are stacked against them if they punt on an issue of central importance to the fastest growing bloc of voters in the country. Neutralizing the Democrats’ advantage among Hispanics is crucial to the GOP’s presidential prospects, and could improve Congress’ image in the wake of the government shutdown. “Rather than create problems, let’s prove to the American people that Washington can actually solve some problems,” Obama implored. Among those assembled in the East Room for the president’s remarks was Frank Sharry, founder and director of America’s Voice and a longtime activist for immigration reform. Asked what he was thinking as he listened to Obama’s 12-minute speech, he termed it “a modest push,” noting that Obama has been “remarkably restrained” on the issue when you consider that overhauling the nation’s broken immigration system is his top second-term priority. Obama sidelined himself in deference to Republicans who needed room to build support without being aligned with a president so many in the GOP caucus reflexively dislike. But now with the shutdown behind them and Republicans on the defensive, Obama saw an opening to get back in the game. His message, says Sharry: “‘Hey, I’m flexible,’ which after the shutdown politics was important, and he implied ‘if you don’t do it, I’m coming after you.’” For Obama and the Democrats, **immigration reform is a win-win issue**. They want an overhaul for the country and their constituents. If they don’t get it, they will hammer Republicans in demographically changing districts in California, Nevada, and Florida, where they could likely pick up seats—not enough to win control of the House, but, paired with what Sharry calls “the shutdown narrative,” Democratic operatives are salivating at the prospect of waging that campaign. **Some Republicans understand the stakes**, **and** former vice-presidential candidate and budget maven Paul **Ryan is at the center of a newly energized backroom effort to craft legislation that would deal with the thorniest aspect of immigration reform** for Republicans: the disposition of 11 million people in the country illegally. Rep. Raul Labrador (R-ID), an early advocate of reform who abandoned the effort some months ago, argues that Obama’s tough bargaining during the shutdown means Republicans can’t trust him on immigration. “When have they ever trusted him?” asks Sharry. “Nobody is asking them to do this for Obama. They should do this for the country and for themselves.... We’re not talking about tax increases or gun violence. This is something the pillars of the Republican coalition are strongly in favor of.” Among those pillars is Chamber of Commerce President Tom **Donahue**, who on Monday **noted** the **generally good feelings about immigration reform** among disparate groups, among them business and labor. **He expressed optimism** that **the House could pass something, go to conference and resolve differences with the Senate, get a bill and have the president sign it** “and guess what, government works! Everybody is looking for something positive to take home.” The Wall Street Journal reported Thursday that **GOP donors are withholding contributions to lawmakers blocking reform**, and that Republicans for Immigration Reform, headed by former Bush Cabinet official, Carlos Gutierrez, is running an Internet ad urging action. Next week, evangelical Christians affiliated with the Evangelical Immigration Table will be in Washington to press Congress to act with charity toward people in the country without documentation, treating them as they would Jesus. The law-enforcement community has also stepped forward repeatedly to embrace an overhaul. House Speaker John Boehner says he wants legislation, but not the “massive” bill that the Senate passed and that Obama supports. **The House seems inclined to act**—if it acts at all—on a series of smaller bills starting with “Kids Out,” a form of the Dream Act that grants a path to citizenship for young people brought to the U.S. as children; then agriculture-worker and high-tech visas, accompanied by tougher border security. The sticking point is the 11 million people in the country illegally, and finding a compromise between Democrats’ insistence that reform include a path to citizenship, and Republicans’ belief that offering any kind of relief constitutes amnesty and would reward people for breaking the law. The details matter hugely, but **what a handful of Republicans, led by Ryan, appear to be crafting is legalization** for most of the 11 million but without any mention of citizenship. It wouldn’t create a new or direct or special path for people who came to the U.S. illegally or overstayed their visa. **It would allow them to earn legal status** through some yet-to-be-determined steps, and once they get it, they go to the end of a very long line that could have people waiting for decades. The Senate bill contains a 13-year wait. However daunting that sounds, **the potential for meaningful reform is** tantalizingly close **with Republicans actively engaged in preparing their proposal, pressure building** from the business community and religious leaders, **and a short window before the end of the year** to redeem the reputation of Congress and the Republican Party after a bruising takedown. The pieces are all there for long-sought immigration reform. **We could be** a few weeks away **from an historic House vote**, or headed for a midterm election where Republicans once again are on the wrong side of history and demography.

#### Momentum – GOP support coalescing

Jacoby 10-22-13 (Tamar, “Immigration reform would help GOP”, <http://www.cnn.com/2013/10/21/opinion/jacoby-immigration-after-shutdown/?hpt=ju_c2>, CMR)

What are **the chances** that **the House will** now **move ahead on immigration**? The answer will **have** less **to do with** immigration than with **how the budget battle has changed the larger political dynamic in Washington.**¶House Republicans' views on immigration are untested, and **many** advocates for reform **believe they are implacably hostile.** But **the truth is Republican opinion has been** evolving **since the 2012 election**. More and more House Republicans, **perhaps** the majority, **know** that **reform is overdue and that the GOP must be part of the solution** -- to remain competitive with Latino voters and because it's the right thing to do.¶ **Individual lawmakers and essential staff continued to work on the issue even through the dark days of the shutdown.** And **members are** coalescing **around** answers to the hardest of the hard questions: what to do about immigrants living in the United States illegally? House Majority Leader Eric **Cantor is working on a bill that would create a path to citizenship** for "Dreamers" brought to the U.S. illegally as children.¶ And **one recent informal count found 84 House Republicans** -- more than one third of the total -- **in favor of legal status** for the Dreamers' parents.¶ Bottom line: If it weren't for the rancor of the budget brawl, the House might be in a good place on immigration, with Republicans ready to move forward and pass a package of measures they could send to a conference with the Senate bill.¶

### Hirsh

#### Hirsch concedes PC matters

Hirsh, 2/7 --- Chief correspondent (2/7/2013, Michael, “There’s No Such Thing as Political Capital; The idea of political capital—or mandates, or momentum—is so poorly defined that presidents and pundits often get it wrong,” [http://www.nationaljournal.com/magazine/there-s-no-such-thing-as-political-capital-20130207)](http://www.nationaljournal.com/magazine/there-s-no-such-thing-as-political-capital-20130207%29))

The point is not that “political capital” is a meaningless term. Often it is a synonym for “mandate” or “momentum” in the aftermath of a decisive election—and just about every politician ever elected has tried to claim more of a mandate than he actually has. Certainly, Obama can say that because he was elected and Romney wasn’t, he has a better claim on the country’s mood and direction. Many pundits still defend political capital as a useful metaphor at least. “It’s an unquantifiable but meaningful concept,” says Norman Ornstein of the American Enterprise Institute. “You can’t really look at a president and say he’s got 37 ounces of political capital. But the fact is, it’s a concept that matters, if you have popularity and some momentum on your side.”

#### Sequencing – unpopular policies ruin the agenda– Obama’s entire first term proves

Hirsh, 2/7 --- Chief correspondent (2/7/2013, Michael, “There’s No Such Thing as Political Capital; The idea of political capital—or mandates, or momentum—is so poorly defined that presidents and pundits often get it wrong,” [http://www.nationaljournal.com/magazine/there-s-no-such-thing-as-political-capital-20130207)](http://www.nationaljournal.com/magazine/there-s-no-such-thing-as-political-capital-20130207%29))

.¶ THE REAL LIMITS ON POWER¶ Presidents are limited in what they can do by time and attention span, of course, just as much as they are by electoral balances in the House and Senate. But this, too, has nothing to do with political capital. Another well-worn meme of recent years was that Obama used up too much political capital passing the health care law in his first term. But the real problem was that the plan was unpopular, the economy was bad, and the president didn’t realize that the national mood (yes, again, the national mood) was at a tipping point against big-government intervention, with the tea-party revolt about to burst on the scene. For Americans in 2009 and 2010—haunted by too many rounds of layoffs, appalled by the Wall Street bailout, aghast at the amount of federal spending that never seemed to find its way into their pockets—government-imposed health care coverage was simply an intervention too far. So was the idea of another economic stimulus. Cue the tea party and what ensued: two titanic fights over the debt ceiling. Obama, like Bush, had settled on pushing an issue that was out of sync with the country’s mood.¶ Unlike Bush, Obama did ultimately get his idea passed. But the bigger political problem with health care reform was that it distracted the government’s attention from other issues that people cared about more urgently, such as the need to jump-start the economy and financial reform. Various congressional staffers told me at the time that their bosses didn’t really have the time to understand how the Wall Street lobby was riddling the Dodd-Frank financial-reform legislation with loopholes. Health care was sucking all the oxygen out of the room, the aides said.

### Link

#### The link alone turns credibility

Misztal 9/26---acting director of the Foreign Policy Project at the Bipartisan Policy Center (Blaise, “The only US policy on Iran that will work: common ground”, [http://www.csmonitor.com/Commentary/Common-Ground/2013/0926/The-only-US-policy-on-Iran-that-will-work-common-ground/(page)/1](http://www.csmonitor.com/Commentary/Common-Ground/2013/0926/The-only-US-policy-on-Iran-that-will-work-common-ground/%28page%29/1), CMR)

To incentivize a timely, positive response, the US should continue to exert maximum pressure on Iran through continuing economic sanctions and by keeping the threat of force as an option on the table. Indeed, a unanimous lesson from Syria is that the credible and immediate specter of military action can lend a sudden urgency to diplomacy.¶ But to best signal to Iran such American resoluteness---both in seeking peace and preparing for the worst---the president and Congress, both Democrats and Republicans, should unite behind a policy that lays out an acceptable deal while reaffirming their commitment to prevent a nuclear Iran, by all means necessary. Bipartisanship, and this is the real lesson from the Syria debate, is the ultimate form of credibility.

## K

### Perm

#### Praxis is key – the permutation is politically and intellectually incoherent since it foregoes an unconditional commitment to peace – combining our strategies ensures cooption

Megroan 8 (Nick, Department of Geography, University of Newcastle, UK, “Militarism, Realism, Just War, or Nonviolence?”, Jan 1, Geopolitics, EBSCO, CMR)

**Every student** of the relations between states, **who** also **holds that** scholarly engagement **must** not merely **be theoretical and empirical but also** political **and** moral**, cannot avoid facing the question: in what circumstances, if at all, should a state be considered right in making or joining war?** The argument of this paper is simply that critical geopolitics has not properly grappled with this question in a systematic and consistent way. By virtue of opposition to certain wars but advocacy of others, by implicit use of just war categories and language in moral reasoning, it is de facto operating within the parameters **of** a version of **just war theory.** However, because this appro- priation is not made explicit – indeed, because just war theory is at times summarily dismissed – its appropriation is partial. This selective appropriat ion is problematic. Whilst critical geopolitical analyses of individual wars might be insightful and compelling, **the bigger picture may be one of** incoherence and subjectivity. The purpose of theory selectively deployed becomes confusing, critique may be turned in on itself, there is a lack of clarity and rigour in moral reasoning despite superficial rhetorical appeals to morality, and the political intent of the project becomes unclear and even co-optable **to the service of neoconservatism**. This partial and contradictory appropriation of just war theory is also intellectually unsatisfying, **and** limits the potential of critical geopolitics **to be taken seriously outside** a **small, self-selecting readership**. My objection thus far is not to just war theory per se. It provides a framework for reasoning about warfare that regards it as an evil to be deployed in only exceptional circumstances, and (despite its name), its pre- sumption is against violence. We liv e in a messy and complicated and vio- lent world. Just war theory’s insistence, against realism and militarism, that military violence is not beyond the le gitimate sphere of moral reasoning is important, and the arguments for the occasional and limited use of force to restore peace and rectify injustice are strong ones. If critical geopolitics wishes to locate itself explicitly in this school of thought, it will find compel- ling reasons for doing so and many allies already there. By this process, it will certainly refine and advance the project (of critical geopolitics) with an injection of intellectual rigour. As I have suggested with reference to Toal’s critique of the 1991 US war on Iraq as being about American identity, it could in turn also make an original contribution to thought about the category of just intention . However, whilst recognising its pa cific intent, **I remain** personally **unconvinced by just war theory** as used either consistently by theorists and jurists, or partially as in critical geopolit ics. Critical geopolitics, as I read it, is not simply about exposing the power-knowledge relationships at the heart of geopolitical reasoning, 91 and denaturalising the global order by portray- ing it as socially and historically constructed 92 through an “examination of the geographical assumpti ons, designations, and understandings that enter into the making of world politics” 93 and how places and people are stitched together to narrate and explain events. 94 It is all of these, but it is more: **a political project committed**, as Dalby puts it, **to challenging the specifications of politics and dangers used** to justify violence. 95 **Nonviolence, as a** positive political **method and** also a **vision** of peac e and justice that explicitly **eschews the resort to force,** is a project that has only recently begun to be studied and theorised in a system atic manner, and ha s already yielded many promising results. 96 Personally, like a growing number of people, I am persuaded by the case for a Christian praxis of nonviolence. 97 Geopolitics has a long and bloody history of providing arguments for war 98 – critical geopolitics should reject the temptation to provide more, and place its capa- bilities and insights in the service of this exciting relatively new and under- resourced proj ect, not just war theory, realism, or militarism. In his history of twentieth-century geopolitical thought, Polelle observed that it “led its believers to be resigned to the necessity of violent international conflict”. 99 It would be deeply ironic if critical geopolitics we re to make the same mis- take in the twenty-first.

#### Tradeoff DA – The 1AC prevents effective peace movements by pacifying them into believing the myth of clean wars sanitized by Congress – only the alt can form larger struggles against violence

### A2 Restrictions Work

#### Restrictions cause net-more violence – laws of war legitimize longer-term actions and fragment dissent

Smith 2 – prof of phil @ U of South Florida

(Thomas, International Studies Quarterly 46, The New Law of War: Legitimizing Hi-Tech and Infrastructural Violence)

The argument advanced here is that the law of war has flourished at the cost of increased artificiality and elasticity. Law has successfully shaped norms and practices in the areas of warfare furthest from hi-tech tactics. Strides have been made, for example, in the 1980 United Nations Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons, and the 1997 Convention on the Prohibition of Anti-Personnel Mines. For hi-tech states, these are relatively low-cost laws. But when modern military necessity calls, the law of war has legitimized violence, not restrained it. New military technology invariably has been matched by technical virtuosity in the law. New legal interpretations, diminished ad bellum restraints, and an expansive view of military necessity are coalescing in a regime of legal warfare that licenses hi-tech states to launch wars as long as their conduct is deemed just. The new law of war burnishes hi-tech campaigns and boosts public relations, even as it undercuts customary limits on the use of force and erodes distinctions between soldiers and civilians. Modern warfare has dramatically reduced the number of direct civilian deaths, yet the law sanctions infrastructural campaigns that harm long-term public health and human rights

#### The 1AC is the entrenchment of warfare into law and society – legal restrictions are a necessary means of sustaining popular support for militarism

Van Veeren 13 (Elspeth, York University, Center for International and Security Studies, Post-Doc, “Clean War, Invisible War, Liberal War: The Clean and Dirty Politics of Guantánamo”, <http://www.academia.edu/1990191/Clean_War_Invisible_War_Liberal_War>, CMR)

Liberal democracies, such as the United States, work hard to convince thepublic about the ‘cleanliness’, and therefore the ‘goodness’, of their wars.They must deploy a set of practices and knowledges in order to construct an understanding of a war as ‘clean’. As part of this construction, the costsof war and its violences are either presented as military necessity or left out of representations, concealed, erased, reframed, rewritten, recast and reappropriated.Though opponents of Guantánamo have described it as a stain, or ablot, on the reputation of America, Guantánamo was part of this processand used to communicate key ideas and concepts associated with militarydetention, with producing the GWoT as a ‘clean war’, and therefore withthe identity of the US state as a humane actor. Guantánamo was usedto (re)de  ne understandings, even realities, of not only what constitutedthe threat, namely terrorism and terrorists, but also what constitutes anadequate yet humane and liberal response. **US military personnel and Bush** administration personnel **repeatedly emphasized** that **Guantánamo was humane**. ‘Guantanamo is a professional, humane detention andinterrogation operations . . . It is **bound by law and guided by the American spirit**. It has contributed and continues to contribute to winning the waron terrorism.’ 67 To make such claims, the Bush administration and USpersonnel in charge of Guantánamo had to use practices of concealment,rede  nition and redirection in order to clean Guantánamo, to (re)de  nedetention, and by extension the GWoT and the US state. CLEAN WAR, INVISIBLE WAR, LIBERAL WAR 105 In 2009, two days after assuming the Presidency and in accordancewith a campaign pledge, President Barack **Obama signed** Executive Order **13492, requiring the closure of Guantánamo** within a year. **Four years later,the site remains open** despite operating at 30 times the cost of equivalentcivilian-run facilities. 68 Why? Because in contrast to continued international condemnation of the site,  rst, **a majority of Americans** remain convinced **that Guantánamo is consistent with international law and offers the best way to guarantee US security**. Second, Congress’s passage of the NDAA2012 not only formalizes the militarization of

counter-terrorism but also presents a signi  cant challenge to the closure of the site. Finally, third, alongwith public opinion and Congress, President Obama has chosen to formalizerather than dismantle Bush-era policies with regard to detention. After atwo-year review of Guantánamo, Obama signed a new Executive Order, EO13567, effectively calling for the resumption of Military Commissions andthe inde  nite detention of many remaining detainees. As this chapter argues,part of the process of producing this degree of support for Guantánamodomestically was through US military and Bush Administration efforts to‘clean up’ the site, an effort continued under Obama. This effort was sosuccessful, and bound up so tightly with the US national security-humanrights nexus that it has become all but impossible to close the site in the nearfuture. Guantánamo can therefore be read as connected to the practice of constructing the United States as a liberal and humane actor, and inseparable from the image-making of modern ‘clean’ war.

### FW

#### our link arguments prove there’s a larger set of social relations the plan creates and the standpoints we take in relation to that are important

Bleiker 3 Roland, Professor of International Relations, University of Queensland “Discourse and Human Agency” Contemporary Political Theory. Avenel: Mar 2003.Vol. 2, Iss. 1;  pg. 25

Confronting the difficulties that arise with this dualistic dilemma, I have sought to advance a positive concept of human agency that is neither grounded in a stable essence nor dependent upon a presupposed notion of the subject. The ensuing journey has taken me, painted in very broad strokes, along the following circular trajectory of revealing and concealing: discourses are powerful forms of domination. They frame the parameters of thinking processes. They shape political and social interactions. Yet, discourses are not invincible. They may be thin. They may contain cracks. By moving the gaze from epistemological to ontological spheres, one can explore ways in which individuals use these cracks to escape aspects of the discursive order. To recognize the potential for human agency that opens up as a result of this process, one needs to shift foci again, this time from concerns with Being to an inquiry into tactical behaviours. Moving between various hyphenated identities, individuals use ensuing mobile subjectivities to engage in daily acts of dissent, which gradually transform societal values. Over an extended period of time, such tactical expressions of human agency gradually transform societal values. By returning to epistemological levels, one can then conceptualize how these transformed discursive practices engender processes of social change. **I have used everyday forms of resistance to illustrate how discourses not only** frame **and** subjugate **our thoughts and behaviour, but also offer possibilities for human agency. Needless to say, discursive dissent is not the only practice of resistance that can exert human agency. There are many political actions that seek** immediate changes **in policy or institutional structures, rather than 'mere' shifts in societal consciousness. Although some of these actions undoubtedly achieve results, they are often not as potent as they seem. Or, rather, their** enduring effect **may well be primarily discursive, rather than institutional.** Nietzsche (1982b, 243) already knew that **the greatest events 'are not our loudest but our stillest hours.' This is why he stressed that the world revolves 'not around the inventors of new noise, but around** the inventors of new values.' **And this is why, for Foucault too, the** crucial site **for political investigations are** not institutions**, even though they are often the place where power is inscribed and crystallized. The fundamental point of anchorage of power relations, Foucault claims, is always located** outside institutions**, deeply entrenched within the social nexus. Hence,** instead of looking at power from the vantage point of institutions, one must analyse institutions from the standpoint of power relations (Foucault, 1982, 219-222).

#### **their decision to represent war as a necessary but regulate-able evil solidifies militarism**

Jenkins 73 – Professor of Philosophy @ University of Alabama [Iredell Jenkins, “The Conditions of Peace”, The Monist, Vol. 57, No. 4, Philosophy of War (OCTOBER, 1973), pp. 507-526, http://www.jstor.org/stable/27902329] Gender Edited

I shall argue in this paper that our thinking about the question of war and peace is vitiated at its source by a series of mistaken assumptions and intentions. These misconceptions pass as sound coin because they have the air of truisms: they appear to direct our inquiries along lines that are sure to be successful and are anyway the only ones available. At the same time, these errors are so basic that they distort both theory and practice from the start: they are red herrings, putting us on a false scent from which we never free ourselves because we cannot get close enough to the quarry to recognize our mistake. It is my purpose to expose these errors and point the way to their correction. Three basic mistakes have misled our thinking about war and peace. We have employed the wrong categories. We have studied the wrong data. And we have pursued the wrong goal. These errors are intimately related, with each in turn entailing the next. The categories we think in focus our attention too narrowly. The data we pore over yield distorted conclusions. The goals we are thus led to pursue are mirages that grow fainter the closer we approach them. It will be necessary to discuss these errors serially, but it must be remembered that they are in reality tightly forged links in a closed chain. 1. The controlling factor in all human undertakings is the conceptual apparatus that men [people] employ-the terms in which they think. These modes of thought largely determine the data we examine, the phenomena we are interested in, the questions we ask, and the purposes we pursue. In more homely language, this apparatus defines where we look, what we look for, and what we hope to do. And it is here, at their very first step, that our dealings with the problem of war and peace go astray. Our mistake is simple but critical: we think in terms that focus our attention on only one side of the issue, and that the more superficial and derivative side. What we do, in brief, is to treat war as an independent variable, which is to be understood in isolation from any larger context and dealt with strictly on its own terms. We appear to act on the assumption that wars are ultimate and ineradicable features of reality, so there are only two things we can do about them: delay their occurrence and make sure we win them when they occur. Seen in the light of reason, this procedure is paradoxical. The real and final object of our concern is peace. We want to establish amicable relations among people, and create a community of feeling and interests. Yet the overwhelming proportion of our thinking, talking, and acting is concerned with war. It is war, in fact and in threat, that constantly preoccupies us. So the universe of discourse in which we treat the problem of war and peace has a vocabulary that is derived entirely from only one of these elements: war. The concepts that dominate our thinking are 'nation states', 'sovereignty', 'foreign powers', 'treaties', 'alliances', 'the balance of power', 'nuclear deterrents', and other such. War so fascinates us that we are incapable of viewing it in perspective and putting it in context. So we fail to see that war is only one element in a complex set of human relationships, which can be neutralized by other and very different elements. Instead, we persist in thinking that the threat of war can be averted, and war itself 'won', only in the terms that it itself poses: namely, the appeal to force. Peace may be the object of our prayers, but war is the object of our efforts. I remarked above that there is something extremely paradoxical about this situation. But there is nothing unusual about it: this is not an isolated case, but an instance of a general type of behavior. In one context after another, we find men neglecting to pursue the good they seek and thinking only of averting the evil they fear. Many dichotomies of this sort come easily to mind: peace-war, health-illness, justice-injustice, equality-discrimination, rehabilitation-punishment. In every instance, it is the second item on which we lavish our efforts. It simply seems to be the case that in all of the contexts of life men [people] tend to take sound and satisfactory situations for granted, and to be concerned only with those that are unpleasant, threatening, or harmful. So instead of trying to preserve peace, we think only of preventing wars-or winning them. In short, we are in the odd position of not seeking the ends that we desire, but merely trying to avert or cure the outcomes we fear. Indeed, we do not even think much about these goods, and we usually define them as the absence of their opposites. So though our approach to the problem of war and peace is paradoxical, it is not anomolous. 2. Our initial mistake in dealing with the issues of war and peace is to employ the wrong categories: our thinking is done exclusively in terms of 'war' and concepts associated with it. The immediate result of this mistake is to focus our attention on a narrow and inadequate range of data. The common meaning of 'war' is a conflict between nation states, waged by armies using every weapon of force available, in which each party seeks to defeat the other (the "enemy") and reduce it to a condition of total subservience. As Clausewitz put it in his classic treatise, "War therefore is an act of violence intended to compel our opponent to fulfill our will".1 Since we think in terms of war, and this is what war means, these are the data we turn to when we seek enlightenment on the issues of war and peace: we look only at the relations between sovereign states, and then only when these states are in a condition of actual or threatened violent conflict. We thus find ourselves in the absurd position of trying to understand peace by studying war. This is like trying to understand motion by studying rest, as the ancients did, or trying to derive the character of man from the nature of God, as the mediaevalists did. We deride these latter efforts as exercises in futility. But we employ an exactly analogous procedure in our approach to peace, and we are perpetually surprised and frustrated when it does not succeed. What we are doing, in sum, is using the pathological case as a paradigm for studying the sound case. So we become expert only in the pathology of international relations. Our fascination with the phenomena of war leads us to certain conclusions that become as unshakeable as they are deceptive. We regard the sovereign state as at once a brute fact and an impenetrable mystery. We assume that there must be irreconcilable conflicts of interest among such states. Since these conflicts can be neither resolved nor arbitrated, they must eventually lead to trial by force. Given the facts that we study, these conclusions follow naturally.

### A2 Impact Defense

#### Err neg - Security discourse actively exaggerates and creates threats – this form of enemy creation leads to intervention

Fettweis 10

 [Christopher J, professor of security studies at the Naval War College, “Dangerous Times: The International Politics of Great Power Peace”, page number below, CMR]

It is perhaps worth pausing for a moment to realize that the diplomats of any prior age would have been quite happy to exchange their problems for ours. Terorism and the other irregular threats of the early twenty-first century are in reality quite minor in comparison to those of eras that came before and certainly do not threaten the existence of even the weakest state, much less the great powers. Today's security debate often seems driven less by actual threats than by vague, unnamed dangers. Former Secretary of Defense Donald Rumsfeld warned about "unknown unknowns," which are the threats that "we don't know we don't know," which "tend to be the difficult ones."49 Kagan and Kristol worry that if the United States fails to remain highly engaged, the system "is likely to yield very real external dangers, as threatening in their own way as the Soviet Union was a quarter century ago."50 What exactly these dangers would be is left open to interpretation. In the absence of identifiable threats, the unknown can provide us with an enemy, one whose power and danger is limited only by the imagination. It is what Friedman and Sapolsky call "the threat of no threats" and is perhaps the most frightening of all.51 Even if, as everyone schooled in folk wisdom knows, "anything is possible," it is not true that everything is plausible. There is no limit on the potential dangers that the human mind can manufacture, but there are very definite limits on the specific threats that the system contains. "To make anything very terrible, obscurity seems in general to be necessary" noted Edmund Burke. "When we know the full extent of any danger, when we can accustom our eyes to it, a great deal of the apprehension vanishes."52 The full extent of today's dangers is not only know-able, but relatively minor. Threat exaggeration has been one of the favorite tools used by opponents of restraint, from Wilson to Roosevelt to Bush. Since self-defense is one of the few justifications for international activism that is uncomplicated by questions of morality, once foreign events are linked to the security of the United States intervention becomes an easier sell.53 Exaggerating threats is a traditional weapon in the domestic politics arsenal of the internationalists, inspiring a variety of actions conceived to address threats more imagined than real. When Robert Jervis noted that "security concerns are greatly reduced for the unipole," he was guilty of understatement.54 If they were honest, those who actively or passively favor internationalism would admit that very few of our foreign adventures have been necessary to secure the country. The United States is no more and no less secure after having replaced Saddam with chaos, for instance. Simply put, the United States is not compelled to play an active role in world affairs in order to address its basic security, since that security is already all but assured. The benefits of activist strategies must therefore manifestly outweigh the costs, since the United States could easily survive inaction, no matter how dire the situation may appear. In US foreign policy, necessity is an illusion. Choices always exist, especially for the strongest country in the history of the world." What are often sold to the public as necessary actions are almost always matters of choice; rather than emergency operations, U.S. interventions are in reality elective surgery. And elective surgery, as everyone knows, often makes problems worse. Thus both theoretical logic and evidence from the security environment suggest that the United States would run no risks if it decided to intervene far less in the affairs of others. The next section describes the key elements of what would be the most rational grand strategy in a world nearly free of warfare: that of strategic restraint^) [page 167-168]

### A2 Food Add-on

#### high prices encourage better ag investment

Kharas 8 (Homi, sr. fellow @ the Brookings Institute, July 29, http://www.brookings.edu/opinions/2008/0729\_food\_prices\_kharas.aspx)

The good news is that higher food prices are exactly what is required to restore balance in the market. With rising demand and constrained supply the iron law of economics permits no other response. In a market economy, when demand exceeds supply, prices rise. Higher prices discourage consumption, but they also encourage more investment and enhance production. Anyone who doubts the link between food prices and agricultural investment should take a close look at the stock price of the world’s largest producer of agricultural equipment, John Deere. While most US shares have taken a beating, John Deere’s share price has doubled and has split two-for-one in the last two years. High food prices are encouraging farmers to invest heavily in new equipment. This pattern is being repeated across the world, with investments in equipment, storage and land improvements.

#### They are key to production and productivity

Kharas 8 (Homi, sr. fellow @ the Brookings Institute, July 29, http://www.brookings.edu/opinions/2008/0729\_food\_prices\_kharas.aspx)

More food is already being produced in response to higher prices: forecasts for cereals production in 2008 by the Food and Agriculture Organisation show a significant increase. This should come as no surprise. When prices fell steeply between 1997 and 2002, cereal production declined. Now that prices have risen back to the levels of the mid-1990s, cereal production has resumed its upward trend. Productivity is on the rise.

## Warfighting

### #1 – Unsustainable 2nc

#### Syria proves that heg fails and decline is inevitable, but no transition wars

Brooks 8/28— Law professor at Georgetown University and a Schwartz senior fellow at the New America Foundation. She served as a counselor to the U.S. defense undersecretary for policy from 2009 to 2011 and previously served as a senior advisor at the U.S. State Department. (Rosa, “Wounded Giant” 2013,http://www.foreignpolicy.com/articles/2013/08/29/wounded\_giant\_united\_states\_syria?page=0,1, chm)ellipsis in original

Pity poor President Obama. These days, he can't win. Do nothing as the slaughter in Syria continues? Critics will say he's weak, he lacks strategic vision, he's indifferent to the suffering that Bashar al-Assad's regime is inflicting on the Syrian people, and he doesn't care whether Assad thumbs his nose at international law. Take military action in Syria? Critics will say he's a reckless hawk, he lacks strategic vision, he's indifferent to the suffering a U.S. air campaign will inflict on the Syrian people, and he's thumbing his nose at international law. It's not just Syria. It's Egypt, too, and the dashed hopes of the Arab Spring. It's the no-win endless war against al Qaeda and the no-win soon-to-end war in Afghanistan. It's the failed "reset" with Russia and the stillborn "pivot" to Asia. Look to your left, look to your right: You won't see many defenders of Obama's foreign policy these days. But though Obama deserves some of the blame for his current predicament, it's not all his own fault. He's hamstrung by changes in global power structures, hampered by our national unwillingness to hear unpleasant truths, and forced into the appearance of hypocrisy by his reluctance to tell us what we don't want to hear. Here are three uncomfortable truths Obama surely knows but won't say: 1. The American century is truly over. America is a declining power. Because we live in Lake Wobegon, where every child is above average, you'll never hear the president acknowledge this in public, but it's true. Deal with it. Blame "the rise of the rest." Europe, despite its various woes, has become a major power. China, India, and Brazil are playing ever larger roles on the world stage, and Russia is still strong enough to be a potent spoiler. Yes, we're still the world's most powerful state, but our relative power is declining as other states flex their political and economic muscles. Blame technology. Technological change has made us less autonomous than we used to be. Blame air travel, the Internet, and the cell phone, which have collectively ushered in an era in which virtually everything -- people, ideas, images, money, weapons, pollution, viruses -- can zoom quickly around the globe. This, in turn, has created a host of problems no single state can solve alone. We're are no longer the sole authors of our national destiny. And let's save some blame for ourselves. The country has made a hash of things. We squandered much of our moral credibility after the 9/11 attacks (torture and secret prisons) and wasted trillions of dollars on wars as ruinously expensive as they were politically inconclusive. Our current counterterrorism policies (drones, surveillance by the National Security Agency) are angering even our closest allies. Domestically, we're also in trouble: Our infrastructure is an embarrassment, our public education system has been allowed to decay, we lock up a higher percentage of our population than any country on Earth -- we're even too fat to fight. Not to mention, our domestic political system is broken, and the bipartisan rancor on Capitol Hill makes it hard to imagine turning any of this around. 2. No one really cares what we think, and we can't fix much of anything. The United States no longer has the ability to mold the world into the shape it prefers. Countries that once courted us no longer trouble to seek our approval or agreement; our allies remain polite, but just barely, and our adversaries are increasingly willing to thumb their noses at us in public. Sure, everyone's still happy to take our money -- what little we has left -- but even our wealth no longer buys much influence. The Egyptian military takes the $1.3 billion in aid we provide each year but ignores us when doing so suits it; the Egyptian military knows others will step forward to fill its coffers if we have a sudden attack of conscience. The Pakistani government takes our money and helps our enemies. Even our puppets refuse to act like puppets: We've has handed over endless suitcases of cash to Hamid Karzai's Afghan government, and all it has gotten us is a "partner" who denounces us on a regular basis. So you want Obama to "fix things" in Syria or Egypt or Afghanistan? How? We can't even fix the public schools in the nation's capital. Why would anyone imagine we can fix things anywhere else? 3. Breaking things has become our main talent. America has become a wounded giant. We're steadily weakening, but we're still strong enough to hurt a lot of people as we flail around. We can still summon up awesome destructive power, and in a world in which fewer and fewer people care about what we think or even need our money, it's increasingly tempting to fall back on brute force. Back in 2001, we ousted the Taliban in a matter of weeks. In 2003, we pushed Saddam Hussein's forces out of Baghdad in similarly short order. In 2011, we demolished Muammar al-Qaddafi's military in a brief air campaign. So yes, we can teach Syria's Assad a lesson he won't forget (if one assumes he actually controls his own forces, which is far from certain): We can destroy his chemical weapons production capabilities, bomb his planes, and flatten his tanks. Breaking things can feel satisfying, but as we've seen in Afghanistan, Iraq, and Libya, it only gets you so far. U.S. missile strikes against Assad's forces won't turn Syria into a stable democracy. They won't discredit or destroy Syria's Qaeda-linked Jabhat al-Nusra. They probably won't stop the Syrian civil war either. As an ill-timed but candid letter from Gen. Martin Dempsey, chairman of the Joint Chiefs of Staff, to Rep. Eliot Engel (D-N.Y.) noted on Aug. 19: "[T]he use of U.S. military force can change the military balance, but it cannot resolve the underlying and historic ethnic, religious, and tribal issues that are fueling this conflict.… [V]iolent struggles for power will continue after Assad's rule ends." The costs of living in Lake Wobegon: Obama is no one's fool. He understands that U.S. influence is declining and that our still-unparalleled power to destroy can tempt us into disaster. But he won't say any of this straight out. Instead, he skates delicately around the edges of straight talk. He suggests that America can't solve all the world's problems. He reminds us, as he did in a CNN interview this month, that "the situation in Syria is very difficult and the notion that the U.S. can somehow solve what is a sectarian, complex problem inside of Syria sometimes is overstated.… Sometimes what we've seen is that folks will call for immediate action, jumping into stuff that … gets us mired in very difficult situations." But he won't tell Americans the blunt truths they need to hear: We can't fix Syria. Or Egypt. Or most other places. We don't even know how to fix our own problems. Obama tends to couple even such mild reminders of U.S. limitations with Lake Wobegon-style cheerleading. "Around the world there is a new feeling about America," he enthused to Air Force Academy cadets in a 2012 speech. "There's a new confidence in our leadership.… The United States is stronger … and more respected in the world." The United States is "the greatest nation on earth," he gushed a few months later. Just this month, in the very same CNN interview in which he cautioned against rushing to action in Syria, he insisted that America is "the one indispensable nation." I'm sympathetic to Obama's plight. Every time he tries to be halfway honest about declining U.S. power, the right jumps all over him. But his failure to be honest also comes with a cost. When the president keeps insisting that the United States is the greatest/strongest/most beloved/most powerful country on Earth, here's what happens: The rest of us start to believe it, and we start to demand results that match the rhetoric. If we're so awesome and so strong, why aren't we fixing Syria? Why aren't we intimidating the Russians and getting the Egyptian military to behave and generally controlling the world as we see fit? To Americans accustomed to a stream of triumphalist, exceptionalist rhetoric, Obama's failure to act forcefully in the face of other states' bad behavior doesn't look like the wisdom of a president who understands the increasing limits of American power -- it just looks like hypocrisy, lack of interest, or baffling passivity. If Obama could bring himself to speak more honestly about the limits of American power, he might well pay a short-term political price -- but in the long term, he might also find Americans much more willing to cut him some slack. Still more importantly, some increased presidential honesty about the decline of U.S. power might refocus Americans on the things that we can change. We can't fix Egypt or Syria, but we can make sure we don't provide money or weapons to actors who will use them to slaughter their own people. We can describe the world and its tragedies accurately, instead of destroying the English language in a foolish, ineffectual attempt to maintain our "influence." (See: The coup we won't call a coup). We can make sure we only engage in military interventions when we're quite certain we can do more good than harm. Most of all, we can turn their attention to fixing some of the glaring social and economic injustices in our own society -- and we can try to live up to the human rights and rule-of-law standards that we have long urged on other states by taking a hard look at U.S. counterterrorism policies and their impact. This is an argument for honesty, not for isolationism. We need to remain globally engaged, and yes, at times that may require the use of military force -- but our engagement should be predicated on a healthy understanding of our limits. And who knows? If we devote more energy to living up to our own values and less to scolding or "punishing" others, we might find ourselves becoming a truly indispensible nation once again: a nation that inspires not resentment, but hope.

### Multilat

#### GOP will block multilat

**Rogin 10**—Worked at the House International Relations Committee, the Embassy of Japan, and the Brookings Institution. Graduate of George Washington University's Elliott School of International Affairs (11 Nov 2010, Josh, Obama's Top 10 Foreign-Policy Headaches, http://www.foreignpolicy.com/articles/2010/11/10/10\_foreign\_policy\_issues\_that\_just\_got\_harder\_for\_obama)

Now that Republicans have taken back the House of Representatives and seem to be preparing to thwart U.S. President Barack Obama's domestic-policy agenda, the White House may be tempted to look to foreign policy to achieve some victories in the coming year, as well as a means of achieving a measure of cooperation with a seemingly intransigent GOP.

But if that is the administration's strategy, **it's likely to fall flat. On most, if not all, of Obama's top foreign-policy action items, a more powerful, less accommodating Congress appears ready to throw additional roadblocks in his way.**

As a top GOP congressional aide told FP's The Cable, "You are going to see more aggressiveness to push an agenda and not to defer to the administration."

#### Diplomacy fails – it will be watered down

**Feaver 10—**pol sci, Duke. PhD in government, Harvard (Peter, Assessing a benchmark in Obama’s 'yes, but' strategy, 1 June 2010, http://shadow.foreignpolicy.com/posts/2010/06/01/assessing\_a\_benchmark\_in\_obama\_s\_yes\_but\_strategy)

The end of the NonProliferation Treaty Review conference provides an opportunity to assess how well President Obama's "Yes, But" strategy is working. My provisional assessment: not as well as I might have hoped. Recall that Obama's foreign policy efforts of the past 16 months can be summarized as one long effort to neutralize the talking points of countries unwilling to partner more vigorously with the United States on urgent international security priorities (like countering the Iranian regime's nuclear weapons program). **Despite a determined and focused effort at forging effective multilateralism**, the **Bush** administration **enjoyed only mixed success on the thorniest problems**. The Obama team came in believing that more could have been achieved if the United States had made more concessions up front to address the talking points of complaints/excuses would-be partners offered as rationalizations for not doing more. Yes, Iran's pursuit of a nuclear weapon is a problem, but what about Israel's? The Bush administration tended to view these talking points skeptically as a distraction and was not willing to pay much of a price in order to buy a rhetorical marker to offer in rebuttal. By contrast, the Obama Administration embraced them and devoted themselves to buying markers to deploy in response: Yes, but we have gone further than any other U.S. administration effort to publicly delegitimize the nuclear program of our ally Israel, so what about it, why don't you do more to help us on Iran? The just completed NPT Review conference was in some sense the ultimate benchmark for assessing the "Yes, But" strategy. The last review conference in 2005 collapsed in mutual recriminations with states unwilling to accept the Bush administration's prioritization of nonproliferation threats and responses. The Obama administration was determined to do better and by one measure they did: instead of diplomats storming out of the room, the 2010 NPT Review conference produced a document the states were willing to sign. This allowed the administration to boast, "We've got the NPT back on track." But in exchange for this, the United States endorsed an action plan that contains provisions Obama's National Security Advisor Jim Jones has characterized as "deplorable." As the Post describes it: "The United States got few of the specific goals it sought at the conference, such as penalties for nations that secretly develop nuclear weapons, then quit the pact (think North Korea). Language calling on countries to allow tougher nuclear inspections was greatly watered down." It is an action plan that singles out Israel by name for criticism but does not criticize Iran. The hypocrisy in the action plan was so great that apparently many countries were surprised when Obama's negotiators swallowed it. Obama's surprise last-minute concession temporarily wrong-footed the Iranian delegation. I do not know whether this compromise is the best that could have been negotiated in 2010. I do suspect, however, that something like it was achievable in 2005 -- meaning that if the Bush Administration had been willing to sign a "deplorable" compromise it could have done so in 2005. If I am right about that, then perhaps **the "Yes, But" strategy failed**. As the Post story put it: "Still, U.S. officials appeared frustrated that the Obama administration did not get more credit for its record. It has signed a new arms-reduction treaty with Russia, hosted a 47-nation summit on nuclear security and lessened the role of nuclear weapons in U.S. defense policy. "The disarmament stuff Obama did, **they just pocketed,**" said David Albright, president of the Institute for Science and International Security. Non-nuclear countries, he said, "didn't give anything back."" The "Yes, But" strategy was supposed to elicit better cooperation and more effective multilateralism -- what Obama's NSS has called "An international order advanced by U.S. leadership that promotes peace, security, and opportunity through stronger cooperation to meet global challenges." This benchmark would be met if the preliminary concessions sealed deals at lower prices. But if even after all the preliminary concessions our would-be partners still demand top dollar for their grudging acquiescence, it is hard to see what the "Yes, But" strategy won us.

# 2NR

#### Can pass the House—bill movement, momentum, Boehner will break Hastert rule

EPOCH TIMES, “Prospects for Immigration Reform Improving,” 10—23—13, http://www.theepochtimes.com/n3/326406-prospects-for-immigration-reform-improving/

The tide may be about to change in the immigration reform debate. The Senate has developed a broad immigration reform proposal, but the standstill in the House has made reform seem out of reach until recent developments.*¶* Bipartisan support for a bill that would provide a pathway to citizenship for the estimated 11 million people in America without documents may be within reach.¶ Rep. Mario Diaz-Balart (R-Fla.) is working on a House bill to reform American immigration laws. He said in a statement that it “must be a solution that will secure the border, strengthen our economy, respect the rule of law, modernize our visa system, and address the issue of the millions of undocumented immigrants in a way that is both reasonable and humane.”¶ Rep. Darrell Issa (R-Calif.) is also working on a proposal to give temporary legal status to undocumented immigrants.¶ Immigration reform advocates plan to keep pressing legislators for change. Current law demands that undocumented people to leave the country and re-enter legally before they can begin the process that could ultimately lead to citizenship.¶ Even the DREAM Act, also known as Deferred Action for Childhood Arrivals (DACA), is only a stopgap, deferring deportation for people under 30. A plan for President Obama to expand DACA to all ages is an unlikely, temporary solution.¶ The constitutionality of such a sweeping executive order is questionable and the president has declined to consider it an option.¶ Wide Public Support¶ Frank Sharry, executive director of immigration advocacy group America’s Voice, encourages Diaz-Balart and Issa’s efforts to introduce legislation to the House.¶ “The public overwhelmingly supports reform with a path to citizenship and the Senate has already approved, on a bipartisan basis, a reform package that includes a path to citizenship. It’s time for the House to step up,” he said in a statement.¶ Angela Kelley, vice president for Immigration Policy at the Center for American Policy, thinks there is hope if the Senate bill can stay alive through the end of this year.¶ The country is just emerging from “a highly dysfunctional and frankly, bizarre time in Washington,” she said.¶ The Hastert Rule¶ House Speaker John Boehner was able to avoid a national default when he broke the Hastert rule, meaning he allowed the vote to reopen the government and raise the debt ceiling to pass without the support of a majority of Republicans.¶ This suggests that he may also break the Hastert rule again, if necessary, to pass immigration reform, according to Kelly.¶ The Hastert rule is named for former Republican Speaker Dennis Hastert.¶ Staying Alive¶ If the House could bring an immigration reform bill into a conference committee, the bill could stay alive into 2014. This is the first year of this Congress, so legislation that has advanced into a committee could still be passed in 2014, according to Kelley.¶