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### Advantage 1 is Intervention

#### Obama has installed Responsibility to Protect at the core of intervention strategy

Vigeant 13 (Matthew E., J.D. 2015, Columbia Law School; M.P.A. 2015, Harvard Kennedy School, “Unforeseen Consequences: The Constitutionality of Unilateral Executive R2P Deployments and the Need for Congressional and Judicial Involvement”, Columbia Journal of Law and Social Problems, online)

Under the Obama Administration, however, R2P has become a component of U.S. foreign policy. The first U.S. government action that brought R2P into the wheelhouse of American foreign policy came just prior to the 2008 elections. The Genocide Prevention Task Force – an organization jointly convened by the U.S. Institute of Peace, the u.S. Holocaust Memorial Museum, and the American Academy of Diplomacy – “urge[d] America’s 44th president to demonstrate at the outset that preventing genocide and mass atrocities is a national priority.”23 The Task Force also suggested that the next President “develop and promulgate a government-wide policy on preventing genocide and mass atrocities… create a standing interagency mechanism for analysis of threats and consideration of appropriate action…[and] strengthen global efforts to prevent mass atrocities and genocide.”24 The Obama Administration seized on the Task Force’s recommendations, and translated them into a broader elevation of R2P as a national security interest, via three key documents. First Presidential Study Directive 10 (“PSD-10”) on Mass Atrocities declares mass atrocity prevention to be a “core national security interest and core moral responsibility.”25 PSD-10 directed the establishment of an interagency Atrocities Prevention Board (“APB”), made up of government officials across multiple federal agencies and tasked the APB to meet regularly to identify and address atrocity threats.26 The APB is also ordered to “consider the recommendations of relevant bipartisan and expert studies, including the recommendations of the bipartisan Genocide Prevention Task Force” in developing U.S. policy.27 The APB first met on April 23, 2012, and its first Director was Samantha Power, now the U.S. Ambassador to the U.N., who once wrote that America had a “duty to act” to prevent any foreign genocide.28 The second document is the 2010 National Security Strategy (“NSS”). The NSS states that “[t]he United States and all member states of the U.N. have endorsed the concept of the Responsibility to Protect.”29 The NSS continues that “[i]n the event that prevention fails, the United States will work both multilaterally and bilaterally to mobilize diplomatic, humanitarian, financial, and – in certain instances – military means to prevent and respond to genocide and mass atrocities.”30 The inclusion of R2P in the National Security Strategy is seen by the international community as a signal from the Obama Administration that embracing R2P is in the national interest of the U.S.31 Third, the Mass Atrocity Response Operations (“MARO”) Project, a joint project between Harvard’s Kennedy School of Government and the U.S. Army War College, has “developed a conceptual framework for MARO, explaining the underlying common elements and unique challenges of a MARO compared to other types of military operations.”32 The outcome of the Project is the MARO Handbook, which senior Department of Defense, Department of State, National Security Council, and other Administration Officials have utilized in table-top exercise simulations.33 Following publication of the MARO handbook, mass atrocity response was incorporated into Army Training and Doctrine Command publications, and the 2010 Department of Defense Quadrennial Review. In addition to these documents and actions, the President and members of his administration have made public pronouncements supporting the concept of R2P multiple times. President Obama’s 2009 Nobel Peace Prize Address discussed the role that militaries can play to protect vulnerable populations. Later, the President stated that “I believe that force can be justified on humanitarian grounds…. Inaction tears at our conscience and can lead to more costly intervention later. That’s why all responsible nations must embrace the role that militaries with a clear mandate can play to keep the peace.” 36 In 2009, then-U.N. Ambassador Susan Rice stated that the U.S. took its responsibility to protect civilians from violations of international law “seriously.”37 Assistant Secretary of State Andrew Shapiro labeled “the prevention of mass atrocities and genocide as a core national security interest of the United States.”38 And on April 23, 2012, President Obama said that “national sovereignty is never a license to slaughter you own people,” as he discussed the creating of the APB.39 These public comments are only a small sampling of public Obama Administration support for R2P. Additionally, the placement of R2P proponents, such as Susan Rice and Samantha Power in senior U.S. defense and foreign relations posts signals the President’s support for the doctrine.40 Under the Obama Administration, the concept of R2P has become a core national interest. This interest was given as one of the reasons for the Libyan intervention, but is this a legally legitimate interest that, by itself, gives the President the power to unilaterally deploy military forces into a hostile conflict?

#### Broad-spectrum military strategy is unsustainable – inevitable budget cuts ensure an unbalanced force that can’t deescalate low-intensity flare-ups

Johnson & Brickstein 12 (Stuart Johnson and Irv Blickstein are senior policy researchers at the nonprofit, nonpartisan RAND Corporation, “Big Defense Cuts Are Coming, Regardless of the Fiscal Cliff,” 12-27, http://www.usnews.com/opinion/blogs/world-report/2012/12/27/big-defense-cuts-are-coming-regardless-of-the-fiscal-cliff)

Regardless of the final resolution of "fiscal cliff" negotiations between President Obama and House Speaker John Boehner, the Department of Defense is likely to end up facing major budget reductions beyond the $487 billion announced last January. Where might the Pentagon find these savings? Its belt can be tightened by implementing operational efficiencies, overhauling acquisition practices, and rationalizing personnel compensation. But these alone may not yield the savings that the Secretary of Defense could be directed to find. Reductions of the magnitude implied by sequestration—some $500 billion over the coming decade—cannot be accommodated without a re-examination of current defense strategy. Across-the-board cuts or the elimination of programs that yield near-term savings may be tempting options, but would yield an unbalanced force in the short term and could require greater program outlays in future years. **The prudent approach is** to decide on **a strategic direction that provides** a framework **for prioritizing which forces** and equipment **the U**nited **S**tates **should preserve and determining which can be trimmed** or eliminated **with limited risk to security**. The strategic directions select and preserve key elements of the current strategy—which covers the full set described below—but will not be affordable in the face of substantial reductions in the department’s budget. To help begin this process, a team of RAND analysts examined three alternative strategies. They are not mutually exclusive: Pieces of each approach can be implemented in concert. While other strategic directions are certainly possible, the three plans we considered seemed the most likely to address developments on the world stage. In the first, we posit a scenario in which violent extremism and related insurgencies outlast U.S. efforts in Iraq and Afghanistan and **remain a serious threat** to our nation and its interests. Therefore, readiness to respond to that threat must remain the top U.S. defense priority. Accordingly, no reductions in ground forces would be implemented beyond those currently planned, and savings would be generated principally through reductions to maritime and aviation forces. The primary risk associated with this strategy is that total-force modernization and the development of technologies critical to meeting future defense challenges could receive inadequate investment. A second alternative is to shift more responsibility for defending common interests to U.S. allies and partners, especially in Europe and Asia. European NATO allies could be ceded the lead responsibility for security on the Mediterranean littoral and for counterpiracy operations in the Gulf of Aden. These allies could also provide the bulk of ground and tactical air forces to deter Russian coercion, or even invasion, of Central European NATO members. The "pivot to Asia" outlined by the Obama administration would be limited to measures already under way, although the United States would still serve as the focal point for coordinating deterrence against Chinese assertiveness among our Asian allies. Those allies that have the capacity to confront China would be urged—and, in the best case, motivated—to do more. At the same time, the United States would redouble efforts to build the capacity of local partner security forces in countries at risk of insurgency or aggression, reducing the need for U.S. forces to deploy in large numbers to counter an insurgency or establish stability. Under this strategy, the United States would also be prepared to provide high end enabling capabilities to allies and partners, including battlefield surveillance and long range precision strikes. **The key risks** associated **with this strategic direction** **are** the flip side of its benefits: **Allies may fail to assume leadership** **in defense of common interests** in their region, and U.S. efforts to build the capacity of local forces could be stymied by the inefficiency or illegitimacy of partner governments. **The third option we examined** **involves acknowledging** that **the center of gravity for security challenges has shifted** to the western Pacific, **and** thus **forces oriented to the Euro-Atlantic region and the Middle East can be further reduced**. **The biggest risk here is the possibility that violent extremist threats to U.S. interests in those regions again** flares up, and **the U.S. response would have to rely on** a **smaller** component of ground and battlefield tactical air **forces**. The second and third strategic directions share a common goal. If the United States enters a conflict, it will focus on defeating aggressors and inflicting severe damage on an adversary’s military forces to neutralize their ability to repeat the aggression. Post-conflict operations would be limited to minimal stabilization efforts, not an extended, sizable presence of U.S. forces. **The** current strategy incorporates the full spectrum of missions described in these three alternatives. It carries less risk than any of the alternatives. But in the face of deep reductions in the defense budget, it is not affordable. Attaining real savings while maintaining national security requires **tradeoffs that can only be** optimized **by** strategic planning. Future decisions will not be easy and will not accommodate all defense constituencies. Any time reductions must be made, they should be made within a thoughtfully developed strategic framework and with a full understanding of the risks and benefits involved.

#### Warfare is now defined by non-state action – precise military strategy is required

George Friedman, June 11, 2008. “Geopolitical Weekly: The U.S. Air Force and the Next War,”

http://www.stratfor.com/weekly/geopolitical\_weekly\_u\_s\_air\_force\_and\_next\_war

There is a school of thought in the military that argues that we have now entered the fourth generation of warfare. The first generation of war, according to this theory, involved columns and lines of troops firing muzzle-loaded weapons in volleys. The second generation consisted of warfare involving indirect fire (artillery) and massed movement, as seen in World War I. Third-generation warfare comprised mobile warfare, focused on outmaneuvering the enemy, penetrating enemy lines and encircling them, as was done with armor during World War II. The first three generations of warfare involved large numbers of troops, equipment and logistics. Large territorial organizations -- namely, nation-states -- were required to carry them out. Fourth-generation warfare is warfare carried out by nonstate actors using small, decentralized units and individuals to strike at enemy forces and, more important, create political support among the population. The classic example of fourth-generation warfare would be the intifadas carried out by Palestinians against Israel. They involved everything from rioters throwing rocks to kidnappings to suicide bombings. The Palestinians could not defeat the Israel Defense Forces (IDF), a classic third-generation force, in any conventional sense -- but neither could the IDF vanquish the intifadas, since the battlefield was the Palestinians themselves. So long as the Palestinians were prepared to support their fourth-generation warriors, they could extract an ongoing price against Israeli civilians and soldiers. The Israeli-Palestinian conflict thus became one of morale rather than materiel. This was the model, of course, the United States encountered in Iraq. Fourth-generation warfare has always existed. Imperial Britain faced it in Afghanistan. The United States faced it at the turn of the last century in the Philippines. King David waged fourth-generation warfare in Galilee. It has been a constant mode of warfare. The theorists of fourth-generational warfare are not arguing that the United States will face this type of war along with others, but that going forward, this type of warfare will dominate -- that the wars of the future will be fourth-generation wars. Nation-States and Fourth-Generation Warfare Implicit in this argument is the view that the nation-state, which has dominated warfare since the invention of firearms, is no longer the primary agent of wars. Each of the previous three generations of warfare required manpower and resources on a very large scale that only a nation-state could provide. Fidel Castro in the Cuban mountains, for example, could not field an armored division, an infantry brigade or a rifle regiment; it took a nation to fight the first three generations of warfare. The argument now is that nations are not the agents of wars but its victims. Wars will not be fought between nations, but between nations and subnational groups that are decentralized, sparse, dispersed and primarily conducting war to attack their target's morale. The very size of the forces dispersed by a nation-state makes them vulnerable to subnational groups by providing a target-rich environment. Being sparse and politically capable, the insurgent groups blend into the population and are difficult to ferret out and defeat. In such a war, the nation-state's primary mission is to identify the enemy, separate him from the population and destroy him. It is critical to be surgical in attacking the enemy, since the enemy wins whenever an attack by the nation-state hits the noncombatant population, even if its own forces are destroyed -- this is political warfare. Therefore, the key to success -- if success is possible -- is intelligence. It is necessary to know the enemy's whereabouts, and strike him when he is not near the noncombatant population.

#### Shift toward asymmetric and low-intensity warfare risks WMD terrorism – U.S. must adapt

MAX BOOT is Jeane J. Kirkpatrick Senior Fellow for National Security Studies at the Council on Foreign Relations, The Evolution of Irregular War. By: Boot, Max, Foreign Affairs, 00157120, Mar/Apr 2013, Vol. 92, Issue 2

The long history of low-intensity conflict reveals not only how ubiquitous guerrilla warfare has been but also how often its importance has been ignored, thus setting the stage for future humiliations at the hands of determined irregulars. The U.S. Army has a particularly dismaying record of failing to adapt to "small wars," despite its considerable experience fighting Native Americans, Philippine insurrectos, the Vietcong, al Qaeda, the Taliban, and numerous other irregulars. To avoid similar calamities in the future, today's soldiers and policymakers need to accurately appraise the strengths and weaknesses of insurgents. It is important neither to underestimate nor to overestimate the potency of guerrilla warfare. Before 1945, since irregulars refused to engage in face-to-face battle, they were routinely underestimated. After 1945, however, popular sentiment swung too far in the other direction, enshrining guerrillas as superhuman figures. The truth lies somewhere in between: insurgents have honed their craft since 1945, but they still lose most of the time. Their growing success is due to the spread of communications technology and the increasing influence of public opinion. Both factors have sapped the will of states to engage in protracted counterinsurgencies, especially outside their own territories, and have heightened the ability of insurgents to survive even after suffering military setbacks. In the fight against insurgents, conventional tactics don't work. To defeat them, soldiers must focus not on chasing guerrillas but on securing the local population. Still, effective population-centric counterinsurgency is not as touchy-feely as commonly supposed. It involves much more than winning "hearts and minds" -- a phrase invented by Sir Henry Clinton, a British general during the American Revolution, and popularized by Sir Gerald Templer, a general during the Malayan Emergency, in the late 1940s and 1950s. The only way to gain control is to garrison troops 24 hours a day, seven days a week, among the civilians; periodic "sweep" or "cordon and search" operations fail, even when conducted by counterinsurgents as cruel as the Nazis, because civilians know that the rebels will return the moment the soldiers leave. Although control can be imposed at gunpoint, it can be maintained only if the security forces have some degree of popular legitimacy. In years past, it was not hard for foreign empires to gain the necessary legitimacy. But now, with nationalist sentiment having spread to every corner of the world, foreign counterinsurgents, such as the United States, face a tricky task, trying to buttress homegrown regimes that can win the support of their people and yet will still cooperate with the United States. What makes counterinsurgency all the more difficult is that there are few quick victories in this type of conflict. Since 1775, the average insurgency has lasted seven years (and since 1945, it has lasted almost ten years). Attempts by either insurgents or counterinsurgents to short-circuit the process usually backfire. The United States tried to do just that in the early years of both the Vietnam War and the Iraq war by using its conventional might to hunt down guerrillas in a push for what John Paul Vann, a famous U.S. military adviser in Vietnam, rightly decried as "fast, superficial results." It was only when the United States gave up hopes of a quick victory, ironically, that it started to get results, by implementing the tried-and-true tenets of population-centric counterinsurgency. In Vietnam, it was already too late, but in Iraq, the patient provision of security came just in time to avert an all-out civil war. The experiences of the United States in Iraq in 2007-8, Israel in the West Bank during the second intifada, the British in Northern Ireland, and Colombia in its ongoing fight against the FARC (Revolutionary Armed Forces of Colombia) show that it is possible for democratic governments to fight insurgents effectively if they pay attention to what the U.S. military calls "information operations" (also known as "propaganda" and "public relations") and implement some version of a population-centric strategy. But these struggles also show that one should never enter into counterinsurgency lightly. Such wars are best avoided if possible. Even so, it is doubtful that the United States will be able to avoid them in the future any more than it has in the past. Given the United States' demonstrations of its mastery of conventional combat in Iraq in 1991 and 2003, few adversaries in the future will be foolish enough to put tank armies in the desert against an American force. Future foes are unlikely, in other words, to repeat the mistake of nineteenth-century Asians and Africans who fought European invaders in the preferred Western style. Guerrilla tactics, on the other hand, are proven effective, even against superpowers. In the future, irregulars might become deadlier still if they can get their hands on a weapon of mass destruction, especially a nuclear bomb. If that were to happen, a small terrorist cell the size of a platoon might gain more killing capacity than the entire army of a nonnuclear state. That is a sobering thought. It suggests that in the future, low-intensity conflict could pose even greater problems for the world's leading powers than it has in the past -- and those problems were already vexing enough.

#### Bioterrorism is coming – scientific breakthroughs, record availability, low-cost

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In Part I of this series, we examined how the advancement of synthetic biology has made bio-engineering accessible to the mainstream biological community. Non-state actors who wish to employ biological agents for ill intent are sure to be aware of how tangible bio-weapons are becoming as applications of synthetic biology become more affordable and the probability of success increases with each scientific breakthrough. The willingness of non-state actors to engage in biological attacks is not a new concept; however, the past biological threat environment has been subdued compared to that of conventional or even chemical terrorism. The frequency and deadliness of biological attacks has, thankfully, been limited; much of which can be attributed to the technical complexity or apparent ineptitude of the perpetrators developing biological weapons. Despite the infrequency and ineffectiveness of biological attacks in the last four decades, the threat may be changing with the continued advancement of synthetic biology applications. Coupled with the ease of information sharing and a rapidly growing do-it-yourself-biology (DIYbio) movement (discussed in Part I), the chances of not only, more attacks, but potentially more deadly ones will inevitably increase. During the last half century terrorist organizations have consistently had an interest in using biological weapons as a means of attacking their targets, but only few have actually made a weapon and used it. The attraction is that terrorist activities with biological weapons are difficult to detect and even more difficult to attribute without a specific perpetrator claiming responsibility. Since 1971 there have been more than 113,113 terrorist attacks globally and 33 of them have been biological. The majority of bio-terrorism incidents recorded occurred during the year 2001 (17 of the 33); before 2001 there were 10 incidents and since 2001 there were 6 (not counting the most recent Ricin attacks). The lack of a discernable trend in use of bio-terrorism does not negate the clear intent of extremist organizations to use biological weapons. In fact, the capacity to harness biological weapons more effectively today only increases the risk that they will successfully be employed. The landscape is changing: previously the instances where biological attacks had the potential to do the most harm (e.g., Rajneeshees cult’s Salmonella attacks in 1984, Aum Shinri Kyo’s Botulinum toxin, and Anthrax attacks in the early 90’s) included non-state actors with access to large amounts of funding and scientists. Funding and a cadre of willing scientists does not guarantee success though. The assertion was thus made that biological weapons are not only expensive, they require advanced technical training to make and are even more difficult to effectively perpetrate acts of terrorism with. While it is difficult to determine with certainty whether the expense and expertise needed to create biological weapons has acted as a major deterrent for groups thinking of obtaining them, many experts would argue that the cost/expertise barrier makes the threat from biological attacks extremely small. This assertion is supported by the evidence that the vast majority of attacks have taken place in Western countries and was performed by Western citizens with advanced training in scientific research. In the past decade the cost/expertise assertion has become less accurate. Despite the lack of biological attacks, there are a number of very dangerous and motivated organizations that have or are actively pursuing biological weapons. The largest and most outspoken organization has been the global Al Qaeda network, whose leaders have frequently and passionately called for the development (or purchase) of Weapons of Mass Destruction (WMD). The principal message from Al Qaeda Central and Al Qaeda in the Arabian Peninsula (AQAP) has included the call to use biological WMDs to terrorize Western nations. Al Qaeda has had a particular focus on biological and nuclear weapons because of their potential for greatest harm. Osama Bin Laden, Ayman al-Zawahiri and Anwar al-Awlaki have all called for attacks using biological weapons, going so far as to say that Muslims everywhere should seek to kill Westerners wherever possible and that obtaining WMDs is the responsibility of all Muslims. Before the US-led invasion of Afghanistan, Al Qaeda had spent significant funds on building a bio-laboratory and had begun collecting scientists from around the world; however, the Afghanistan invasion and subsequent global War on Terrorism is thought to have disrupted their capabilities and killed or captured many of their assets. Despite the physical setbacks, this disruption does not appear to have changed the aggressive attitude towards obtaining WMDs (e.g., more recently U.S. Intelligence has been concerned about AQAP attempting to make Ricin). The emergence of synthetic biology and DIYbio has increased the likelihood that Al Qaeda will succeed in developing biological WMDs. The low cost and significantly reduced level of necessary expertise may change how many non-state actors view biological weapons as a worthwhile investment. This is not to say that suddenly anyone can make a weapon or that it is easy. To the contrary making an effective biological weapon will still be difficult, only much easier and cheaper than it has been in the past. The rapid advancements of synthetic biology could be a game changer, giving organizations currently pursuing biological weapons more options, and encouraging other organizations to reconsider their worth. Because the bar for attaining biological weapons has been lowered and is likely to continue to be lowered as more advances in biological technology are made, it is important that the international community begin to formulate policy that protects advances in science that acts to prevent the intentional misuse of synthetic biology. Disregard for this consideration will be costly. A successful attack with a potent biological weapon, where no pharmaceutical interventions might exist, will be deadly and the impact of such an attack will reverberate around the globe because biological weapons are not bound by international borders.

#### Asymmetric cooperation trumps their defense – terrorists can get WMD

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“Southern Flows,” http://www.stimson.org/images/uploads/research-pdfs/SouthernFlows314.pdf

While development specialists celebrate these trends, security analysts are rightly concerned that an increasingly interconnected world yields a lengthening proliferation supply chain for WMD technologies. Increasingly, even in sophisticated dual-use sectors, innovation and manufacturing is occurring in the Global South, which has traditionally represented the widest regulatory and enforcement vacuums. So-called trickle-up innovation means that countries once thought to be on the periphery of the information age are instead becoming central to it. Due to a lack of experience with dual-use industrial or innovative competences, real capacity shortfalls in enforcement, or competing national priorities, many governments in the developing world have become fertile environments for proliferant activities.9 Lacking adequate export and border controls, customs enforcement, police and judicial capacity, and sufficient rule-of-law standards, or pressed by skyrocketing violence resulting from transnational criminal activities, or internal public health crises (to name but a few challenges), these sometimes weak and fragile states are incapable of or unwilling to adequately implement global nonproliferation standards. The result is that despite significant nonproliferation investments over the last decades, the international community continues to find itself vulnerable to WMD proliferation to nonstate actors. Recent incidents of proliferation are instructive. Figure 2 indicates the number of states whose territories have been used or whose companies were knowingly or unknowingly complicit in International Atomic Energy Agency (IAEA) documented incidents of materials trafficking, or were otherwise implicated in the A.Q. Khan affair. Although governments across the developed world were clearly complicit, the surprising distribution of developing world countries involved reflects their newfound role in innovating, manufacturing, financing, transshipping, or otherwise contributing to the efforts of committed proliferators. For these reasons, the failure to fully and effectively implement Resolution 1540 in countries of the Global South could have as important implications to the proliferation supply chain as similar failures in more technologically developed regions.

#### Bio-terrorism causes extinction – countermeasures fail

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¶ As horrible as this would be, such a pandemic is by ¶ no means the worst attack one can imagine, for several ¶ reasons. First, most of the classic bioweapons are based ¶ on 1960s and 1970s technology because the 1972 treaty ¶ halted bioweapons development efforts in the United ¶ states and most other Western countries. Second, the Russians, although solidly committed to biological weapons ¶ long after the treaty deadline, were never on the cutting ¶ edge of biological research. Third and most important, the science and technology of molecular biology have made enormous advances, utterly transforming the field in the last few decades. High school biology students routinely ¶ perform molecular-biology manipulations that would have ¶ been impossible even for the best superpower-funded program back in the heyday of biological-weapons research. ¶ The biowarfare methods of the 1960s and 1970s are now ¶ as antiquated as the lumbering mainframe computers of ¶ that era. tomorrow’s terrorists will have vastly more deadly bugs to choose from.¶ Consider this sobering development: in 2001, Australian researchers working on mousepox, a nonlethal ¶ virus that infects mice (as chickenpox does in humans), ¶ accidentally discovered that a simple genetic modification transformed the virus.10, 11 Instead of producing mild ¶ symptoms, the new virus killed 60% of even those mice ¶ already immune to the naturally occurring strains of ¶ mousepox. The new virus, moreover, was unaffected ¶ by any existing vaccine or antiviral drug. A team of ¶ researchers at Saint Louis University led by mark Buller ¶ picked up on that work and, by late 2003, found a way to ¶ improve on it: Buller’s variation on mousepox was 100% ¶ lethal, although his team of investigators also devised ¶ combination vaccine and antiviral therapies that were ¶ partially effective in protecting animals from the ¶ engineered strain.12, 13 Another saving grace is that ¶ the genetically altered virus is no longer contagious. ¶ of course, it is quite possible that future tinkering ¶ with the virus will change that property, too.¶ Strong reasons exist to believe that the genetic modifications Buller made to mousepox would work for other ¶ poxviruses and possibly for other classes of viruses as well. ¶ Might the same techniques allow chickenpox or another ¶ poxvirus that infects humans to be turned into a 100% lethal bioweapon, perhaps one that is resistant to any known ¶ antiviral therapy? I’ve asked this question of experts many ¶ times, and no one has yet replied that such a manipulation ¶ couldn’t be done.¶ This case is just one example. Many more are pouring out of scientific journals and conferences every year. ¶ Just last year, the journal Nature published a controversial ¶ study done at the University of Wisconsin–madison in ¶ which virologists enumerated the changes one would need ¶ to make to a highly lethal strain of bird flu to make it easily ¶ transmitted from one mammal to another.14¶ Biotechnology is advancing so rapidly that it is hard to keep track of all the new potential threats. Nor is it clear ¶ that anyone is even trying. In addition to lethality and drug ¶ resistance, many other parameters can be played with, ¶ given that the infectious power of an epidemic depends on many properties, including the length of the latency period during which a person is contagious but asymptomatic. Delaying the onset of serious symptoms allows each new case to spread to more people and thus makes the virus harder to stop.¶ This dynamic is perhaps best illustrated by HIV, which ¶ is very difficult to transmit compared with smallpox and ¶ many other viruses. Intimate contact is needed, and even¶ then, the infection rate is low. The balancing factor is that ¶ hiv can take years to progress to aids, which can then ¶ take many more years to kill the victim. What makes hiv¶ so dangerous is that infected people have lots of opportunities to infect others. This property has allowed hiv to ¶ claim more than 30 million lives so far, and approximately ¶ 34 million people are now living with this virus and facing ¶ a highly uncertain future.15¶ A virus genetically engineered to infect its host quickly, ¶ to generate symptoms slowly—say, only after weeks or ¶ months—and to spread easily through the air or by casual ¶ contact would be vastly more devastating than hiv. It ¶ could silently penetrate the population to unleash its deadly effects suddenly. This type of epidemic would be almost impossible to combat because most of the infections would occur before the epidemic became obvious. A technologically sophisticated terrorist group could develop such a virus and kill a large part of humanity with it. Indeed, terrorists may not have to develop it themselves: ¶ some scientist may do so first and publish the details.¶ given the rate at which biologists are making discoveries about viruses and the immune system, at some point in ¶ the near future, someone may create artificial pathogens that could drive the human race to extinction. Indeed, a ¶ detailed species-elimination plan of this nature was openly ¶ proposed in a scientific journal.¶ The ostensible purpose of that particular research was ¶ to suggest a way to extirpate the malaria mosquito, but ¶ similar techniques could be directed toward humans.16 ¶ When I’ve talked to molecular biologists about this method, they are quick to point out that it is slow and easily ¶ detectable and could be fought with biotech remedies. If ¶ you challenge them to come up with improvements to the ¶ suggested attack plan, however, they have plenty of ideas.¶ Modern biotechnology will soon be capable, if it is not ¶ already, of bringing about the demise of the human race—¶ or at least of killing a sufficient number of people to end ¶ high-tech civilization and set humanity back 1,000 years or ¶ more. That terrorist groups could achieve this level of technological sophistication may seem far-fetched, but keep in ¶ mind that it takes only a handful of individuals to accomplish these tasks. Never has lethal power of this potency been accessible to so few, so easily. Even more dramatically ¶ than nuclear proliferation, modern biological science has ¶ frighteningly undermined the correlation between the lethality of a weapon and its cost, a fundamentally stabilizing ¶ mechanism throughout history. Access to extremely lethal agents—lethal enough to exterminate Homo sapiens—will be available to anybody with a solid background in biology terrorists included.¶ The 9/11 attacks involved at least four pilots, each of whom had sufficient education to enroll in flight schools and complete several years of training. Bin laden had a degree in civil engineering. Mohammed Atta attended a german university, where he earned a master’s degree in urban ¶ planning—not a field he likely chose for its relevance to ¶ terrorism. A future set of terrorists could just as easily be students of molecular biology who enter their studies innocently enough but later put their skills to homicidal use. ¶ Hundreds of universities in Europe and Asia have curricula sufficient to train people in the skills necessary to make a sophisticated biological weapon, and hundreds more in the ¶ United states accept students from all over the world. ¶ Thus it seems likely that sometime in the near future a small band of terrorists, or even a single misanthropic individual, will overcome our best defenses and do something ¶ truly terrible, such as fashion a bioweapon that could kill ¶ millions or even billions of people. Indeed, the creation of ¶ such weapons within the next 20 years seems to be a virtual ¶ certainty. The repercussions of their use are hard to estimate. One approach is to look at how the scale of destruction they may cause compares with that of other calamities ¶ that the human race has faced.

#### Bio terror extinction outweighs the disad

Singer 2001

[Clifford Singer, Director of the Program in Arms Control, Disarmament, and International Security at the University of Illinois at Urbana—Champaign. “Will Mankind Survive the Millennium?” The Bulletin of the Program in Arms Control, Disarmament, and International Security, University of Illinois at Urbana-Champaign, 13.1, <http://www.acdis.uiuc.edu/> research/S&Ps/2001-Sp/S&P\_ XIII/Singer.htm Published Spring 2001]

In recent years the fear of the apocalypse (or religious hope for it) has been in part a child of the Cold War, but its seeds in Western culture go back to the Black Death and earlier. Recent polls suggest that the majority in the United States that believe man would survive into the future for substantially less than a millennium was about 10 percent higher in the Cold War than afterward. However fear of annihilation of the human species through nuclear warfare was confused with the admittedly terrifying, but much different matter of destruction of a dominant civilization. The destruction of a third or more of much of the globe’s population through the disruption from the direct consequences of nuclear blast and fire damage was certainly possible. There was, and still is, what is now known to be a rather small chance that dust raised by an all-out nuclear war would cause a so called nuclear winter, substantially reducing agricultural yields especially in temperate regions for a year or more. As noted above mankind as a whole has weathered a number of mind-boggling disasters in the past fifty thousand years even if older cultures or civilizations have sometimes eventually given way to new ones in the process. Moreover the fear that radioactive fallout would make the globe uninhabitable, publicized by widely seen works such as “On the Beach,” was a metaphor for the horror of nuclear war rather than reality. The epidemiological lethal results of well over a hundred atmospheric nuclear tests are barely statistically detectable except in immediate fallout plumes. The increase in radiation exposure far from the combatants in even a full scale nuclear exchange at the height of the Cold War would have been modest compared to the variations in natural background radiation doses that have readily been adapted to by a number of human populations. Nor is there any reason to believe that global warming or other insults to our physical environment resulting from currently used technologies will challenge the survival of mankind as a whole beyond what it has already handily survived through the past fifty thousand years. There are, however, two technologies currently under development that may pose a more serious threat to human survival. The first and most immediate is biological warfare combined with genetic engineering. Smallpox is the most fearsome of natural biological warfare agents in existence. By the end of the next decade, global immunity to smallpox will likely be at a low unprecedented since the emergence of this disease in the distant past, while the opportunity for it to spread rapidly across the globe will be at an all time high. In the absence of other complications such as nuclear war near the peak of an epidemic, developed countries may respond with quarantine and vaccination to limit the damage. Otherwise mortality there may match the rate of 30 percent or more expected in unprepared developing countries. With respect to genetic engineering using currently available knowledge and technology, the simple expedient of spreading an ample mixture of coat protein variants could render a vaccination response largely ineffective, but this would otherwise not be expected to substantially increase overall mortality rates. With development of new biological technology, however, there is a possibility that a variety of infectious agents may be engineered for combinations of greater than natural virulence and mortality, rather than just to overwhelm currently available antibiotics or vaccines. There is no a priori known upper limit to the power of this type of technology base, and thus the survival of a globally connected human family may be in question when and if this is achieved.

**No nuclear 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 2009 (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 thermo nuclear 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.

#### Effective training and operational patterns can counter asymmetric WMD warfare

Michele A. Flournoy 8 (Fellow at the Center for a New American Security & U.S. Under-Secretary of Defense, “Strengthening the Readiness of the U.S. Military”, Prepared Statement of Michèle A. Flournoy)

At the same time, the United States must prepare for a broad range of future contingencies, from sustained, small-unit irregular warfare missions to military-to-military training and advising missions to high-end warfare against regional powers armed with weapons of mass destruction and other asymmetric means. Yet compressed training times between deployments mean that many of our enlisted personnel and officers have the time to train only for the missions immediately before them—in Iraq and Afghanistan—and not for the missions over the horizon. These just-in-time training conditions have created a degree of strategic risk, which the Chairman of the Joint Chiefs of Staff noted in his recent posture statement. As we at the Center for a New American Security wrote in our June, 2007 report on the ground forces, the United States is a global power with global interests, and we need our armed forces to be ready to respond whenever and wherever our strategic interests might be threatened. The absence of an adequate strategic reserve of ready ground forces must be addressed on an urgent basis. Readiness is the winning combination of personnel, equipment, and training in adequate quantity and quality for each unit. Each of these components of readiness has been under sustained and increasing stress over the past several years. For the ground forces, the readiness picture is largely—although not solely—centered on personnel while the Navy and the Air Force’s readiness challenges derive primarily from aging equipment. The Army continues to experience the greatest strain and the greatest recruitment challenges.

#### Planning and operation tempo are central to military readiness

Slattery 13 (Brian, “Military Readiness at a Tipping Point,” January 17, http://blog.heritage.org/2013/01/17/military-readiness-at-a-tipping-point/)

“The readiness of our Armed Forces is at a tipping point.” That’s how General Martin Dempsey, chairman of the Joint Chiefs of Staff, began a letter to the Senate Armed Services Committee while discussing the Department of Defense’s (DOD) budget woes. He cites “budget **conditions** unfolding right now” as the cause of his concerns for U.S. military readiness. This refers to the still looming cuts under sequestration, which were merely delayed as part of the fiscal cliff deal rather than averted permanently. Furthermore, the lack of a real budget and use of a continuing resolution instead has **put** additional **strain on military planners, who do not know what their budgets will look like** months from now **and are operating under lower than expected levels** from the previous year. These combined budget concerns mean **DOD operating budgets will be 20 percent lower than the President’s fiscal year 2013 budget request**, according to Dempsey. What effect this will have on specific military programs remains unclear. However, **the DOD already has** countless readiness concerns to show for years of underfunded modernization efforts. “Not enough people, not enough parts, not enough training, not enough everything,” lamented Vice Admiral Thomas Copeman, commander of naval surface forces for the U.S. Pacific Fleet. He put the equation thusly: “[Operational] tempos have increased, resources have gone down.” This conundrum occurred before sequestration has taken effect, it is worth noting.

#### Restricting R2P solves – precursor to effective deployment structure and tempo

Vigeant 13 (Matthew E., J.D. 2015, Columbia Law School; M.P.A. 2015, Harvard Kennedy School, “Unforeseen Consequences: The Constitutionality of Unilateral Executive R2P Deployments and the Need for Congressional and Judicial Involvement”, Columbia Journal of Law and Social Problems, online)

A. LIMITED RESOURCES IN AN AGE OF AUSTERITY The first problem which R2P missions could create is the cost of such missions. We live in an era of large federal deficits and national debt,117 and in response to these pressing fiscal issues, members of government have called for cuts to federal spending. 118 One area that has already seen cuts, and faces more reductions, is the defense budget.119 This past year, in response to these anticipated constraints, former Secretary of Defense Leon Panetta ordered military commanders to slash $52 billion from their operating budgets on January 11, 2013.120 Yet while defense budgets are reduced, the proportion of defense spending that will go towards healthcare and veterans benefits is set to increase steadily over the coming decades.121 So to balance spending priorities, a recent RAND study suggests cutting back the military’s operations tempo abroad.122 Additionally, calls to cut the size of the military have been made. Michael O’Hanlon of the Brookings Institution recently proposed a reduction in the number of active duty military personnel by 100,000 service members.123 A 2011 RAND study similarly called for a reduction to the Army’s overall force structure (active and reserve components), as did the 2010 Sustainable Defense Task Force Report, and a CATO Institute report suggested a dramatic reduction in the size of the active duty Army to only 360,000 troops.124 The Army is already set to fall over five years to 490,000 service member from a peak of 570,000, and the Marines are to drop to 182,000 from 202,000 service members, but further cuts will be required according to testimony Secretary of Defense Chuck Hagel delivered this summer.125 Yet in the face of calls for a reduced operations tempo and smaller force structure, the global problem of failed and failing states is not going away.126 So there will be a continuing need for R2P missions, which will have to be conducted by a smaller military operating on a smaller budget. For instance, with cuts and an ongoing war in Afghanistan, there are calls for America to intervene in Syria in the name of R2P.127 One estimate put the size of the Syrian military at 280,000 soldiers, so any R2P intervention there would require a force larger than the one in Afghanistan currently.128 With a smaller military and a continued need for R2P missions, soldiers would face repeated deployments. But **the last decade of repeated deployments have led to a drop in the military’s ability to retain its best junior officers**; **a rise in military suicides**;129 significant family stress and uncertainty; and a number of other negative consequences.130

### Advantage 2 is Regionalism

#### Regionalism is inevitable – effectiveness is not guaranteed

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Five years into Obama's presidency, little progress has been made on that front, and few still expect it. Formal multilateral institutions continue to muddle along, holding their meetings and issuing their reports and taking some minor stabs at improving transnational problems at the margins. Yet despite the Obama administration's avowed ambition to integrate rising powers as full partners, there has been no movement to reform the composition of the UN Security Council to reflect new geopolitical realities. Meanwhile, the World Trade Organization (WTO) is comatose, NATO struggles to find its strategic purpose, and the International Energy Agency courts obsolescence by omitting China and India as members. The demand for international cooperation has not diminished. In fact, it is greater than ever, thanks to deepening economic interdependence, worsening environmental degradation, proliferating transnational threats, and accelerating technological change. But effective multilateral responses are increasingly occurring outside formal institutions, as frustrated actors turn to more convenient, ad hoc venues. The relative importance of legal treaties and universal bodies such as the UN is declining, as the United States and other states rely more on regional organizations, "minilateral" cooperation among relevant states, codes of conduct, and partnerships with nongovernmental actors. And these trends are only going to continue. The future will see not the renovation or the construction of a glistening new international architecture but rather the continued spread of an unattractive but adaptable multilateral sprawl that delivers a partial measure of international cooperation through a welter of informal arrangements and piecemeal approaches. "Global governance" is a slippery term. It refers not to world government (which nobody expects or wants anymore) but to something more practical: the collective effort by sovereign states, international organizations, and other nonstate actors to address common challenges and seize opportunities that transcend national frontiers. In domestic politics, governance is straightforward. It is provided by actual governments -- formal, hierarchical institutions with the authority to establish and enforce binding rules. Governance in the international or transnational sphere, however, is more complex and ambiguous. There is some hierarchy -- such as the special powers vested in the permanent members of the UN Security Council -- but international politics remain anarchic, with the system composed of independent sovereign units that recognize no higher authority. Cooperation under such anarchy is certainly possible. National governments often work together to establish common standards of behavior in spheres such as trade or security, embedding norms and rules in international institutions charged with providing global goods or mitigating global bads. But most cooperative multilateral bodies, even those binding under international law, lack real power to enforce compliance with collective decisions. What passes for governance is thus an ungainly patchwork of formal and informal institutions. Alongside long-standing universal membership bodies, there are various regional institutions, multilateral alliances and security groups, standing consultative mechanisms, self-selecting clubs, ad hoc coalitions, issue-specific arrangements, transnational professional networks, technical standard-setting bodies, global action networks, and more. States are still the dominant actors, but nonstate actors increasingly help shape the global agenda, define new rules, and monitor compliance with international obligations. The clutter is unsightly and unwieldy, but it has some advantages, as well. No single multilateral body could handle all the world's complex transnational problems, let alone do so effectively or nimbly. And the plurality of institutions and forums is not always dysfunctional, because it can offer states the chance to act relatively deftly and flexibly in responding to new challenges. But regardless of what one thinks of the current global disorder, it is clearly here to stay, and so the challenge is to make it work as well as possible. BIG GAME The centerpiece of contemporary global governance remains the UN, and the core of the UN system remains the Security Council -- a standing committee including the most powerful countries in the world. In theory, the Security Council could serve as a venue for coordinating international responses to the world's most important threats to global order. In practice, however, it regularly disappoints -- because the five permanent members (the United States, the United Kingdom, France, Russia, and China) often disagree and because their veto power allows the disagreements to block action. This has been true since the UN'S inception, of course, but the Security Council's significance has diminished in recent decades as its composition has failed to track shifts in global power. The Obama administration, like its predecessors, has flirted with the idea of pushing a charter amendment to update the Security Council's membership but has remained wary due to concerns that an enlarged Security Council, with new and more empowered members, might decrease U.S. influence and leverage. But even if Washington were to push hard for change, the status quo would be incredibly hard to overturn. Any expansion plan would require approval by two-thirds of the 193 members of the UN General Assembly, as well as domestic ratification by the five permanent members of the Security Council. And even those countries that favor expansion are deeply divided over which countries should benefit. So in practice, everyone pays lip service to enlargement while allowing the negotiations to drag on endlessly without any result. This situation seems likely to persist, but at the cost of a deepening crisis of legitimacy, effectiveness, and compliance, as the Security Council's composition diverges ever further from the distribution of global power. Dissatisfied players could conceivably launch an all-out political assault on the institution, but they are much more likely to simply bypass the council, seeking alternative frameworks in which to address their concerns. The dysfunction of the UN extends well beyond the Security Council, of course. Despite modest management reforms, the UN Secretariat and many UN agencies remain opaque, and their budgeting and operations are hamstrung by outdated personnel policies that encourage cronyism. Within the UN General Assembly, meanwhile, irresponsible actors who play to the galleries often dominate debates, and too many resolutions reflect encrusted regional and ideological blocs that somehow persist long after their sell-by date. With the Security Council dominated by the old guard, rising powers have begun eyeing possible alternative venues for achieving influence and expressing their concerns. Shifts in global power have always ultimately produced shifts in the institutional superstructure, but what is distinctive today is the simultaneous emergence of multiple power centers with regional and potentially global aspirations. As the United States courts relative decline and Europe and Japan stagnate, China, India, Brazil, Russia, Turkey, Indonesia, and others are flexing their muscles, expanding their regional influence and insisting on greater voice within multilateral institutions. Despite these geopolitical shifts, however, no coherent alternative to today's Western order has emerged. This is true even among the much-hyped BRICS: Brazil, Russia, India, China, and, since 2012, South Africa. These countries have always lacked a common vision, but at least initially, they shared a confidence born of economic dynamism and resentment over a global economy they perceived as stacked to favor the West. In recent years, the BRICS have staked out a few common positions. They all embrace traditional conceptions of state sovereignty and resist heavy-handed Western intervention. Their summit communiqués condemn the dollar's privileges as the world's main reserve currency and insist on accelerated governance reforms within the international financial institutions. The BRICS have also agreed to create a full-fledged BRICS bank to provide development aid to countries and for issues the bloc defines as priorities, without the conditionality imposed by Western donors. Some observers anticipate the BRICS' emerging as an independent caucus and center of gravity within the G-20, rivaling the G-7 nations. But any such bifurcation of the world order between developed and major developing powers seems a distant prospect, for as much divides the BRICS as binds them. China and Russia have no interest in seeing any of their putative partners join them as permanent Security Council members; China and India are emerging strategic competitors with frontier disputes and divergent maritime interests; and China and Russia have their own tensions along the Siberian border. Differences in their internal regimes may also constrain their collaboration. India, Brazil, and South Africa -- boisterous multiparty democracies all -- have formed a coalition of their own (the India-Brazil-South Africa Dialogue Forum, or IBSA), as have China and Russia (the Shanghai Cooperation Organization). Conflicting economic interests also complicate intra-BRICS relations, something that might increase as the countries' growth slows.

#### Motives of cooperation determine the strength of regional cooperation

Ian Bremmer, January 27, 2012. “Decline of global institutions means we best embrace regionalism,” http://blogs.ft.com/the-a-list/2012/01/27/decline-of-global-institutions-means-we-best-embrace-regionalism/#axzz2vb5yhZUB

The effectiveness of many global institutions is under severe strain, as they remain largely unchanged from their postwar forms. Newer institutions have not filled the gap, because, since its largely-successful 2009 response to the global financial crisis, the G20 has been increasingly ineffectual as well. The dearth of truly effective global institutions is consistent with a broader geopolitical trend, one in which the global agenda is increasingly influenced as much on a regional level as on a global one. With general agreement that the unbridled pursuit of individual national interests would produce suboptimal results, regionalism, while far from ideal, is emerging as a stopgap to the shortage of effective global decision-making. But while the trend towards regionalism is real, many of these newer alliances, both formal and informal, remain nascent, and are at best, marginally effective. Many serve as little more than high-level discussion groups with rudimentary governance structures and skeletal institutions. They are seemingly unable to tackle the common challenges facing their regions. They also suffer from hang-ups stemming from bilateral differences, in particular questions of financing commitments and support. Despite these shortcomings regional alliances continue to gain traction. Look at the increasingly assertive role of the Arab League in both Libya and Syria, the emphasis placed by the US on the Trans-Pacific Partnership and continuing efforts to shore up regional financing arrangements, such as the Chiang Mai Initiative in Asia. The challenge is to manage the rise of regionalism in a way that helps us solve systemic and far reaching global problems. Seamless co-ordination between and among regional organisations and global ones is by no means assured. This presents a good opportunity to craft these evolving regional alliances and institutions to boost their ability to co-ordinate with one another, as well as with existing global institutions.

#### American tendency to intervene stunts regionalism – security incentives maintain early organizational development

Ted Galen Carpenter, senior fellow for defense and foreign policy studies at the Cato Institute, July 30, 2013. “Learning to Leave Bad Enough Alone: Washington’s Clumsy Meddling in Fragile Countries,” http://www.cato.org/blog/learning-leave-bad-enough-alone-washingtons-clumsy-meddling-fragile-countries

U.S. officials too often succumb to the temptation to try to impose order and justice in unstable or misgoverned societies around the world. The temptation is understandable. It is hard to learn about—much less watch on the nightly news—brutality, bloodshed, and gross injustice and not want to do something about it. Some foreign policy intellectuals, including the new U.S. ambassador to the United Nations, Samantha Power, have become strident lobbyists for the notion of a “responsibility to protect” vulnerable populations. But it is a temptation that wise policy makers should avoid. U.S. meddling has frequently caused already bad situations to deteriorate further—especially when Washington has based its humanitarian interventions on the false premise that the subject of our attentions is, or at least ought to be, a coherent nation state. As I point out in an article over at The National Interest, U.S. administrations have made that blunder in Bosnia, Iraq, Libya, and other places. In many parts of the world, the Western concept of a nation state is quite weak, and the concepts of democracy and individual rights are even less developed. The primary loyalty of an inhabitant is likely to be to a clan, tribe, ethnic group or religion. U.S. officials appear to have difficulty grasping that point, and as a result, the United States barges into fragile societies, disrupting what modest order may exist. Washington’s military interventions flail about, shattering delicate political and social connections and disrupting domestic balances of power. An especially naive and pernicious U.S. habit has been to try to midwife a strong national government in client states when the real power and cohesion lies at the local or subregional level. Thus, Washington still insists on keeping the chronically dysfunctional pretend country of Bosnia intact and on international life support more than 17 years after imposing the Dayton peace accords that ended the fighting there. Similarly, the United States harbored the illusion that Hamid Karzai could run a strong, pro-Western, democratic Afghan central government from Kabul, and even Karzai’s ineptitude and extensive misdeeds have not entirely dispelled that notion. In both cases, the national cohesion, underlying democratic values, and strong civil societies needed for such a scheme to work are woefully lacking.

#### Intervention-based dependence must transform into a motive for regional organization

MICHAEL J. MAZARR is Professor of National Security Strategy at the National War College, The Rise and Fall of the Failed-State Paradigm. By: Mazarr, Michael J., Foreign Affairs, 00157120, Jan/Feb 2014, Vol. 93, Issue 1

In trying to force change on recalcitrant governments and societies, moreover, outside interventions undermine internal motives for reform by transferring responsibility for a better future from local leaders to external actors. The outside power needs cooperation from its local clients more than they need its sponsorship. The result is a dependency paradox that impedes reform. As success stories from South Korea to Chile show, the path from state weakness to strength has to be traveled by the states themselves, gradually and fitfully, most often under the influence of strong, decisive leadership from visionary architects of governance. It is an organic, grass-roots process that must respect the unique social, cultural, economic, political, and religious contexts of each country. And although it can be encouraged and even modestly shaped by outside contributions and pressure, it cannot be imposed.

#### Plan encourages regionalism – restricted American commitment prompts quick regional security agreements that branch to climate change

Nikolas Gvosdev, the former editor of the National Interest, and a frequent foreign policy commentator in both the print and broadcast media. He is currently on the faculty of the U.S. Naval War College, September 11, 2012. “The End of Optimism: Global Order in an Age of Paralysis,” WORLD POLITICS REVIEW,

http://www.worldpoliticsreview.com/articles/12321/the-end-of-optimism-global-order-in-an-age-of-paralysis

If the bargain for balancing sovereignty concerns with humanitarian impulses that prevailed for the past two decades is indeed over, then one of two possible outcomes will be the result. The first is simply much more permanent deadlock within the United Nations, if not a full return to the standoffs of the Cold War period, and a refusal on the part of the sovereignty club to allow any clear guidelines to be formulated for defining the conditions that must trigger a “responsibility to protect” intervention. The other, more extreme possibility is the effective breakdown of the U.N. system as more ad hoc coalitions emerge to take international law into their own hands, following the precedent set in the 1999 Kosovo intervention. Either way, it does not bode well for the elder Bush’s vision for renewed international cooperation. The other defining reality of this decade is the ongoing strain on finances. If the United States -- and to a similar extent, Europe -- ceases to be willing to pay as much for the maintenance of a global architecture, as well as to make it worthwhile for potential opponents to acquiesce to Western preferences, no other state is likely to step forward to fill that vacuum. What may take its place is a series of basic, quid pro quo arrangements to regulate overall international interaction in terms of general security and perhaps even some efforts to deal with climate change. By this arrangement, smaller groups of countries will choose to deepen their connections and accept more-binding rules of conduct, ushering in an age of new “sub-world” orders.

#### Responsibility to Protect hurts cooperative dynamics – switch to regionalism creates momentum to solve warming

Richard N. Haass, President of the Council on Foreign Relations, previously served as Director of Policy Planning for the US State Department (2001-2003), and was President George W. Bush’s special envoy to Northern Ireland and Coordinator for the Future of Afghanistan, July 24, 2013. “What International Community?” http://www.project-syndicate.org/commentary/the-broken-tools-of-global-cooperation-by-richard-n--haass

Another area where there is less international community than meets the eye is human suffering. Governments that attack their own people on a large scale, or allow such attacks to be carried out, expose themselves to the threat of outside intervention. This “Responsibility to Protect,” or R2P, was enshrined by the UN in 2005. But many governments are concerned that R2P raises expectations that they will act, which could prove costly in terms of lives, military expenditure, and commercial priorities. Some governments are also worried that R2P could be turned on them. Russian and Chinese reticence about pressuring governments that deserve censure and sanction stems partly from such concerns; the absence of consensus on Syria is just one result.¶ In short, those looking to the international community to deal with the world’s problems will be disappointed. This is not reason for despair or grounds for acting unilaterally. But so long as “international community” is more hope than reality, multilateralism will have to become more varied.¶ In the trade area, this implies regional and bilateral accords. On climate change, it makes sense to seek “mini-agreements” that set minimum common standards for fuel efficiency, slow deforestation, or limit the largest economies’ carbon output.¶ In these and other areas, governments will need to rally around regional undertakings, form coalitions of the relevant or willing, or simply seek understandings among countries to do their best to adopt common policies. Such approaches may lack the reach and legitimacy of formal global undertakings, but they do have the advantage of getting something done.

#### Only regionalism can solve warming

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WELCOME TO THE G-X WORLD The analysts Ian Bremmer and David Gordon have written about the emergence of a "G-Zero world," in which collective global leadership is almost impossible thanks to a global diffusion of power among countries with widely divergent interests. But what really marks the contemporary era is not the absence of multilateralism but its astonishing diversity. Collective action is no longer focused solely, or even primarily, on the UN and other universal, treaty-based institutions, nor even on a single apex forum such as the G-20. Rather, governments have taken to operating in many venues simultaneously, participating in a bewildering array of issue-specific networks and partnerships whose membership varies based on situational interests, shared values, and relevant capabilities. A hallmark of this "G-X" world is the temporary coalition of strange bedfellows. Consider the multinational antipiracy armada that has emerged in the Indian Ocean. This loosely coordinated flotilla involves naval vessels from not only the United States and its NATO allies but also China, India, Indonesia, Iran, Japan, Malaysia, Russia, Saudi Arabia, South Korea, and Yemen. These countries might disagree on many issues, but they have found common cause in securing sea-lanes off the African coast. At the same time, the G-X world permits the United States to strengthen its links within the traditional West. Take the surprisingly resilient G-8, composed of the United States, Japan, Germany, France, the United Kingdom, Italy, Canada, and Russia (plus the EU). For years, pundits have predicted the G-8's demise, and yet it still moves. The G-8 allows advanced market democracies to coordinate their positions on sensitive political and security issues -- just as the parallel financially focused G-7 permits them to harmonize their macroeconomic policies. With the exception of authoritarian Russia, unwisely added in 1997, G-8 members share similar worldviews and values, strategic interests, and major policy preferences. This like-mindedness facilitates policy coordination on matters ranging from human rights to humanitarian intervention, rogue states to regional stability. The wealthy G-8 members also possess distinctive assets -- financial, diplomatic, military, and ideological -- to deploy in the service of their convictions. At the Deauville summit of May 2011, the G-8 moved quickly to offer diplomatic support and material assistance to the Arab Spring countries. That action reaffirmed the G-8 as a practical and symbolic anchor of the Western liberal order while reminding the world that the G-8 remains the overwhelming source of official development assistance. In global governance, as elsewhere, necessity is the mother of invention, and the global credit crisis that struck with full force in 2008 led to the rise to prominence of a relatively new international grouping, the G-20. Facing the potential meltdown of the international financial system, leaders of the world's major economies -- both developed and developing -- shared an overriding interest in avoiding a second Great Depression. Stuck in the same lifeboat, they assented to a slew of institutional innovations, including elevating the G-20 finance ministers' group to the leaders' level, creating an exclusive global crisis-response committee. The G-20 quickly racked up some notable achievements. It injected unprecedented liquidity into the world economy through coordinated national actions, including some $5 trillion in stimulus at the London summit of April 2009. It created the Financial Stability Board, charged with developing new regulatory standards for systemically important financial institutions, and insisted on new bank capital account requirements under the Basel III agreement. It revitalized and augmented the coffers of the once-moribund International Monetary Fund and negotiated governance reforms within the World Bank and the IMF to give greater voice to emerging economies. And its members adopted "standstill" provisions to avoid a recurrence of the ruinous tit-for-tat trade protectionism of the 1930s. As the immediate panic receded and an uneven global recovery took hold, however, narrow national interests again came to the fore, slowing the G-20's momentum. For the past four years, the G-20 -- whose heterogeneous members possess diverse values, political systems, and levels of development -- has struggled to evolve from a short-term crisis manager to a longer-term steering group for the global economy. The reform of major international financial institutions has also stalled, as established (notably European) powers resist reallocating voting weight and governing board seats. So what looked for a brief moment like the dawn of a newly preeminent global forum proved to be just one more outlet store in the sprawl. GOVERNANCE IN PIECES For much of the past two decades, UN mega-conferences dominated multilateral diplomacy. But when it comes to multilateralism, bigger is rarely better, and the era of the mega-conference is ending as major powers recognize the futility of negotiating comprehensive international agreements among 193 UN member states, in the full glare of the media and alongside tens of thousands of activists, interest groups, and hangers-on. Countries will continue to assemble for annual confabs, such as the Conference of the Parties to the UN Framework Convention on Climate Change (UNFCCC), in the Sisyphean quest to secure "binding" commitments from developed and developing countries. But that circus will increasingly become a sideshow, as the action shifts to less formal settings and narrower groupings of the relevant and capable. Already, the 17 largest greenhouse gas emitters have created the Major Economies Forum on Energy and Climate, seeking breakthroughs outside the lumbering UNFCCC. TO date, the forum has underdelivered. But more tangible progress has occurred through parallel national efforts, as states pledge to undertake a menu of domestic actions, which they subsequently submit to the forum for collective review. There is a more general lesson here. Faced with fiendishly complex issues, such as climate change, transnational networks of government officials now seek incremental progress by disaggregating those issues into manageable chunks and agreeing to coordinate action on specific agenda items. Call it "global governance in pieces." For climate change, this means abandoning the quest for an elusive soup-to-nuts agreement to mitigate and adapt to global warming. Instead, negotiators pursue separate initiatives, such as phasing out wasteful fossil fuel subsidies, launching minilateral clean technology partnerships, and expanding the UN Collaborative Program on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries, among other worth-while schemes. The result is not a unitary international regime grounded in a single institution or treaty but a cluster of complementary activities that political scientists call a "regime complex." Something similar is happening in global health, where the once-premier World Health Organization now shares policy space and a division of labor with other major organizations, such as the World Bank; specialized UN agencies, such as UNAIDS; public-private partnerships, such as the GAVI Alliance (formerly called the Global Alliance for Vaccines and Immunization); philanthropic organizations, such as the Bill and Melinda Gates Foundation; consultative bodies, such as the eight-nation (plus the EU) Global Health Security Initiative; and multi-stakeholder bodies, such as the Global Fund to Fight AIDS, Tuberculosis and Malaria. The upshot is a disaggregated system of global health governance. Sometimes, the piecemeal approach may be able to achieve more than its stagnant universalist alternative.

#### Warming now – every reduction key

Nuccitelli 12

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We're not yet committed to surpassing 2°C global warming, but as Watson noted, we are quickly running out of time to realistically give ourselves a chance to stay below that 'danger limit'. However, 2°C is not a do-or-die threshold. Every bit of CO2 emissions we can reduce means that much avoided future warming, which means that much avoided climate change impacts. As Lonnie Thompson noted, the more global warming we manage to mitigate, the less adaption and suffering we will be forced to cope with in the future. Realistically, based on the current political climate (which we will explore in another post next week), limiting global warming to 2°C is probably the best we can do. However, there is a big difference between 2°C and 3°C, between 3°C and 4°C, and anything greater than 4°C can probably accurately be described as catastrophic, since various tipping points are expected to be triggered at this level. Right now, we are on track for the catastrophic consequences (widespread coral mortality, mass extinctions, hundreds of millions of people adversely impacted by droughts, floods, heat waves, etc.). But we're not stuck on that track just yet, and we need to move ourselves as far off of it as possible by reducing our greenhouse gas emissions as soon and as much as possible. There are of course many people who believe that the planet will not warm as much, or that the impacts of the associated climate change will be as bad as the body of scientific evidence suggests. That is certainly a possiblity, and we very much hope that their optimistic view is correct. However, what we have presented here is the best summary of scientific evidence available, and it paints a very bleak picture if we fail to rapidly reduce our greenhouse gas emissions. If we continue forward on our current path, catastrophe is not just a possible outcome, it is the most probable outcome. And an intelligent risk management approach would involve taking steps to prevent a catastrophic scenario if it were a mere possibility, let alone the most probable outcome. This is especially true since the most important component of the solution - carbon pricing - can be implemented at a relatively low cost, and a far lower cost than trying to adapt to the climate change consequences we have discussed here (Figure 4).

#### Global warming is real, anthropogenic, and causes extinction

Flournoy 12 – PhD and MA from the University of Texas, Former Dean of the University College @ Ohio University, Former Associate Dean @ State University of New York and Case Institute of Technology, Project Manager for University/Industry Experiments for the NASA ACTS Satellite, Currently Professor of Telecommunications @ Scripps College of Communications @ Ohio University (Don, "Solar Power Satellites," January, Springer Briefs in Space Development, Book)

In the Online Journal of Space Communication , Dr. Feng Hsu, a NASA scientist at Goddard Space Flight Center, a research center in the forefront of science of space and Earth, writes, “The evidence of global warming is alarming,” noting the potential for a catastrophic planetary climate change is real and troubling (Hsu 2010 ) . Hsu and his **NASA colleagues** were engaged in monitoring and analyzing climate changes on a global scale, through which they received first-hand scientific information and data relating to global warming issues, including the dynamics of polar ice cap melting. After discussing this research with colleagues who were world experts on the subject, he wrote: I now have **no doubt** global temperatures are rising, and that global warming is a serious problem confronting all of humanity. No matter whether these trends are due to human interference or to the cosmic cycling of our solar system, there are two basic facts that are crystal clear: (a) there is overwhelming scientific evidence showing positive correlations between the level of CO2 concentrations in Earth’s atmosphere with respect to the historical fluctuations of global temperature changes; and (b) the overwhelming majority of the world’s scientific community is in agreement about the risks of a potential catastrophic global climate change. That is, if we humans continue to ignore this problem and do nothing, if we continue dumping huge quantities of greenhouse gases into Earth’s biosphere, humanity will be at dire risk (Hsu 2010 ) . As a technology risk assessment expert, Hsu says he can show with some confidence that the planet will face more risk doing nothing to curb its fossil-based energy addictions than it will in making a fundamental shift in its energy supply. “This,” he writes, “is because the risks of a catastrophic anthropogenic climate change can be potentially the extinction **of human species**, a risk that is simply too high for us to take any chances” (Hsu 2010 ) . It was this NASA scientist’s conclusion that humankind must now embark on the next era of “sustainable energy consumption and re-supply, the most obvious source of which is the mighty energy resource of our Sun” (Hsu 2010 ) (Fig . 2.1 ).

#### Warming kills ocean resilience

Potsdam Institute, 2012 (Potsdam Institute for Climate Impact Research and Climate Analytics, “Turn Down the Heat: Why a 4°C Warmer World Must be Avoided”, A report for the World Bank, November, http://climatechange.worldbank.org/sites/default/files/Turn\_Down\_the\_heat\_Why\_a\_4\_degree\_centrigrade\_warmer\_world\_must\_be\_avoided.pdf)

The high emission scenarios would also result in very high carbon dioxide concentrations and ocean acidification, as can be seen in Figure 25 and Figure 26. The increase of carbon dioxide concentration to the present-day value of 390 ppm has caused the pH to drop by 0.1 since preindustrial conditions. This has increased ocean acidity, which because of the logarithmic scale of pH is equivalent to a 30 percent increase in ocean acidity (concentration of hydrogen ions). The scenarios of 4°C warming or more by 2100 correspond to a carbon dioxide concentration of above 800 ppm and lead to a further decrease of pH by another 0.3, equivalent to a 150 percent acidity increase since preindustrial levels. Ongoing ocean acidification is likely to have very severe consequences for coral reefs, various species of marine calcifying organisms, and ocean ecosystems generally (for example, Vézina & Hoegh-Guldberg 2008; Hofmann and Schellnhuber 2009). A recent review shows that the degree and timescale of ocean acidification resulting from anthropogenic CO2 emissions appears to be greater than during any of the ocean acidification events identified so far over the geological past, dating back millions of years and including several mass extinction events (Zeebe 2012). If atmospheric CO2 reaches 450 ppm, coral reef growth around the world is expected to slow down considerably and at 550 ppm reefs are expected to start to dissolve (Cao and Caldeira 2008; Silverman et al. 2009). Reduced growth, coral skeleton weakening, and increased temperature dependence would start to affect coral reefs already below 450 ppm. Thus, a CO2 level of below 350 ppm appears to be required for the long-term survival of coral reefs, if multiple stressors, such as high ocean surface-water temperature events, sea-level rise, and deterioration in water quality, are included (Veron et al. 2009). Based on an estimate of the relationship between atmospheric carbon dioxide concentration and surface ocean acidity (Bernie, Lowe, Tyrrell, and Legge 2010), only very low emission scenarios are able to halt and ultimately reverse ocean acidification (Figure 26). An important caveat on these results is that the approach used here is likely to be valid only for relatively short timescales. If mitigation measures are not implemented soon to reduce carbon dioxide emissions, then ocean acidification can be expected to extend into the deep ocean. The calculations shown refer only to the response of the ocean surface layers, and once ocean acidification has spread more thoroughly, slowing and reversing this will be much more difficult. This would further add significant stress to marine ecosystems already under pressure from human influences, such as overfishing and pollution.

**Extinction, too**

Kristof 6 (NICHOLAS D. KRISTOF, American journalist, author, op-ed columnist, and a winner of two Pulitzer Prizes, “Scandal Below the Surface”, Oct 31, 2006, http://select.nytimes.com/2006/10/31/opinion/31kristof.html?\_r=1, CMR)

If you think of the earth’s surface as a great beaker, then it’s filled mostly with ocean water. It is slightly alkaline, and that’s what creates a hospitable home for fish, coral reefs and plankton — and indirectly, higher up the food chain, for us. But scientists have discovered that the carbon dioxide (CO2) we’re spewing into the air doesn’t just heat up the atmosphere and lead to rising seas. Much of that carbon is absorbed by the oceans, and there it produces carbonic acid — the same stuff found in soda pop. That makes oceans a bit more acidic, impairing the ability of certain shellfish to produce shells, which, like coral reefs, are made of calcium carbonate. A recent article in Scientific American explained the indignity of being a dissolving mollusk in an acidic ocean: “Drop a piece of chalk (calcium carbonate) into a glass of vinegar (a mild acid) if you need a demonstration of the general worry: the chalk will begin dissolving immediately.” The more acidic waters may spell the end, at least in higher latitudes, of some of the tiniest variations of shellfish — certain plankton and tiny snails called pteropods. This would **disrupt the food chain,** possibly killing off many whales and fish, and rippling up all the way to humans. We stand, so to speak, on the shoulders of plankton. “There have been a couple of very big events in geological history where the carbon cycle changed dramatically,” said Scott Doney, senior scientist at the Woods Hole Oceanographic Institution in Massachusetts. One was an abrupt warming that took place 55 million years ago in conjunction with acidification of the oceans and **mass extinctions**. Most scientists don’t believe we’re headed toward a man-made variant on that episode — not **yet**, at any rate. But many worry that we’re hurtling into unknown dangers. “Whether in 20 years or 100 years, I think marine ecosystems are going to be dramatically different by the end of this century, and that’ll lead to **extinction events**,” Mr. Doney added. “This is the only habitable planet we have,” he said. “The damage we do is going to be felt by **all the generations to come.”** So that should be one of the great political issues for this century — the vandalism we’re committing to our planet because of our refusal to curb greenhouse gases. Yet the subject is barely debated in this campaign. Changes in ocean chemistry are only one among many damaging consequences of carbon emissions. Evidence is also growing about the more familiar dangers: melting glaciers, changing rainfall patterns, rising seas and more powerful hurricanes. Last year, the World Health Organization released a study indicating that climate change results in an extra 150,000 deaths and five million sicknesses each year, by causing the spread of malaria, diarrhea, malnutrition and other ailments. A report prepared for the British government and published yesterday, the Stern Review on the Economics of Climate Change, warned that inaction “could create risks of major disruption to economic and social activity, on a scale similar to those associated with the great wars and the economic depression of the first half of the 20th century.” If emissions are not curbed, climate change will cut 5 percent to 20 percent of global G.D.P. each year, declared the mammoth report. “In contrast,” it said, “the costs of action — reducing greenhouse gas emissions to avoid the worst impacts of climate change — can be limited to around 1 percent of global G.D.P. each year.” Some analysts put the costs of action higher, but most agree that it makes sense to invest far more in alternative energy sources, both to wean ourselves of oil and to reduce the strain on our planet. We know what is needed: a carbon tax or cap-and-trade system, a post-Kyoto accord on emissions cutbacks, and major research on alternative energy sources. But as The Times’s Andrew Revkin noted yesterday, spending on energy research and development has fallen by more than half, after inflation, since 1979.

### The Plan

#### The United States federal government should statutorily prohibit the President of the United States from unilaterally deploying Armed Forces on Responsibility to Protect missions.

### Solvency

#### Restricting presidential authority to deploy on an R2P basis is necessary to limit interventions and make them more effective when they do happen

Vigeant 13 (Matthew E., J.D. 2015, Columbia Law School; M.P.A. 2015, Harvard Kennedy School, “Unforeseen Consequences: The Constitutionality of Unilateral Executive R2P Deployments and the Need for Congressional and Judicial Involvement”, Columbia Journal of Law and Social Problems, online)

In order to better weigh whether a R2P mission is worth the potential cost, the President’s ability to unilaterally deploy the military on R2P missions must be constrained to give the Legislative Branch a voice on such deployments. Not every R2P intervention is bad — perhaps U.S. intervention in Rwanda could have saved hundreds of thousands of lives. But every R2P situation will be different, and will present unique scenarios and risks. So rather than giving total power to one person and his advisors to commit the U.S. to intervention in another sovereign state’s affairs, Congress — the branch whose members are elected to directly represent the people — should serve as a check over whether American lives should be risked for R2P deployments. As discussed in Section III, the extent of the political branches powers in national security and foreign affairs are decided by custom and historical practice.136 If Congress were to pass a bill restricting the President’s ability to unilaterally deploy military force on R2P missions, it would effectively block this power, because “as a matter of constitutional law, the President and the Congress share authority to respond to national security issues. The President does not possess exclusive authority to act, and Congress has the constitutional right to participate, in the national security process.”137 Yet Congress has not passed such a bill and it has increasingly been distanced from the national security decision-making process, perhaps because of “(1) the executive’s incentive and ability to act quickly and decisively; (2) Congress’s own acquiescence due to poorly drafted statutes, inadequate legislative tools, and a lack of political will; and (3) the judiciary’s acquiescence to unilateral assertions of presidential power.”138 Thus to serve as a check on deployments for R2P missions, Congress should exercise its national security powers and pass a bill prohibiting the President from unilaterally deploying military forces on R2P missions. In May 2012, in response to the Libyan intervention, Senator James Webb introduced one such bill, his “Humanitarian Intervention” Bill. The Bill would have required the President to obtain congressional approval before using military force for humanitarian or peacekeeping operations, while also requiring debate on such a request begin within days, and a vote "in a timely manner.”139 Webb introduced this bill because “[w]e would be facing the exact same constitutional challenges [over humanitarian interventions] no matter the party of the president. In fact, unless we resolve this matter, there is no doubt that we someday will.”140 A bill similar to Webb’s would act as a check on hasty Executive decision-making by giving Congress a voice, yet would also allow for a speedy U.S. response if needed under its timely debate procedures. This is the type of solution Congress should enact. Congress is given a role under both the Constitution and the WPR in authorizing humanitarian interventions, as Senator Javits explicitly stated during debate over the WPR, and passing legislation similar to the Webb bill would enable Congress to fulfill that role. The added check of Congress also helps to avoid the problems discussed in Part IV by interjecting a fresh perspective from both parties into a decision-making process that, if left to the Executive alone, could be overtaken by the singular view of the President and the peculiarities of that office. But even if Congress passed legislation similar to Webb’s Humanitarian Intervention Bill, to ensure an actual check on the President, Courts must be willing to uphold and enforce such legislation. Yet, courts often duck war powers questions under various justiciability and standing doctrines.141 For example, during President Clinton’s unilateral intervention in Kosovo, members of Congress brought suit claiming that when President Clinton’s deployment of troops extended past the sixty-day window with no authorization from Congress he had violated the WPR.142 But despite facing a clear violation of the text of the WPR, the court dismissed the suit for lack of standing under the theory that unless a Congress member’s voting power has been totally eviscerated, their remedy is to utilize the political process, not the courts.143 Recently, a federal district court judge in Washington, D.C., dismissed a similar War Powers violation suit by members of Congress over the Libyan intervention.144 In Kucinich v. Obama, the District Court Judge went so far as to state that “the Court finds it frustrating to expend time and effort adjudicating the re-litigation of [this] settled question[] of law” that a member of Congress lacks standing to challenge a Presidential violation of the WPR.145 When Senator Lee asked Harold Koh during his Senate testimony over Libya if Congress could maintain a war powers suit over the Libyan intervention in light of modern, judge-made justiciability doctrines, Koh responded “I think it is highly unlikely that it would be justiciable. There was in the Vietnam era a number of famous cases, Holtzman v. Schlesinger, where some cases did get into court. But the general pattern of the case law since then has been that these suits have been dismissed on some preliminary ground.”146 Therefore, to ensure that any legislation restricting the Executive’s ability to conduct unilateral R2P missions is actually enforced, courts should be willing to adjudicate war and foreign affairs powers issues, especially when they are facial violations of the WPR. As Judge Tatel put it in Clinton v. Campbell, judges handle complex constitutional questions all of the time, why should national security questions be any different?147 Courts are able tell what war is; they did so in Bas v. Tingy, The Prize Cases, and various Vietnam War suits.148 When ruling on these issues, courts are not judging the wisdom of interventions, only their legality, and courts have a responsibility to the people to be the final arbiter of the law.149 To enable courts to play their role, any humanitarian intervention legislation should include a provision explicitly providing individual Congress members standing to challenge Presidential unilateral deployments. Harold Koh once agreed with these solutions as a proper means to check a President’s national security powers.150 According to Koh, Congress [should] adopt an omnibus framework statute to give itself greater control over the national security process and national security decisions made under that framework should be “fully subject to judicial review.”151 R2P missions present many possible dangers. While no past unilateral deployment has ever been premised solely on humanitarian interests, due to the evolution of unilateral Presidential deployments and the concomitant acquiescence of Congress to this practice, if the President chose to deploy troops in the name of R2P, he would be legally justified in doing so. Therefore, to ensure that a President does not rashly involve American soldiers in a mission that leads to deadly consequences, Congress should restrain the President’s ability to unilaterally conduct R2P missions. But in order to ensure a legislative restraint is actually enforced, courts must modify their justiciability doctrines and be willing to weigh in on national security cases, which are no harder to judge or more abstract than other issues courts deal with on a daily basis.

#### No unique flex turns – emboldenment and perception of overstretch reigns

Gaffney 13 (Frank, president of the Center for Security Policy, assistant secretary of defense under President Reagan, “Making things worse in Syria,” 9/3, <http://www.washingtontimes.com/news/2013/sep/9/gaffney-making-things-worse-in-syria/>)

More to the point, “r**esponsibility** top**rotect**” **ensures** that **the U.S. military’s** finite — **and currently** seriously overstretched — **resources will be put to** use punishing those whose barbarism violates “**international norms**,” the **enforcement** of which becomes defined as a vital American interest. Consequently, a vote for Mr. Obama’s Syria resolution is a vote to legitimate and authorize the transnationalist grab for control of the only armed forces we have, **at the expense of our** sovereignty and, inevitably, of our **security**. As to the possibility that, absent our attack, we will confront more chemical weapons use, it cannot be ruled out. On the other hand, no one — no one — has explained how “degrading Mr. Assad’s capabilities” and “changing the momentum of the battlefield” (as the Senate Foreign Relations Committee resolution demands) will ensure greater control of the Syrian dictator’s vast chemical arsenal. In fact, the Joint Chiefs of Staff chairman, Gen. Martin Dempsey, has testified that the U.S. strike will target the regime’s weapons used to protect that arsenal. Even in the absence of such a deliberate purpose, we have to assume that either the designated terrorist group allied with Mr. Assad (Hezbollah) or the one dominating the opposition (al Qaeda) will gain access to some of these arms. Consequently, those voting for the president’s resolution have no claim to a higher moral authority than the opponents when it comes to preventing future examples of the horrific incidents captured in videos of Syrian victims that the administration is shamelessly exploiting to buffalo legislators. Then, **there is the ultimate appeal being made to patriots** — in and out of the Congress — **found in the assertion that not just the president’s credibility, but the nation’s, is on the line**. Some Republican legislators and a number of former officials of GOP administrations have embraced this argument. **They warn** that **the repercussions of defeating** Mr. **Obama** this time **will be to damage confidence in America** for the duration of his presidency, with potentially devastating effects. **Unfortunately,** inordinate damage **has** already been done **to our leadership** in the world as a result of nearly five years of what passes for this president’s security policymaking. This has been the predictable effect of the Obama Doctrine, which I have reduced to nine words: emboldening our enemies, undermining our allies, diminishing our country. As Norman Podhoretz trenchantly put it in The Wall Street Journal on Monday: “[Obama’s] foreign policy, far from a dismal failure, is a brilliant success as measured by what he intended all along to accomplish . The fundamental transformation he wished to achieve here was to reduce the country’s power and influence.” As a result, the question before the Congress this week is not whether U.S. credibility will be degraded by its repudiation of what is, in fact, more of a Gulf of Tonkin-style blank check than a restrictive authorization for only a limited military action. **Rather, it is this: Will we be able to measure the marginal** additional **harm done to** our nation’s prestige, power and influence — all ingredients in its **credibility** — **given** the **damage** Mr. **Obama has already done to them**? It was predictable, and predicted, that **the whirlwind** Mr. Obama has sown would be reaped eventually. That **moment may be at hand. Thanks** in no small measure **to** the **decisions made to date — including those that have hollowed out our military, reduced our presence and power-projection capabilities** and contributed to the metastasizing of the Islamist cancer — there are no good options in Syria. Unfortunately, the worst of them at the moment appears to be our going to war there, and Congress should decline to do so.

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

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

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

## 2AC

### Circumvent

#### Plan’s restriction solves – extend Vigeant ’13 – Congress and the Courts would nullify R2P authority – their evidence does not assume a dual check

#### No circumvention – Congressional acquiescence created the R2P gloss, checks would not cause constitutional battles

Vigeant 13 (Matthew E., J.D. 2015, Columbia Law School; M.P.A. 2015, Harvard Kennedy School, “Unforeseen Consequences: The Constitutionality of Unilateral Executive R2P Deployments and the Need for Congressional and Judicial Involvement”, Columbia Journal of Law and Social Problems, online)

The President likely has the power to deploy U.S. military forces on R2P missions where no economic interests, treaty obligations, or American lives are at stake. Looking at the first prong of the unilateral deployment framework — that an interest is implicated — three circumstances prove that R2P is a legitimate national interest. First, President Obama called R2P a U.S. national interest, and past Executive justifications have, as discussed above, stated that the President can deploy military force for any national interest.108 Second, humanitarian purposes, having been cited since 1992 as interests included in unilateral Executive deployments, have two decades of historical gloss to support their inclusion as a U.S. national interest which provide the President with a unilateral war power.109 Third, recent history suggests that if the President cites R2P as the sole national interest at stake in a unilateral Presidential deployment, Congress is not likely to prevent him or her from deploying those forces. Indeed, Congress has done nothing since the WPR to try and stem the accumulation of power in the Executive to unilaterally deploy troops at the President’s will for any interest he cites.110 For the second prong of the unilateral deployment legal framework, it is doubtful that a R2P deployment would require large enough deployments of U.S. military forces to trigger a constitutional war. The mission in Haiti required 20,000 troops, while Kosovo involved bombings that “severely damaged Yugoslavia's military and industrial capacity” and inflicted significant casualties and hardships on Yugoslavia’s civilian population.”111 Yet these events did not rise to the level of hostilities under the WPR, so it is entirely possible that a limited R2P deployment for a short duration would similarly not trigger hostilities under the modern view of the WPR, and thus allow the President to unilaterally deploy military forces. As an example of how large a peacekeeping force on a R2P mission may be, the African Union Mission in Somalia, which is charged with stopping the civil war in Somalia, consists of only 17,731 troops.112 Thus both prongs of the unilateral deployment power framework are met for R2P missions, empowering the President to deploy U.S. forces on purely humanitarian missions. However, during hearings over the Libyan intervention, not all members of Congress signaled a willingness to acquiesce and let the President unilaterally deploy troops for humanitarian reasons. Senator Webb stated that the: historically acceptable conditions under which a President can unilaterally order the military into action are clear. If our country or our military forces are attacked; if an attack, including one by international terrorists, is imminent and must be pre-empted; if treaty commitments specifically compel us to respond to attacks on our allies; if American citizens are detained or threatened; if our sea lanes are interrupted, then — and only then — should the President order the use of military force without first gaining the approval of the Congress.113 Senator Corker went on the record with similar views to Senator Webb during Harold Koh’s testimony over the Libyan intervention. 114 Nine other members of Congress also stated that deployments for humanitarian purposes required Congressional authorization.115 Nevertheless, the voices of a minority of the 535 members of the Congress who oppose the President’s view of the balance of power between the branches should not be viewed as resistance from the Congress as a whole. Congress allowed the Libyan intervention to proceed, and did not push back against the view that humanitarian interventions are a U.S. national interest which gives the President unilateral deployment power — so the Libya deployment precedent added a gloss on the power which the President possesses to deploy U.S. military forces. Senator Webb seemed to realize this when he said the logic used by this Administration to intervene in Libya on the basis . . . of ‘humanitarian intervention’ . . . and the precedent it has set, now requires us to accept one of two uncomfortable alternatives. Either we as a legislative body must reject this . . . or we must accept a redefinition of the very precepts upon which this government was founded.116 Without formulating any meaningful rejection of the President’s course of action, Congress is accepting a “redefinition” of what interests allow the President to unilaterally deploy the military.

#### History leans toward solvency

Barron and Lederman, 2008 (David, Professor of Law at Harvard Law School; Martin, Visiting Professor of Law at Georgetown University Law Center; “The Commander in Chief at the Lowest Ebb – A Constitutional History”, Harvard Law Review, 121 Harv. L. Rev. 941, Lexis)

In addition to offering important guidance concerning the congressional role, our historical review also illuminates the practices of the President in creating the constitutional law of war powers at the "lowest ebb." Given the apparent advantages to the Executive of possessing preclusive powers in this area, it is tempting to think that Commanders in Chief would always have claimed a unilateral and unregulable authority to determine the conduct of military operations. And yet, as we show, for most of our history, the presidential practice was otherwise. Several of our most esteemed Presidents - Washington, Lincoln, and both Roosevelts, among others - never invoked the sort of preclusive claims of authority that some modern Presidents appear to embrace without pause. In fact, no Chief Executive did so in any clear way until the onset of the Korean War, even when they confronted problematic restrictions, some of which could not be fully interpreted away and some of which even purported to regulate troop deployments and the actions of troops already deployed. Even since claims of preclusive power emerged in full, the practice within the executive branch has waxed and waned. No consensus among modern Presidents has crystallized. Indeed, rather than denying the authority of Congress to act in this area, some modern Presidents, like their predecessors, have acknowledged the constitutionality of legislative regulation. They have therefore concentrated their efforts on making effective use of other presidential authorities and institutional [\*949] advantages to shape military matters to their preferred design. n11 In sum, there has been much less executive assertion of an inviolate power over the conduct of military campaigns than one might think. And, perhaps most importantly, until recently there has been almost no actual defiance of statutory limitations predicated on such a constitutional theory. This repeated, though not unbroken, deferential executive branch stance is not, we think, best understood as evidence of the timidity of prior Commanders in Chief. Nor do we think it is the accidental result of political conditions that just happened to make it expedient for all of these Executives to refrain from lodging such a constitutional objection. This consistent pattern of executive behavior is more accurately viewed as reflecting deeply rooted norms and understandings of how the Constitution structures conflict between the branches over war. In particular, this well-developed executive branch practice appears to be premised on the assumption that the constitutional plan requires the nation's chief commander to guard his supervisory powers over the military chain of command jealously, to be willing to act in times of exigency if Congress is not available for consultation, and to use the very powerful weapon of the veto to forestall unacceptable limits proposed in the midst of military conflict - but that otherwise, the Constitution compels the Commander in Chief to comply with legislative restrictions. In this way, the founding legal charter itself exhorts the President to justify controversial military judgments to a sympathetic but sometimes skeptical or demanding legislature and nation, not only for the sake of liberty, but also for effective and prudent conduct of military operations. Justice Jackson's famous instruction that "with all its defects, delays and inconveniences, men have discovered no technique for long preserving free government except that the Executive be under the law, and that the law be made by parliamentary deliberations" n12 continues to have a strong pull on the constitutional imagination. n13 What emerges from our analysis is how much pull it seemed to [\*950] have on the executive branch itself for most of our history of war powers development.

#### Courts solve non-compliance

Garcia, 2012 (Michael John, Legislative Attorney, “War Powers Litigation Initiated by Members of Congress Since the Enactment of the War Powers Resolution”, Congressional Research Service, February 17, http://www.fas.org/sgp/crs/natsec/RL30352.pdf)

The courts have made clear, however, that while formidable, none of the aforementioned procedural barriers constitutes an insurmountable obstacle to resolving the statutory or constitutional issues concerning war powers. All of the opinions to date indicate that the barrier to the exercise of jurisdiction stems from the posture of the cases, not some institutional shortcoming. If this view prevails, both statutory and constitutional war powers issues can be judicially determined if a legal, as distinguished from a political, impasse is created. It has been suggested that this can come about by congressional action that directs the President to take a particular action, or bars him from doing so, and by presidential noncompliance. Absent such an irreconcilable conflict, however, many believe it’s unlikely that the courts will venture into this politically and constitutionally charged thicket.

### T-Rationales

#### We meet – prohibits R2P missions not just justifications

#### C/I - “restrictions” can specifically prohibit without effecting all discretion

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The restrictions on transfers to other countries may present a closer question. The restrictions place significant burdens on the President's ability to negotiate with other countries. The President must demand that the receiving country share intelligence with the United States and, when necessary, take steps to strengthen its detention system. n164 Although the conditions do not explicitly regulate the President's negotiation power, they have that effect: intelligence-sharing and security guarantees must be part of any transfer agreement negotiated by the President. The restrictions also prohibit sending detainees to countries that have had past problems with recidivism, although they give the President some discretion by allowing for a national security exception to this restriction. n165 An examination of presidential and congressional authority over foreign affairs - and negotiations in particular - suggests that the two branches may share concurrent authority over this issue.

#### Prefer our interp –

#### Key to aff creativity – their interp overlimits to 4 affs – makes the resolution stale and kills education

#### No brightline – plan text restricts war powers authority – all of their links still apply

#### Good is good enough – competing interps creates a race to the bottom to find arbitrary interps to limit out the aff – reasonability ensures substantive education

### CP

#### CP doesn’t solve any of the aff –

#### A. Intervention – Obama discretion fails – it creates a lack of military certainty which ensures ineffective training and operational tempos – that’s Johnson and Vigneat

#### B. Regionalism – Discretion sends the wrong signal – countries think that intervention will still happen – means free riding is inevitable – that’s Bremmer and Carpenter

#### Perm do both – Solves the links

#### Object fiat – reject the team – they blur the controversy, warps 2AC time and offense – err aff even if they are “just” TOO CLOSE, practical fairness controls precision on questions of cp theory

#### “Of the President” is an adjective phrase – particularizes “authority”

David Megginson, University of Ottawa, Department of English, 2007. “The Function Of Phrases” writingcentre.uottawa.ca/hypergrammar/phrfunc.html

An adjective phrase is any phrase which modifies a noun or pronoun. You often construct adjective phrases using participles or prepositions together with their objects: I was driven mad by the sound of my neighbour's constant piano practising. In this sentence, the prepositional phrase "of my neighbour's constant piano practising" acts as an adjective modifying the noun "sound."

#### Future Presidents prevent solvency

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

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

#### Obama discretion over R2P creates international legal precedent that ensures escalation in Ukraine

Robbins 3-12-14 (James S, senior fellow in national security affairs at the American Foreign Policy Council in Washington, D.C., “Putin Is Using Obama’s Talking Points,” <http://spectator.org/articles/58223/putin-using-obamas-talking-points>)

The United States and the international community are rightly outraged by Russia’s aggressive actions in Ukraine. However, the Kremlin maintains that Russia has acted within the bounds of international law, and the case against Moscow is complicated when Russian president Vladimir Putin employs arguments that sound very much like Obama administration talking points. Russia has engineered a plebiscite next week in Crimea in southern Ukraine, to decide whether the region will join the Russian Federation. The area is majority Russian, and was part of the Russian Soviet Federated Socialist Republic until 1954. The vote is widely expected to favor annexation, and the Russian Duma has already agreed to accept Crimea. There is no legal basis for the vote; Ukraine’s constitution states unambiguously that Crimea is “an inseparable constituent part of Ukraine” and its laws are subordinate to the central government. But once the annexation is a fait accompli, there will be little the international community can do about it. The referendum is meant to put a veneer of legitimacy on territorial seizure. After all, can the United States legitimately stand in the way of the popular will of the Crimean people? Putin could point to the January 2011 referendum that created the country of South Sudan, which President Obama praised as “an inspiration to the world and a tribute to the determination of the people and leaders of south Sudan to forge a better future.” If the people of Crimea select a better future as Russians, Putin might argue, don’t they have the same rights as the South Sudanese? Of course, South Sudan was formed through international negotiation with a closely monitored vote, neither of which will be factors in Crimea. And to extend Hillary Clinton’s Putin/Hitler analogy, check out the 1935 plebiscite that joined the Saar region to Nazi Germany. The song remains the same. Thousands of Russian troops are occupying the Crimea, but Moscow claims an implausible deniability. The Kremlin says the Russian-looking troops guarding key locations on the peninsula are local “self defense units,” wearing uniforms that they probably bought at an Army surplus store. The de facto blockade of Ukraine’s Navy is not really a blockade because it is not declared, and reactionary Ukrainian Navy commander Rear Admiral Denys Berezovsky has told his men to ignore orders from their own government. That aged warship Russia scuttled in a channel to block Ukraine’s free passage to the Black Sea? Just something that happened, apparently. Perhaps they can call it a man-made reef to stay politically correct. The Kremlin is going to great lengths to stay at least nominally within international legal boundaries. Moscow continues to recognize the authority of ousted Ukrainian leader Viktor Yanukovych, rather than new interim president Oleksander Turchynov. And because in the eyes of the Kremlin Yanukovych retains his position as Ukraine’s head of state, his request for Russian military intervention is wholly legal. This enabled Putin to say that sending troops over the Ukrainian border would be “completely legitimate and correspond to the international law.” Obama counters that Putin “seems to have a different set of lawyers making a different set of interpretations," which is an ironic charge given Obama’s flexible interpretations of American law. Putin also maintains he has a right to use any means necessary to protect the Russian minority in Ukraine. Putin’s reasoning parallels the case Obama made in March 2011 to support U.S. intervention in Libya under the rubric of “Responsibility to Protect” (R2P). “We are answering the calls of a threatened people,” Obama said then. Putin may well say they same thing after anti-Russian riots – organic or manufactured – break out in coming weeks. If and when his forces eject the Turchynov government in Kiev, Putin could argue that “every government has the responsibility to protect its citizens, and any government that brutalizes and massacres its people does not deserve to govern.” This is what Obama said regarding Syria’s dictator and Russia’s friend Bashar al-Assad. The main difference is, Assad still rules; Turchynov is on borrowed time. Putin does well to tie his moves in Ukraine to Obama-era rationales of protecting minorities and enabling popular sovereignty. If he could work in talking points about “building resilient communities” and climate change, the United States would have nothing left to object to. Obama argues that “the people of Ukraine have the right to determine their own future.” Putin agrees; it just depends on how you define Ukraine.

#### Only Congressional signal reverses that

Groves 11 (Steven, Bernard and Barbara Lomas Fellow in the Margaret Thatcher Center for Freedom, a division of the Kathryn and Shelby Cullom Davis Institute for International Studies, “Obama Wrongly Adopts U.N. “Responsibility to Protect” to Justify Libya Intervention,” March 31, <http://www.heritage.org/research/reports/2011/03/libya-intervention-obama-wrongly-adopts-un-responsibility-to-protect>)

Therefore it would appear that the Obama Administration has adopted both the basic philosophy and the operational characteristics of R2P. This should come as no surprise when the key decision makers regarding Libya included Samantha Power, who authored a Pulitzer Prize-winning book on genocide, and Secretary of State Hillary Clinton, who **promised** during her presidential campaign **to “operationalize”** the **R2P** doctrine and “adopt a policy that recognizes the prevention of mass atrocities as an important national security interest of the United States, not just a humanitarian goal” and “develop a government-wide strategy to support this policy, including a strategy for working with other leading democracies, the United Nations, and regional organizations.”[5] But the Administration should renounce its flirtation with R2P and reject it as its philosophical basis for military intervention. **Adhering to** the **R2P** doctrine **sets a** dangerous precedent. **The more nations** that **appear to follow the doctrine** out of a sense of obligation, **the more** that **the doctrine may be considered to have attained normative status**—**a step towards recognition of R2P as** binding customary international law. If R2P is considered to have attained that status, its principles may be considered obligatory, rather than voluntary. Such an occurrence is likely to constrain U.S. action in the future. Inevitably a time will come when the U.S. will want to intervene in a situation, perhaps to stop an atrocity, only to be criticized for not first receiving authorization from the U.N. Security Council. U.S. strikes against a nation’s leadership in some future intervention may be condemned as “disproportionate” to the humanitarian mission of protecting a civilian population. In short, by adopting the principles of R2P in the Libyan intervention, the President is legitimizing the doctrine and raising the bar for justification for future U.S. military actions. Congress Should Get to the Bottom of This Adopting a doctrine that compels the United States to satisfy a checklist before preventing atrocities occurring in other countries is imprudent. U.S. freedom of action would be compromised if the United States consented to be legally or morally bound by the R2P doctrine. The United States must instead preserve its national sovereignty by maintaining a monopoly over the decision to deploy its military forces. Relevant committees in both houses of Congress should hold hearings to determine the purpose for the U.S. intervention in Libya. This is especially necessary as it appears that the intervention is not winding down but instead has the potential to escalate in the weeks and months ahead. Congress must determine whether this intervention is being pursued for the advancement of U.S. national interests in Libya and the region or to comply with a new “international norm” that was cooked up by a Canadian NGO in 2001 and christened “the responsibility to protect.”

#### Nuclear war

Baum 3-7-14 (Seth, Executive Director, Global Catastrophic Risk Institute, “Best And Worst Case Scenarios for Ukraine Crisis: World Peace And Nuclear War,” <http://www.huffingtonpost.com/seth-baum/best-and-worst-case-scena_b_4915315.html>)

No one yet knows how the Ukraine crisis will play out. Indeed, the whole story is a lesson in the perils of prediction. Already we have a classic: "Putin's Bluff? U.S. Spies Say Russia Won't Invade Ukraine," published February 27, just as Russian troops were entering Crimea. But considering the best and worst cases highlights some important opportunities to make the most of the situation. Here's the short version: The best case scenario has the Ukraine crisis being resolved diplomatically through increased Russia-Europe cooperation, which would be a big step towards world peace. The worst case scenario has the crisis escalating into nuclear war between the United States and Russia, causing human extinction. Let's start with the worst case scenario, nuclear war involving the American and Russian arsenals. How bad would that be? Put it this way: Recent analysis finds that a "limited" India-Pakistan nuclear war could kill two billion people via agricultural declines from nuclear winter. This "limited" war involves just 100 nuclear weapons. The U.S. and Russia combine to possess about 16,700 nuclear weapons. Humanity may not survive the aftermath of a U.S.-Russia nuclear war. It seems rather unlikely that the U.S. and Russia would end up in nuclear war over Ukraine. Sure, they have opposing positions, but neither side has anywhere near enough at stake to justify such extraordinary measures. Instead, it seems a lot more likely that the whole crisis will get resolved with a minimum of deaths. However, the story has already taken some surprising plot twists. We cannot rule out the possibility of it ending in direct nuclear war. A nuclear war could also occur inadvertently, i.e. when a false alarm is misinterpreted as real, and nuclear weapons are launched in what is believed to be a counterattack. There have been several alarmingly close calls of inadvertent U.S.-Russia nuclear war over the years. Perhaps the most relevant is the 1995 Norwegian rocket incident. A rocket carrying scientific equipment was launched off northern Norway. Russia detected the rocket on its radar and interpreted it as a nuclear attack. Its own nuclear forces were put on alert and Boris Yeltsin was presented the question of whether to launch Russia's nuclear weapons in response. Fortunately, Yeltsin and the Russian General Staff apparently sensed it was a false alarm and declined to launch. Still, the disturbing lesson from this incident is that nuclear war could begin even during periods of calm.

#### Conditionality bad – dis-incentivizes 2AC offense because it takes too long and isn’t strategic when they aren’t stuck with it – dispo solves in depth education

#### Congressional acquiescence created the R2P gloss, checks would not cause constitutional battles

Vigeant 13 (Matthew E., J.D. 2015, Columbia Law School; M.P.A. 2015, Harvard Kennedy School, “Unforeseen Consequences: The Constitutionality of Unilateral Executive R2P Deployments and the Need for Congressional and Judicial Involvement”, Columbia Journal of Law and Social Problems, online)

The President likely has the power to deploy U.S. military forces on R2P missions where no economic interests, treaty obligations, or American lives are at stake. Looking at the first prong of the unilateral deployment framework — that an interest is implicated — three circumstances prove that R2P is a legitimate national interest. First, President Obama called R2P a U.S. national interest, and past Executive justifications have, as discussed above, stated that the President can deploy military force for any national interest.108 Second, humanitarian purposes, having been cited since 1992 as interests included in unilateral Executive deployments, have two decades of historical gloss to support their inclusion as a U.S. national interest which provide the President with a unilateral war power.109 Third, recent history suggests that if the President cites R2P as the sole national interest at stake in a unilateral Presidential deployment, Congress is not likely to prevent him or her from deploying those forces. Indeed, Congress has done nothing since the WPR to try and stem the accumulation of power in the Executive to unilaterally deploy troops at the President’s will for any interest he cites.110 For the second prong of the unilateral deployment legal framework, it is doubtful that a R2P deployment would require large enough deployments of U.S. military forces to trigger a constitutional war. The mission in Haiti required 20,000 troops, while Kosovo involved bombings that “severely damaged Yugoslavia's military and industrial capacity” and inflicted significant casualties and hardships on Yugoslavia’s civilian population.”111 Yet these events did not rise to the level of hostilities under the WPR, so it is entirely possible that a limited R2P deployment for a short duration would similarly not trigger hostilities under the modern view of the WPR, and thus allow the President to unilaterally deploy military forces. As an example of how large a peacekeeping force on a R2P mission may be, the African Union Mission in Somalia, which is charged with stopping the civil war in Somalia, consists of only 17,731 troops.112 Thus both prongs of the unilateral deployment power framework are met for R2P missions, empowering the President to deploy U.S. forces on purely humanitarian missions. However, during hearings over the Libyan intervention, not all members of Congress signaled a willingness to acquiesce and let the President unilaterally deploy troops for humanitarian reasons. Senator Webb stated that the: historically acceptable conditions under which a President can unilaterally order the military into action are clear. If our country or our military forces are attacked; if an attack, including one by international terrorists, is imminent and must be pre-empted; if treaty commitments specifically compel us to respond to attacks on our allies; if American citizens are detained or threatened; if our sea lanes are interrupted, then — and only then — should the President order the use of military force without first gaining the approval of the Congress.113 Senator Corker went on the record with similar views to Senator Webb during Harold Koh’s testimony over the Libyan intervention. 114 Nine other members of Congress also stated that deployments for humanitarian purposes required Congressional authorization.115 Nevertheless, the voices of a minority of the 535 members of the Congress who oppose the President’s view of the balance of power between the branches should not be viewed as resistance from the Congress as a whole. Congress allowed the Libyan intervention to proceed, and did not push back against the view that humanitarian interventions are a U.S. national interest which gives the President unilateral deployment power — so the Libya deployment precedent added a gloss on the power which the President possesses to deploy U.S. military forces. Senator Webb seemed to realize this when he said the logic used by this Administration to intervene in Libya on the basis . . . of ‘humanitarian intervention’ . . . and the precedent it has set, now requires us to accept one of two uncomfortable alternatives. Either we as a legislative body must reject this . . . or we must accept a redefinition of the very precepts upon which this government was founded.116 Without formulating any meaningful rejection of the President’s course of action, Congress is accepting a “redefinition” of what interests allow the President to unilaterally deploy the military.

#### CP doesn’t change the Legal structure of R2P – guts solvency

Posner, 9/3 (Eric, professor at the University of Chicago Law School, “Obama is only making his War Powers mightier”, Slate, 2013, http://www.slate.com/articles/news\_and\_politics/view\_from\_chicago/2013/09/obama\_going\_to\_congress\_on\_syria\_he\_s\_actually\_strengthening\_the\_war\_powers.html)

President Obama’s surprise announcement that he will ask Congress for approval of a military attack on Syria is being hailed as a vindication of the rule of law and a revival of the central role of Congress in war-making, even by critics. But all of this is wrong. Far from breaking new legal ground, President Obama has reaffirmed the primacy of the executive in matters of war and peace. The war powers of the presidency remain as mighty as ever. It would have been different if the president had announced that only Congress can authorize the use of military force, as dictated by the Constitution, which gives Congress alone the power to declare war. That would have been worthy of notice, a reversal of the ascendance of executive power over Congress. But the president said no such thing. He said: “I believe I have the authority

 to carry out this military action without specific congressional authorization.” Secretary of State John Kerry confirmed that the president “has the right to do that”—launch a military strike—“no matter what Congress does.” Thus, the president believes that the law gives him the option to seek a congressional yes or to act on his own. He does not believe that he is bound to do the first. He has merely stated the law as countless other presidents and their lawyers have described it before him. The president’s announcement should be understood as a political move, not a legal one. His motive is both self-serving and easy to understand, and it has been all but acknowledged by the administration. If Congress now approves the war, it must share blame with the president if what happens next in Syria goes badly. If Congress rejects the war, it must share blame with the president if Bashar al-Assad gases more Syrian children. The big problem for Obama arises if Congress says no and he decides he must go ahead anyway, and then the war goes badly. He won’t have broken the law as he understands it, but he will look bad. He would be the first president ever to ask Congress for the power to make war and then to go to war after Congress said no. (In the past, presidents who expected dissent did not ask Congress for permission.) People who celebrate the president for humbly begging Congress for approval also apparently don’t realize that his understanding of the law—that it gives him the option to go to Congress—maximizes executive power vis-à-vis Congress. If the president were required to act alone, without Congress, then he would have to take the blame for failing to use force when he should and using force when he shouldn’t. If he were required to obtain congressional authorization, then Congress would be able to block him. But if he can have it either way, he can force Congress to share responsibility when he wants to and avoid it when he knows that it will stand in his way. This approach also empowers the president relative to Congress by giving him the ability to embarrass members of Congress when he wants to. Just ask Hillary Clinton, whose vote in favor of the 2003 Iraq War damaged her chances against Barack Obama in 2008, and the Democratic senators who could not enter the 1992 campaign for the presidency because their votes against the 1991 Iraq War rendered them unelectable. The best thing for individual members of Congress is to be able to carp on the sidelines—to complain about not being consulted and to blame the president if the war goes badly. That is why David Axelrod said, “Congress is now the dog that caught the car.” This is hardball politics, not a rediscovery of legal values.

#### Sense of congress fails

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

One voice has been conspicuous in its absence, however: that of Congress itself. Though there have been a few individual members who have expressed their concern, I have been disappointed that the Congress, as an institution, has failed to assert forcefully its need for trustworthy information from the executive branch. This is worrisome. All partisan loyalties aside, trust is vital to the policy-making process. As Congress set out to reform Medicare, and in particular the drug benefit, it was rightly concerned about the cost of the various alternatives before it. Assured by the administration that its plan would not cost more than $400 billion over the next decade, many members of the House, previously undecided, decided to support it. So the revelation that the chief actuary had actually estimated the figure to be closer to $534 billion- and that the executive branch had withheld this figure from Congress- was not only embarrassing, it called into question the legitimacy of the whole policy-making process. If one branch of government feels it has to deceive the other, it is hard to see how the country can be led well by its public servants. For this reason alone, members of Congress of both parties should have hit the roof. Yet there is another, even more fundamental, issue at stake. Congress and the executive branch are colleagues- equals- in determining the course of the country. But in recent years, Congress has grown timid, as its lack of insistence on complete data demonstrates. There is no question these days that the initiative rests largely with the White House and executive agencies. As Washington Post editor Robert Kaiser put it recently, "In fundamental ways that have gone largely unrecognized, Congress has become less vigilant, less proud and protective of its own prerogatives, and less important to the conduct of American government than at any time in decades." Small wonder that, as with Medicare reform, administration officials feel a certain leeway to presume on Capitol Hill's good graces. There are any number of ways in which the Congress of today exercises just a shadow of the clout it wielded a generation ago, but one of the most important is its reticence about initiating policy. The United States at the moment faces a crucial series of tests, from rebuilding Iraq to fighting terrorism to the ballooning budget and trade deficits, yet Congress often doesn't seem to have much to say on these matters. Even on civil liberties and how we handle the difficult question of fair process for terrorists on American soil, it has left the ball largely in the administration's court. Admittedly, there's an argument to be made that terrorists don't deserve the same legal protections as American citizens, and the White House has made it. But there is also an argument to be made that, faced with this new threat, we need to create a framework for handling people who would do this country harm while preserving the hallmarks of our judicial system and its emphasis on fairness. This is an avenue that should be explored fully in Congress, yet it has made little effort to do so.

#### Executive self-binding fails to send an appropriate signal, Legal action is critical

Pildes, 2012 (Richard, Sudler Family Professor of Constitutional Law at NYU School of Law, “Book Review: Law and the President”, Harvard Law Review, 125 Harv. L. Rev. 1381, Lexis)

That Posner and Vermeule miss the role of legal compliance as a powerful signal, perhaps the most powerful signal, in maintaining a President's critical credibility as a well-motivated user of discretionary power is all the more surprising in light of the central role executive self-binding constraints play in their theory. After asserting that "one of the greatest constraints on [presidential] aggrandizement" is "the president's own interest in maintaining his credibility" (p. 133), they define their project as seeking to discover the "social-scientific microfoundations" (p. 123) of presidential credibility: the ways in which presidents establish and maintain credibility. One of the most crucial and effective mechanisms, in their view, is executive self-binding, "whereby executives commit themselves to a course of action that would impose higher costs on ill-motivated actors" (p. 137). As they also put it, "a well-motivated president can distinguish himself from an ill-motivated president by binding himself to a policy position that an ill-motivated president would reject" (p. 135). By complying with these constraints, presidents signal their good faith and accrue more trust to take further action. Most importantly from within Posner and Vermeule's theory, these constraints, many self-generated through executive self-binding, substitute for the constraints of law. Law does not, or cannot, or should not constrain presidents, in their view, but rational-actor presidents recognize that [\*1408] complying with constraints is in their own self-interest; presidents therefore substitute or accept other constraints. Thus, Posner and Vermeule recognize the importance of "enabling constraints" n78 in effective mobilization and maintenance of political power; that is, they recognize that what appear to be short-term constraints on the immediate preferences of actors like presidents might actually enable long-term marshaling of effective presidential power. Yet they somehow miss that law, too, can work as an enabling constraint; when it comes to law, Posner and Vermeule seem to see nothing but constraint. Indeed, this failing runs even deeper. For if presidents must signal submission to various constraints to maintain and enhance their credibility - as Posner and Vermeule insist they must - Posner and Vermeule miss the fact that the single most powerful signal of § Marked 14:08 § that willingness to be constrained, particularly in American political culture, is probably the President's willingness to comply with law.

### Flex

#### No uniqueness to the flex DA – challengers already acting on Obama weakness, only a risk of the AFF scenario – countries model US intervention strategy

Justin Sink 3/18-14 “Republicans demand Obama get tougher with Putin over Ukraine,” <http://thehill.com/blogs/global-affairs/europe/201132-republicans-demand-obama-get-tougher-with-putin-on-ukraine>

On Sunday, voters in Crimea decided to join Russia in a referendum the administration described as corrupt.¶ Critics and supporters of Obama say his hand has been weakened by U.S. fatigue with an era defined by the wars in Iraq and Afghanistan. But the president’s most vociferous opponents say Obama has exacerbated the situation with his actions, most notably on Syria.¶ Sen. John McCain (Ariz.), the Republican bested by Obama in the 2008 race, said U.S. credibility was eroded when Obama stepped back from threatened military action in Syria, despite his proclaimed “red line” against chemical weapons use.¶ Obama’s own advisers were surprised by his decision last September to ask Congress for authorization to strike Syria.¶ It quickly became clear that Congress would not do so, and Putin eventually brokered a deal in which military action was avoided and Syrian President Bashar Assad gave up his chemical weapons. More than six months later, Assad has consolidated his power, and there have been complaints about the degree to which he has given up his weapons.¶ “The assessment that Putin made after taking to Obama to cleaners on Syria was ‘I can do whatever I want,’ ” said Danielle Pletka of the American Enterprise Institute.¶ “Obama’s profile has been so weak that it has encouraged leaders who have contempt for weakness like Putin to take advantage.”

#### Extend the Gaffney evidence – Interventions are not successful now because of overstretch and inability to train effectively – Flex does nothing if we can’t follow through

#### We Control Link UQ - Legislative constraints are inevitable – only question is whether approval takes place

Barron and Lederman, 2008 (David, Professor of Law at Harvard Law School; Martin, Visiting Professor of Law at Georgetown University Law Center; “The Commander in Chief at the Lowest Ebb – A Constitutional History”, Harvard Law Review, 121 Harv. L. Rev. 941, Lexis)

In a companion Article, we described many of the structural forces responsible for this shift in the ground of debate. n2 Collectively, they strongly suggest that the prevailing paradigm of congressional abdication - developed at a time when bold claims of presidential authority to act without express legislative approval occasioned all the attention - no longer illuminates the main battle lines in constitutional struggles over the exercise of war powers. Among the most important of these forces is the peculiar nature of the war on terrorism. Its unusual entwinement with the home front, its heavy focus on preemptive action and intelligence collection, and its targeting of a diffuse, non-state enemy, all guarantee that presidential uses of force are likely to be conducted for years to come in a context that is thick with statutory restrictions. But even beyond the war on terrorism, the "lowest ebb" issue is likely to take on added significance, if only because of the increased willingness of Presidents to deploy force abroad. There is mounting evidence that the reduction in legislative participation at the front end of these conflicts is being counterbalanced to some extent by a legislative willingness to intervene at the back end if the campaign goes poorly or if the public begins to doubt certain of the President's decisions about how it should be prosecuted.

#### The DA is structurally nonsensical – status quo decision-making is neither flexible nor quick – Plan access the best decision-making model

Streichler, 2008 (Stuart, Adjuct Faculty at Seattle University School of Law and Ph.D. from Johns Hopkins University; “Mad about Yoo, or Why Worry about the Next Unconstitutional War”, Journal of Law and Politics, 24 J. L. & Politics 93, Lexis)

When Yoo discusses the need for flexibility in the process for warmaking, he creates a false dilemma. He suggests that the president has discretionary power to start wars or that the president must secure prior authorization from Congress through a "fixed, legalistic process." n230 For Yoo, the latter would inevitably hamper the government's ability to respond to terrorist threats. n231 Yet even if Congress has the power to decide whether to go to war, the president retains substantial powers to respond quickly to defend the country. No lawmaker would insist on Congress deliberating while terrorists set off weapons of mass destruction in the United States. Americans who lived with the risk of nuclear attack during the Cold War accepted the president's authority to respond to the Soviet Union without waiting for the results of legislative debate. Additionally, Congress has demonstrated that it can move quickly to authorize the use of military force. Three days after September 11, the Senate voted 98-0 to authorize the president to use force in response to the attacks, n232 and the House approved the measure a few hours later (420-1). n233 Another four days passed before the president signed it. n234 The last time Congress declared war in response to an attack on the United States, it did not take lawmakers long to do so. The Senate (82-0) and the House (388-1) issued a declaration of war thirty-three minutes after President Franklin D. Roosevelt's "Day of Infamy" speech. n235 Furthermore, whatever their capacity for dynamic response, presidents do not always react to security threats with speed and energy. While Yoo cleverly aligns his position with flexibility, there is more to constructing an adaptive foreign policy than letting the president initiate military hostilities. Executive decisions on war that appear, in the short term, to reflect a flexible approach may limit policy options over the long run, constraining foreign policymakers and military planners. Yoo expresses no doubt that the president's capacity to make decisions in foreign affairs and defense - to "consider policy choices" and to "evaluate threats" - is "far superior" to Congress's. n236 That overstates the case. Despite the imperfections of the legislative process, it is hard to [\*124] reach such an unqualified conclusion. Seemingly for every example where executive decision-making works well, another can be cited exposing its deficiencies. President John F. Kennedy's management of the Cuban missile crisis, though not without its critics, is often cited as a classic model of decision-making in crisis. The same president's handling of the Bay of Pigs invasion has been roundly criticized. n237 As Yoo presents his argument on executive decision-making, it does not matter who occupies the office of the president. In fact, that can make a good deal of difference. With the presidency structured around one individual, the decision-making process is shaped by the chief executive's native abilities, judgment, and experience. n238 A whole range of personal qualities may affect the president's decision on whether to take the nation to war: how the president assesses risk (especially with the uncertain conditions that prevail in foreign affairs); whether he or she engages in wishful thinking; whether he or she is practical, flexible, and open-minded. n239 While every president consults with advisers, small group dynamics add another layer of difficulties in the executive decision-making process. Even talented White House staffers and independent-minded cabinet secretaries succumb to groupthink, as it has been called - the overt and subtle pressures driving group cohesiveness that can distort the decision-making process. n240 This effect can be pronounced in foreign policy, with stressful crises that often involve morally difficult choices. n241 Members of the president's team, not fully aware they are doing so, may overrate their own power or moral position, cut off the flow of information, downplay contrary views of outside experts, limit consideration of long-term consequences, underestimate the risks of a particular policy, or fail to develop contingency plans. n242 Once the group coalesces around a particular view, it becomes increasingly difficult for individual members to [\*125] press the group to reassess rejected alternatives. n243 The unique circumstances of working for the president can make matters worse. Members of the administration generally share the president's outlook, ideology, and policy preferences. Internal decision-making may get skewed because executive officials give advice based on what they think the president wants to hear. Even if the president's subordinates differ with the chief executive on particular questions, they can only go so far to challenge the president. n244 In short, there are more questions surrounding presidential decision-making on war than Yoo is willing to admit. Congress, with the president still involved, may be able to offset the structural disadvantages of a decision-making process taking place behind closed doors in the White House. While the executive branch tends to concentrate command authority in one person, power is dispersed on Capitol Hill. Not all members of Congress are equal, but no person has influence comparable to the president's power within the executive branch. In comparison with the select handful of advisers who have the most influence with the president, the number of elected legislators and their diverse ideologies, constituencies, and perspectives make them less susceptible to groupthink. Contrary to the president's decision-making process, insulated by executive privilege, the legislative process involves on-the-record votes and speeches by elected representatives and thus provides a forum for public deliberation. n245 To be sure, Congress is not an idealized debating society. Lawmakers have parochial concerns. They often bargain in private. Their public debates can be grounded in emotional appeals as much as reason. n246 Yet in his eagerness to rate the president far above Congress in deciding to go to war, Yoo overlooks the value in having a decision-making process conducted in relatively open view and the possibilities for lawmakers to engage in serious deliberations on vital questions of national security.

### Tax

#### No link – their Copeland evidence assumes new appropriations bills, not restrictions on authority

#### 2nd – If they’re correct, uniqueness proves there is opposition to passing the bill in the first place – guaranteed passage won’t change that

#### Their author agrees it passes after the midterms

Schroeder 3-27 – Robert Schroeder, Washington Bureau Reporter at Market Watch, “Renewing Tax Breaks Will Have To Wait For November, Analysts Say”, MarketWatch, 2014, http://blogs.marketwatch.com/capitolreport/2014/03/27/renewing-tax-breaks-will-have-to-wait-for-november-analysts-say/

Congressional wheels are in motion to revive an array of expired tax breaks, but a deal likely won’t get done until after the November mid-term elections, analysts say.

Next week, new Senate Finance Committee Chairman Ron Wyden is planning to unveil a proposal to temporarily extend breaks, including those for research and development and a state sales-tax deduction. Congress let a package of 55 breaks expire at the end of 2013, and Wyden has said renewing them is at the top of his list.

While industries are eager to see breaks extended, it’s not looking like a quick process.

Henrietta Treyz of Height Securities writes in a note Thursday that House Ways and Means Committee Chairman Dave Camp will move forward with a “completely different approach to the extenders bill” that will delay passage of any bill through Congress until after the Nov. 4 mid-terms. Michigan Republican Camp is seeking a broad tax-code overhaul that would permanently provide for an extension of certain tax credits, she writes.

Treyz writes it’s her firm’s understanding that Wyden and Sen. Orrin Hatch, the top Republican on the finance panel, agreed in principle on an initial draft of a bill that would extend the various breaks for two years.

Chris Krueger of Guggenheim Securities said in a note earlier this week that the differing proposals “will likely amount to the tax equivalent of shadow boxing between the House and Senate, with little actual motion until after the elections”. He adds: “Once the election is over, we continue to believe that all the provisions will be given a retroactive extension.”

Meanwhile, Democratic aides reportedly say Wyden plans to ask the committee to vote separately on some of the more controversial provisions, including one promoting development at NASCAR racetracks. But Democratic aides told the Washington Post they expect the entire list of extenders to emerge intact from the committee and add $50 billion to this year’s budget deficit.

Others, meanwhile, are more optimistic about timing. “The House Republicans are dragging their feet, hoping to move on tax reform,” says Andy Friedman, formerly a senior partner at law firm Covington & Burling in Washington. “But at some point, they’ll acknowledge that this isn’t going to happen this year,” **Friedman said** in an email to MarketWatch. Friedman, now principal at newsletter the Washington Update, said **he thinks extenders will be done** before the election**,** but which provisions to extend still need to be decided on.

#### That’s also their Alexander evidence which says “everyone agrees…the time has come to move forward” – proves they’ll inevitably pass it later or attach it to something else

#### NSA thumps – it’s a war power loss and “must-pass” legislation

By Brendan Sasso Follow on Twitter 3-25, 2014 http://www.nationaljournal.com/tech/why-obama-and-his-nsa-defenders-changed-their-minds-20140325

It was only months ago that President Obama, with bipartisan backing from the heads of Congress's Intelligence committees, was insisting that the National Security Agency's mass surveillance program was key to keeping Americans safe from the next major terrorist attack. They were also dismissing privacy concerns, saying the program was perfectly legal and insisting the necessary safeguards were already in place. But now, Obama's full-speed ahead has turned into a hasty retreat: The president and the NSA's top supporters in Congress are all pushing proposals to end the NSA's bulk collection of phone records. And civil-liberties groups—awash in their newly won clout—are declaring victory. The question is no longer whether to change the program, but how dramatically to overhaul it. So what changed? It's not that Obama and his Hill allies suddenly saw the error of their ways and became born-again privacy advocates. Instead, with a critical section of the Patriot Act set to expire next year, they realized they had no choice but to negotiate. If Congress fails to reauthorize that provision—Section 215—by June 1, 2015, then the NSA's collection of U.S. records would have to end entirely. And the growing outrage prompted by the Snowden leaks means that the NSA's supporters would almost certainly lose an up-or-down vote on the program. Rep. Adam Schiff, a Democratic member of the House Intelligence Committee, said that looming sunset is what forced lawmakers to the bargaining table. "I think what has changed is the growing realization that the votes are simply not there for reauthorization," he said in an interview. "I think that more than anything else, that is galvanizing us into action."

#### Disad doesn’t disprove the plan – we aren’t responsible for the political process, just the 1AC as a normative statement that’s a good idea – you can choose to vote for the plan without a rider – most logical – avoids stale education

#### Wind inevitable, even without PTC

Anderson 12

(Jared, Editor, AOL Energy, former Senior Analyst at Energy Intelligence Group, “Wind Sector Considers Life Without the PTC”, <http://energy.aol.com/2012/06/25/wind-sector-considers-life-without-the-ptc/>

Wind power's competiveness with conventional fossil fuels erodes considerably without the PTC, going from about $.06/kWh to $.08/kWh, said Frantzis.¶ There is much "consternation" among frustrated developers that has paralyzed the sector, said Kevin Walsh, Managing Director, Power & Renewable Energy at GE Energy Financial Services. Given this situation domestically, GE EFS is investing outside the US in places with greater regulatory certainty like Canada, Australia and Europe, Walsh told AOL Energy on the sidelines of the conference.¶ But it's not all doom and gloom. The winners in a post PTC world will be "developers with portfolios of higher wind resource sites with access to transmission in liquid markets," said Tim Rosenzweig, CEO of Goldwind USA, a major turbine original equipment manufacturer (OEM) based in China.¶ Manufacturers able to most effectively solve the cost/performance equation could be among the post PTC winners, Rosenzweig said.¶ The operational advantages lost without the government incentive will need to be made up in other areas such as project capital expenditure, project operating expenditure and wind resource and turbine performance said Rosenzweig's slide presentation.¶ The US will still be an attractive business environment without the PTC because it will remain an available, sophisticated market that could interest foreign players. "It will be a proving ground," said Rosenzweig. Additionally, post consolidation, remaining players will be ready to enjoy a larger share of a "normal" market.¶ Read more about PTC expiration in the AOL Energy white paper "Wind Rush," here.¶ Some other positive outcomes of a declining PTC include greater regulatory certainty, increased ability to plan long term, the elimination of federal politics, a differentiation of the wind industry and the establishment of a year-to-year incentive, said Paul Gaynor, CEO of First Wind.¶ "Like Heroine"¶ The economics will be more difficult, said Gaynor, and turbine prices will need to come down, materials will need to improve and turbine lifetimes will need to lengthen to help balance the lost operational benefits afforded by the PTC.¶ And while developers "love their tax equity investors, they are expensive," said Gaynor. Tax equity investment is a financing mechanism that takes advantage of the PTC.¶ One reason it is difficult for the industry to get away from the incentive is that wind power was essentially a "garage band technology in 1992" and investment tax credits originated from that nascent business climate, it's hard to rip that system up and start from scratch now, Gaynor said.¶ Although he is confident that companies will be able to "make it work" without the tax credit, it won't be easy -"it's like heroine, hard to get off," said Gaynor.

#### Wind survives, no collapse

Kaufmann ’12 (K, “Wind industry's future in question as tax credit nears end”, 5/12, <http://www.usatoday.com/news/nation/environment/story/2012-05-12/wind-power-tax-credit/54921466/1>, CMR)

And like all renewables, wind faces competition from plunging natural gas prices, she said, so an end to the credit could push the industry to be more efficient.

"They're not under the gun to do better projects, not when the federal government is promising they're going to get this added revenue stream," she said. "There's no question there will be a transition in the wind industry. It's not going to collapse; it will become a better market."

#### Passage inevitable – growing support for permanent extension

By Emma Dumain and Steven Dennis Tax Reform to Start With Baby Steps in the House Posted at 7:32 p.m. on March 24 http://blogs.rollcall.com/218/dave-camp-tax-extenders-made-permanent/

Ways and Means Chairman Dave Camp is pushing ahead with an incremental approach on tax reform for now. In a memo to committee colleagues on Monday, the Michigan Republican said he planned to take several steps over the next several months, “pav[ing] the way for tax reform by making incremental progress towards full reform.” In addition to holding “bipartisan meetings with the staff of the [Joint Committee on Taxation] until we have walked through the entire draft” and convening “public hearings on specific portions of the bill,” Camp said that the panel would mark up “permanent legislation” to address the so-called tax extenders which expire every year. Camp suggested some of those extenders should be made permanent, and cited testimony from Treasury Secretary Jack Lew, which he characterized as not being bound by the existing revenue baseline. “I have heard from many Members on this issue, all of whom recommend taking an approach similar to that of the Administration, i.e., that certain tax extenders should be considered, and treated, as permanent parts of the baseline off of which tax reform is enacted,” Camp said.