# T

#### Neg. Interp: Restriction is a prohibition

Northglenn 11 (City of Northglenn Zoning Ordinance, “Rules of Construction – Definitions”, http://www.northglenn.org/municode/ch11/content\_11-5.html)

Section 11-5-3. Restrictions. As used in this Chapter 11 of the Municipal Code, the **term "restriction**" shall mean a prohibitive regulation. Any use, activity, operation, building, structure or thing which is the subject of a restriction is prohibited, and no such use, activity, operation, building, structure or thing shall be **authorized by any permit or license**.

#### The plan limits the authority in a given area—doesn’t eliminate it.

#### Standards:

#### Limits: thousands of limitations in a given area exist—like limiting drone strikes in single countries or limiting drone strikes over land, sea, etc.

#### Ground: small limits on the given area deny links to topic specific disads like presidential flexibility.

#### Voting Issue: Fairness & Education

# CP

#### Text: The Executive branch of the United States should require that jurisdiction of the United States’ indefinite detention policies go through federal courts.

#### CP solves the aff

Posner 5/2/13(a professor at the University of Chicago Law School, is a co-author of The Executive Unbound: After the Madisonian Republic and Climate Change Justice, “President Obama Can Shut Guantanamo Whenever He Wants” May 2, 2013, <http://www.slate.com/articles/news_and_politics/view_from_chicago/2013/05/president_obama_can_shut_guantanamo_whenever_he_wants_to.html>, KB)

The NDAA does not, however, ban the president from releasing detainees. Section 1028 authorizes him to release them to foreign countries that will accept them—the problem is that most countries won’t, and others, like Yemen, where about 90 of the 166 detainees are from, can’t guarantee that they will maintain control over detainees, as required by the law.¶ There is another section of the NDAA, however, which has been overlooked. In section 1021(a), Congress “affirms” the authority of the U.S. armed forces under the AUMF to detain members of al-Qaida and affiliated groups “pending disposition under the law of war.” Section 1021(c)(1) further provides that “disposition under the law of war” includes “Detention under the law of war without trial until the end of the hostilities authorized by” the AUMF. Thus, when hostilities end, the detainees may be released.¶ The president has the power to end the hostilities with al-Qaida—simply by declaring their end. This is not a controversial sort of power. Numerous presidents have ended hostilities without any legislative action from Congress—this happened with the Vietnam War, the Korean War, World War II, and World War I. The Supreme Court has confirmed that the president has this authority.

#### Aff kills flexibility

Vermeule 6 (Adrian Vermeule, Professor of Law, Harvard Law School, 2006,¶ “THE EMERGENCY CONSTITUTION IN THE POST-SEPTEMBER 11 WORLD ORDER: SELF-DEFEATING¶ PROPOSALS: ACKERMAN ON EMERGENCY POWERS,” Fordham Law Review, LN)

The reason for the failure of statutory frameworks is plain. When an emergency or war or

crisis arises, the executive needs flexibility; because statutory limitations determined in¶ advance can only reduce flexibility, and do so in a way that does not anticipate the particular¶ requirements of a new emergency, no one has any ex post interest in insisting that these limitations be respected.¶ Ackerman acknowledges the grim historical record but provides no valid reason for thinking that his framework statute - which is far¶ more ambitious than the other ones - might fare differently.

#### Executive flexibility key to prevent extinction

Yoo 2/1/12 (American attorney, law professor, and author. He served as a political appointee, the Deputy Assistant US Attorney General in the Office of Legal Counsel, Department of Justice (OLC), during the George W. Bush administration. “War Powers Belong to the President”¶ Posted Feb 1, 2012,¶ <http://www.abajournal.com/magazine/article/war_powers_belong_to_the_president>, KB)

A radical change in the system for making war might appease critics of presidential power. But it could also seriously threaten American national security. In order to forestall another 9/11 attack, or to take advantage of a window of opportunity to strike terrorists or rogue nations, the executive branch needs flexibility. It is not hard to think of situations where congressional consent cannot be obtained in time to act. Time for congressional deliberation, which leads only to passivity and isolation and not smarter decisions, will come at the price of speed and secrecy.¶ The Constitution creates a presidency that can respond forcefully to prevent serious threats to our national security. Presidents can take the initiative and Congress can use its funding power to check them. Instead of demanding a legalistic process to begin war, the framers left war to politics. As we confront the new challenges of terrorism, rogue nations and WMD proliferation, now is not the time to introduce sweeping, untested changes in the way we make war.

# Ptix

#### Obama will win the debt ceiling standoff now:

Jason Easley, 9/18/2013 (staff writer, “Obama’s Genius Labeling of GOP Demands Extortion Has Already Won The Debt Ceiling Fight,” <http://www.politicususa.com/2013/09/18/obamas-genius-labeling-gop-demands-extortion-won-debt-ceiling-fight.html>, Accessed 9/20/2013, rwg)

Obama use of the term extortion to describe the House Republican debt ceiling demands was a step forward in a strategy that has already made it a near certainty that he will win this standoff.¶ Video:¶ Transcript:¶ OBAMA: And I’ve heard people say, well, in the past, there have been negotiations around raising the debt ceiling. It’s always a tough vote because the average person thinks raising the debt ceiling must mean that we’re running up our debt, so people don’t like to vote on it, and, typically, there’s some gamesmanship in terms of making the President’s party shoulder the burden of raising the — taking the vote. And then there’s some political campaign later that smacks them around for saying, Joe Smith voted to raise the debt ceiling by $2 trillion. And it sounds terrible and it’s a fun talking point for politics, but it always gets done.¶ And if there is a budget package that includes the debt ceiling vote, it’s not the debt ceiling that is driving the negotiations; it’s just it’s stuck into the budget negotiations, because if you’re going to take a bunch of tough votes anyway, you might as well go ahead and stick that in there.¶ You have never seen in the history of the United States the debt ceiling or the threat of not raising the debt ceiling being used to extort a President or a governing party, and trying to force issues that have nothing to do with the budget and have nothing to do with the debt.¶ So here’s where we are — and I think this is the bottom line, and I want to make sure everybody is clear here. I have presented a budget that deals with — continues to deal with our deficit effectively. I am prepared to work with Democrats and Republicans to deal with our long-term entitlement issues. And I am prepared to look at priorities that the Republicans think we should be promoting and priorities that they think we should be — we shouldn’t be promoting. So I’m happy to negotiate with them around the budget, just as I’ve done in the past.¶ What I will not do is to create a habit, a pattern, whereby the full faith and credit of the United States ends up being a bargaining chip to set policy. It’s irresponsible. The last time we did this in 2011, we had negative growth at a time when the recovery was just trying to take off. And it would fundamentally change how American government functions.¶ And if you doubt that, just flip the script for a second and imagine a situation in which a Democratic Speaker said to a Republican President, I’m not going to increase the debt ceiling unless you increase corporate taxes by 20 percent. And if you don’t do it, we’ll default on the debt and cause a worldwide financial crisis. Even though that Democratic Speaker didn’t have the votes to force through that particular piece of legislation, they would simply say, we will blow the whole thing up unless you do what I want. That can’t be a recipe for government. ¶ President Obama effectively ended any Republican hopes of getting a political victory on the debt ceiling when he called their demands extortion. Nobody likes being extorted. The American people don’t like feeling like they are being shaken down. The White House knows this, which is why they are using such strong language to criticize the Republicans. Obama is doing the same thing to House Republicans that he has been doing to the entire party for the last few years. The president is defining them before they can define themselves.

#### **Presidential power is directly related to power to bargain and enact policy:**

Fiscal Times, 8/6/2013 (“The Reason Voters Choose Power-Hungry Presidents,”

<http://www.thefiscaltimes.com/Articles/2013/08/06/The-One-Good-Thing-About-Power-Hungry-Presidents.aspx#page1>, Accessed 8/18/2013, rwg)

The presidential preoccupation with power is not a single-minded pursuit, but its attainment and maintenance affects all presidential efforts, whether they involve bargaining with others or new sources of influence, Howell argues in the book, Thinking about the Presidency: The Primacy of Power.¶ In fact, concerns about power are logical and necessary to enact public policy, undo the work of predecessors, respond to perceived public mandates, and secure a strong place in history.¶ “The president sits alone atop his governing institution and has eyes on a broader and longer horizon than legislators or judges or bureaucrats,” he says. “He represents the country as a whole. This is part and parcel of a president’s need to obtain power and to exert control. He needs to dominate his branch of government and the whole institution.”

#### Syria speech freed up Obama’s attention for debt talks – PC is key and finite

Bohan 9/11/2013

Caren, “Delay in Syria vote frees Obama to shift to hefty domestic agenda”, <http://carnegieeurope.eu/strategiceurope/?fa=52932>, MCR

(Reuters) - **Putting off a decision on** military strikes on **Syria allows** President Barack **Obama to** shift his attention **back to a weighty domestic agenda** for the fall **that includes budget fights**, immigration and selecting a new chairman of the Federal Reserve.¶ Obama and his aides have immersed themselves for a week and a half in an intensive effort to win support in Congress for U.S. military action in Syria after a suspected chemical weapons attack last month killed more than 1,400 people.¶ But the effort, which included meetings by Obama on Capitol Hill on Tuesday followed by his televised speech to Americans, seemed headed for an embarrassing defeat, with large numbers of both Democrats and Republicans expressing opposition.¶ **The push for** a vote on **Syria** - **which has now been delayed** - had **threatened to crowd out the** busy **legislative agenda** for the final three months of 2013 **and drain Obama's** political clout, making it harder for him to press his priorities.¶ But analysts said **a proposal floated by Russia,** which the Obama administration is now exploring, to place Syria's weapons under international control **may allow Obama to emerge from a difficult dilemma with** minimal political damage.¶ "He dodges a tough political situation this way," **said** John Pitney, **professor of politics at Claremont McKenna College** in California.¶ Pitney said **the delay in the Syria vote removes a big burden for Obama, given that Americans**, who overwhelmingly opposed military intervention in Syria, **will now be able to shift their attention to other matters.**¶ He said Obama could suffer some weakening of his leverage with Congress. The administration's "full court press" to try to persuade lawmakers to approve military force on Syria was heavily criticized and did not yield much success.¶ "He probably has suffered some damage in Congress because there are probably many people on (Capitol Hill) who have increasing doubts about the basic competence of the administration and that's a disadvantage in any kind of negotiation," Pitney said.¶ BUDGET BATTLES¶ **Among Obama's** most immediate challenges **are** two looming **budget fights**. By September 30, Congress and the president must agree on legislation to keep federal agencies funded or face a government shutdown.¶ Two weeks later, **Congress must raise the limit on the country's ability to borrow or risk** a possible **debt default that could cause chaos in financial markets**.¶ On the first budget showdown, Obama may be at a strategic advantage because of divisions among opposition Republicans about whether to use the spending bill to provoke a fight over Obama's signature health care law, known as Obamacare.¶ House Republican leaders are trying to rally the party around a temporary spending measure that would keep the government funded until December 15 but are facing resistance within their own caucus from some conservatives who want to cut off funding for Obamacare, even if it means a government shutdown.¶ **The debt limit fight could end up going** down to the wire and unnerving financial markets. Republicans want to use that standoff to extract concessions from the Democratic president, such as spending cuts and a delay in the health law. But **Obama** has said he **has** no intention of negotiating **over the borrowing limit**.

#### Failure to raise the debt ceiling ensures collapse of the global economy:

Davidson 9/10/2013

Adam, co-founder of NPR’s “Planet Money,” a podcast and blog, “Our Debt to Society”, <http://www.nytimes.com/2013/09/15/magazine/our-debt-to-society.html?pagewanted=all&_r=0>, MCR

**If the debt ceiling isn’t lifted** again this fall, some serious financial decisions will have to be made. Perhaps the government can skimp on its foreign aid or furlough all of NASA, but eventually the big-ticket items, like Social Security and Medicare, will have to be cut. At some point, **the government won’t be able to pay interest on its bonds and will enter** what’s known as sovereign default, the ultimate national financial disaster achieved by countries like Zimbabwe, Ecuador and Argentina (and now Greece). **In the case of the U**nited **S**tates, though, **it won’t be** an **isolated** national crisis. **If the American government can’t stand behind the dollar, the world’s benchmark currency**, then **the global financial system will** very likely enter a new era in which there is much less trade and much less economic growth**. It would be**, by most accounts, **the largest self-imposed financial disaster in history**.¶ Nearly everyone involved predicts that someone will blink before this disaster occurs. Yet a small number of House Republicans (one political analyst told me it’s no more than 20) appear willing to see what happens if the debt ceiling isn’t raised — at least for a bit. This could be used as leverage to force Democrats to drastically cut government spending and eliminate President Obama’s signature health-care-reform plan. In fact, Representative Tom Price, a Georgia Republican, told me that the whole problem could be avoided if the president agreed to drastically cut spending and lower taxes. Still, it is hard to put this act of game theory into historic context. Plenty of countries — and some cities, like Detroit — have defaulted on their financial obligations, but only because their governments ran out of money to pay their bills. No wealthy country has ever voluntarily decided — in the middle of an economic recovery, no less — to default. And there’s certainly no record of that happening to the country that controls the global reserve currency.¶ Like many, I assumed a self-imposed U.S. debt crisis might unfold like most involuntary ones. If the debt ceiling isn’t raised by X-Day, I figured, the world’s investors would begin to see America as an unstable investment and rush to sell their Treasury bonds. The U.S. government, desperate to hold on to investment, would then raise interest rates far higher, hurtling up rates on credit cards, student loans, mortgages and corporate borrowing — which would effectively put a clamp on all trade and spending. **The U.S. economy would collapse** far worse **than anything we’ve seen in the past several years**.¶ Instead, Robert Auwaerter, head of bond investing for Vanguard, the world’s largest mutual-fund company, told me that the collapse might be more insidious. “You know what happens when the market gets upset?” he said. “There’s a flight to quality. Investors buy Treasury bonds. It’s a bit perverse.” In other words, if the U.S. comes within shouting distance of a default (which Auwaerter is confident won’t happen), the world’s investors — absent a safer alternative, given the recent fates of the euro and the yen — might actually buy even more Treasury bonds. Indeed, interest rates would fall and the bond markets would soar.¶ While this possibility might not sound so bad, it’s really far more damaging than the apocalyptic one I imagined. Rather than resulting in a sudden crisis, failure to raise the debt ceiling would lead to a slow bleed. Scott Mather, head of the global portfolio at Pimco, the world’s largest private bond fund, explained that while governments and institutions might go on a U.S.-bond buying frenzy in the wake of a debt-ceiling panic, they would eventually recognize that the U.S. government was not going through an odd, temporary bit of insanity. They would eventually conclude that it had become permanently less reliable. Mather imagines institutional investors and governments turning to a basket of currencies, putting their savings in a mix of U.S., European, Canadian, Australian and Japanese bonds. Over the course of decades, the U.S. would lose its unique role in the global economy.¶ The U.S. benefits enormously from its status as global reserve currency and safe haven. Our interest and mortgage rates are lower; companies are able to borrow money to finance their new products more cheaply. As a result, there is much more economic activity and more wealth in America than there would be otherwise. If that status erodes, the U.S. economy’s peaks will be lower and recessions deeper; future generations will have fewer job opportunities and suffer more when the economy falters. And, Mather points out, no other country would benefit from America’s diminished status. When you make the base risk-free asset more risky, **the entire global economy becomes riskier and costlier**.

#### **Global economic collapse causes multiple scenarios for nuclear conflict:**

Friedberg and Schoenfeld 8

(Aaron, professor of politics and international relations at Princeton University's Woodrow Wilson School and Gabriel, senior editor of Commentary, is a visiting scholar at the Witherspoon Institute in Princeton, N.J., October 21, 2008, Wall Street Journal, “The Dangers of a Diminished America”, <http://online.wsj.com/article/SB122455074012352571.html>, June 27, 2012) ALK

Then there are the dolorous consequences of a potential collapse of the world's financial architecture. For decades now, Americans have enjoyed the advantages of being at the center of that system. The worldwide use of the dollar, and the stability of our economy, among other things, made it easier for us to run huge budget deficits, as we counted on foreigners to pick up the tab by buying dollar-denominated assets as a safe haven. Will this be possible in the future? Meanwhile, traditional foreign-policy challenges are multiplying. The threat from al Qaeda and Islamic terrorist affiliates has not been extinguished. Iran and North Korea are continuing on their bellicose paths, while Pakistan and Afghanistan are progressing smartly down the road to chaos. Russia's new militancy and China's seemingly relentless rise also give cause for concern. If America now tries to pull back from the world stage, it will leave a dangerous power vacuum. The stabilizing effects of our presence in Asia, our continuing commitment to Europe, and our position as defender of last resort for Middle East energy sources and supply lines could all be placed at risk. In such a scenario there are shades of the 1930s, when global trade and finance ground nearly to a halt, the peaceful democracies failed to cooperate, and aggressive powers led by the remorseless fanatics who rose up on the crest of economic disaster exploited their divisions. Today we run the risk that rogue states may choose to become ever more reckless with their nuclear toys, just at our moment of maximum vulnerability. The aftershocks of the financial crisis will almost certainly rock our principal strategic competitors even harder than they will rock us. The dramatic free fall of the Russian stock market has demonstrated the fragility of a state whose economic performance hinges on high oil prices, now driven down by the global slowdown. China is perhaps even more fragile, its economic growth depending heavily on foreign investment and access to foreign markets. Both will now be constricted, inflicting economic pain and perhaps even sparking unrest in a country where political legitimacy rests on progress in the long march to prosperity. None of this is good news if the authoritarian leaders of these countries seek to divert attention from internal travails with external adventures. As for our democratic friends, the present crisis comes when many European nations are struggling to deal with decades of anemic growth, sclerotic governance and an impending demographic crisis. Despite its past dynamism, Japan faces similar challenges. India is still in the early stages of its emergence as a world economic and geopolitical power. What does this all mean? There is no substitute for America on the world stage. The choice we have before us is between the potentially disastrous effects of disengagement and the stiff price tag of continued American leadership.

# K

#### Their impact claims of war and conflict are not objective – they are produced by the specific history of the observer and the drive for state security

David Grondin 2004 (Masters in Political Science and Ph.D. Candidate – University of Ottawa, “(Re)Writing the ‘National Security State,’ Center for United States Studies, p. 12-17)

Approaches that deconstruct theoretical practices in order to disclose what is hidden in the use of concepts such as “national security” have something valuable to say. Their more reflexive and critically-inclined view illustrates how terms used in realist discourses, such as state, anarchy, world order, revolution in military affairs, and security dilemmas, are produced by a specific historical, geographical and socio-political context as well as historical forces and social relations of power (Klein, 1994: 22). Since realist analysts do not question their ontology and yet purport to provide a neutral and objective analysis of a given world order based on military power and interactions between the most important political units, namely states, realist discourses constitute a political act in defense of the state. Indeed, “[…] it is important to recognize that to employ a textualizing approach to social policy involving conflict and war is not to attempt to reduce social phenomena to various concrete manifestations of language. Rather, it is an attempt to analyze the interpretations governing policy thinking. And it is important to recognize that policy thinking is not unsituated” (Shapiro, 1989a: 71). Policy thinking is practical thinking since it imposes an analytic order on the “real world”, a world that only exists in the analysts’ own narratives. In this light, Barry Posen’s political role in legitimizing American hegemonic power and national security conduct seems obvious: U.S. command of the commons provides an impressive foundation for selective engagement. It is not adequate for a policy of primacy. […] Command of the commons gives the United States a tremendous capability to harm others. Marrying that capability to a conservative policy of selective engagement helps make U.S. military power appear less threatening and more tolerable. Command of the commons creates additional collective goods for U.S. allies. These collective goods help connect U.S. military power to seemingly prosaic welfare concerns. U.S. military power underwrites world trade, travel, global telecommunications, and commercial remote sensing, which all depend on peace and order in the commons” (Posen, 2003: 44 and 46). Adopting a more critical stance, David Campbell points out that “[d]anger is not an objective condition. It (sic) is not a thing which exists independently of those to whom it may become a threat. […] Nothing is a risk in itself; [...] it all depends on how one analyses the danger, considers the event” (Campbell, 1998: 1-2). In the same vein, national security discourse does not evaluate objective threats; rather, it is itself a product of historical processes and structures in the state and society that produces it. Whoever has the power to define security is then the one who has the authority to write legitimate security discourses and conduct the policies that legitimize them. The realist analysts and state leaders who invoke national security and act in its name are the same individuals who hold the power to securitize threats by inserting them in a discourse that frames national identity and freezes it.9 Like many concepts, realism is essentially contested. In a critical reinterpretation of realism, James Der Derian offers a genealogy of realism that deconstructs the uniform realism represented in IR: he reveals many other versions of realism that are never mentioned in International Relations texts (Der Derian, 1995: 367). I am aware that there are many realist discourses in International Relations, but they all share a set of assumptions, such as “the state is a rational unitary actor”, “the state is the main actor in international relations”, “states pursue power defined as a national interest”, and so on. I want to show that realism is one way of representing reality, not the reflection of reality. While my aim here is not to rehearse Der Derian’s genealogy of realism, I do want to spell out the problems with a positivist theory of realism and a correspondence philosophy of language. Such a philosophy accepts nominalism, wherein language as neutral description corresponds to reality. This is precisely the problem of epistemic realism and of the realism characteristic of American realist theoretical discourses. And since for poststructuralists language constitutes reality, a reinterpretation of realism as constructed in these discourses is called for.10 These scholars cannot refer to the “essentially contested nature of realism” and then use “realism as the best language to reflect a self-same phenomenon” (Der Derian, 1995: 374). Let me be clear: I am not suggesting that the many neorealist and neoclassical realist discourses in International Relations are not useful. Rather, I want to argue that these technicist and scientist forms of realism serve political purposes, used as they are in many think tanks and foreign policy bureaucracies to inform American political leaders. This is the relevance of deconstructing the uniform realism (as used in International Relations): it brings to light its locatedness in a hermeneutic circle in which it is unwittingly trapped (Der Derian, 1995: 371). And as Friedrich Kratochwil argues, “[…] the rejection of a correspondence theory of truth does not condemn us, as it is often maintained, to mere ‘relativism’ and/or to endless “deconstruction” in which anything goes but it leaves us with criteria that allows us to distinguish and evaluate competing theoretical creations” (Kratochwil, 2000 : 52). Given that political language is not a neutral medium that gives expression to ideas formed independently of structures of signification that sustain political action and thought, American realist discourses belonging to the neorealist or neoclassical realist traditions cannot be taken as mere descriptions of reality. We are trapped in the production of discourses in which national leaders and security speech acts emanating from realist discourses develop and reinforce a notion of national identity as synonymous with national security. U.S. national security conduct should thus be understood through the prism of the theoretical discourses of American political leaders and realist scholars that co-constitute it. Realist discourses depict American political leaders acting in defense of national security, and political leaders act in the name of national security. In the end, what distinguishes realist discourses is that they depict the United States as having behaved like a national security state since World War II, while legitimating the idea that the United States should continue to do so. Political scientists and historians “are engaged in making (poesis), not merely recording or reporting” (Medhurst, 2000: 17). Precisely in this sense, rhetoric is not the description of national security conduct; it constitutes it. It is difficult to trace the exact origins of the concept of “national security”. It seems however that its currency in policymaking circles corresponds to the American experience of the Second World War and of the early years of what came to be known as the “Cold War”. In this light, it is fair to say that the meaning of the American national security state is bound up with the Cold War context. If one is engaged in deciphering the meaning of the Cold War prism for American leaders, what matters is not uncovering the “reality” of the Cold War as such, but how, it conferred meaning and led people to act upon it as “reality”. The Cold War can thus be seen as a rhetorical construction, in which its rhetorical dimensions gave meaning to its material manifestations, such as the national security state apparatus. This is not to say that the Cold War never existed per se, nor does it “make [it] any less real or less significant for being rhetorical” (Medhurst, 2000: 6). As Lynn Boyd Hinds and Theodore Otto Windt, Jr. stress, “political rhetoric creates political reality, structures belief systems, and provides the fundamental bases for decisions” (Hinds and Windt, cited in Medhurst, 2000: 6). In this sense, the Cold War ceases to be a historical period which meaning can be written permanently and becomes instead a struggle that is not context-specific and not geared towards one specific enemy. It is “an orientation towards difference in which those acting on behalf of an assumed but never fixed identity are tempted by the lure of otherness to interpret all dangers as fundamental threats which require the mobilization of a population” (Campbell, 2000: 227). Indeed, if the meaning of the Cold War is not context-specific, the concept of national security cannot be disconnected from what is known as the Cold War, since its very meaning(s) emerged within it (Rosenberg, 1993 : 277).11 If the American national security state is a given for realist analysts,12 it is important to ask whether we can conceive the United States during the Cold War as anything other than a national security state.13 To be clear, I am not suggesting that there is any such essentialized entity as a “national security state”.14 When I refer to the American national security state, I mean the representation of the American state in the early years of the Cold War, the spirit of which is embodied in the National Security Act of 1947 (Der Derian, 1992: 76). The term “national security state” designates both an institutionalization of a new governmental architecture designed to prepare the United States politically and militarily to face any foreign threat and the ideology – the discourse – that gave rise to as well as symbolized it. In other words, to understand the idea of a national security state, one needs to grasp the discursive power of national security in shaping the reality of the Cold War in both language and institutions (Rosenberg, 1993 : 281). A national security state feeds on threats as it channels all its efforts into meeting current and future military or security threats. The creation of the CIA, the Department of Defense, the Joint Chiefs of Staff, and the National Security Council at the onset of the Cold War gave impetus to a state mentality geared to permanent preparedness for war. The construction of threats is thus essential to its well-being, making intelligence agencies privileged tools in accomplishing this task. As American historian of U.S. foreign relations Michael Hogan observes in his study on the rise of the national security state during the Truman administration, “the national security ideology framed the Cold War discourse in a system of symbolic representation that defined America’s national identity by reference to the un-American ‘other,’ usually the Soviet Union, Nazi Germany, or some other totalitarian power” (Hogan, 1998: 17). Such a binary system made it difficult for any domestic dissent from U.S. policy to emerge – it would have “amounted to an act of disloyalty” (Hogan, 1998: 18).15 While Hogan distinguishes advocates from critics of the American national security state, his view takes for granted that there is a given and fixed American political culture that differs from the “new” national security ideology. It posits an “American way”, produced by its cultural, political, and historical experience. Although he stresses that differences between the two sides of the discourse are superficial, pertaining solely to the means, rather than the ends of the national security state, Hogan sees the national security state as a finished and legitimate state: an American state suited to the Cold War context of permanent war, while stopping short of a garrison state: Although government would grow larger, taxes would go up, and budget deficits would become a matter of routine, none of these and other transformations would add up to the crushing regime symbolized in the metaphor of the garrison state. The outcome instead would be an American national security state that was shaped as much by the country’s democratic political culture as it was by the perceived military imperatives of the Cold War (Hogan, 1998: 22). I disagree with this essentialist view of the state identity of the United States. The United States does not need to be a national security state. If it was and is still constructed as such by many realist discourses, it is because these discourses serve some political purpose. Moreover, in keeping with my poststructuralist inclinations, I maintain that identity need not be, and indeed never is, fixed. In a scheme in which “to say is to do”, that is, from a perspective that accepts the performativity of language, culture becomes a relational site where identity politics happens rather than being a substantive phenomenon. In this sense, culture is not simply a social context framing foreign policy decision-making. Culture is “a signifying part of the conditions of possibility for social being, […] the way in which culturalist arguments themselves secure the identity of subjects in whose name they speak” (Campbell, 1998: 221). The Cold War national security culture represented in realist discourses was constitutive of the American national security state. There was certainly a conflation of theory and policy in the Cold War military-intellectual complex, which “were observers of, and active participants in, defining the meaning of the Cold War. They contributed to portray the enemy that both reflected and fueled predominant ideological strains within the American body politic. As scholarly partners in the national security state, they were instrumental in defining and disseminating a Cold War culture” (Rubin, 2001: 15). This national security culture was “a complex space where various representations and representatives of the national security state compete to draw the boundaries and dominate the murkier margins of international relations” (Der Derian, 1992: 41). The same Cold War security culture has been maintained by political practice (on the part of realist analysts and political leaders) through realist discourses in the post-9/11 era and once again reproduces the idea of a national security state. This (implicit) state identification is neither accidental nor inconsequential. From a poststructuralist vantage point, the identification process of the state and the nation is always a negative process for it is achieved by exclusion, violence, and marginalization. Thus, a deconstruction of practices that constitute and consolidate state identity is necessary: the writing of the state must be revealed through the analysis of the discourses that constitute it. The state and the discourses that (re)constitute it thus frame its very identity and impose a fictitious “national unity” on society; it is from this fictive and arbitrary creation of the modernist dichotomous discourses of inside/outside that the discourses (re)constructing the state emerge. It is in the creation of a Self and an Other in which the state uses it monopolistic power of legitimate violence – a power socially constructed, following Max Weber’s work on the ethic of responsibility – to construct a threatening Other differentiated from the “unified” Self, the national society (the nation).16 It is through this very practice of normative statecraft,17 which produces threatening Others, that the international sphere comes into being. David Campbell adds that it is by constantly articulating danger through foreign policy that the state’s very conditions of existence are generated18.

#### The process of security leads to unending violence and wars against populations of created threats

Duschinski 2009 – Assistant Prof of Sociology and Anthropology, Ohio University (Haley, “Destiny Effects: Militarization, State Power, and Punitive Containment in Kashmir Valley.” Anthropological Quarterly, Volume 82, Number 3, Summer 2009, Project MUSE)

Patterns of war emerging in particular local worlds are tied to larger transformations in political-military economies of violence operating on a global scale (Lutz and Nonini 2000:79). The expansion of neoliberal market capitalism since World War II has fed the growth of permanent war economies while also creating large surplus populations that are considered peripheral to the workings of capitalist economies. "State armies, multilateral armed forces (IFOR, the United Nations), private armies, militarized police, and parasitical militias have come to wage a systematic form of 'low intensity warfare,' often against stigmatized populations 'outside the grids' of global capitalist activity and superfluous to labor, **[End Page 693]** capital, and consumption markets" (Lutz and Nonini 2000:78). These interlinked processes of neoliberalism and privatization, ethnic and racial discrimination, and jingoism and militarism have led to the proliferation of infinite and indefinite wars that consolidate collectively imagined national communities at the same time that they violently exclude certain categories of people from participation in the life of the nation. As Victoria Sanford argues, national security states are based, not on the outwardly focused defense of national territory, but rather on a national security ideology that " is grounded in the recourse of coercion and has no room for the participation or consent of civil society" (2003:394-395). Through such ideological work, national security states erase the everyday realities of violence and power their shadow zones and sensitive peripheries in the name of national integrity and cohesion and in the interest of wartime profit.This state practice of carving out differential patterns of citizenship through the waging of perpetual warfare leads to a blurring of boundaries between "crimes of war" and "crimes of peace," producing a continuum of violence that scales from the routine violence of everyday social spaces, such as emergency rooms, court rooms, prisons, detention centers, and schools, to the spectacular violence of hot zones, such as border clashes, ethnic conflicts, and frontiers in the global war on terror (Scheper-Hughes 2002, 2008). These sites of exclusion and concentration provide for the encapsulation and confinement of those forms of political life that have been stripped of rights, cast into a "zone of social abandonment" (Biehl 2005), and subjected to the brutal violence of the state. Such conceptual tools enable us to move past distinctions between " the exception" and "the rule" and examine patterns of militarization that define forms of social suffering for communities living in various domains of threat and "legitimate" destruction: marginalized peasants cast as indigenous rebels in the Oaxaca and Chiapas regions of contemporary Mexico (Stephen 2000); Latino communities cast as drug runners and illegal immigrants along the US-Mexican border (Nagengast 2002); foreign nationals cast as enemy combatants in US military prisons in the War on Terror (Feldman 2005); Catholic nationalist women cast as paramilitary insurgents in the prisons of Belfast (Aretxaga 1997); Black youth cast as criminals in post-Apartheid South Africa (Comaroff and Comaroff 2006); and Puerto Rican men cast as gang members in the barrios of East Harlem (Bourgois 2002). Comparative ethnographies of the political and juridical **[End Page 694]** conditions that similarly delimit possibilities of life in these and other heavily militarized zones leads to a better understanding of "how dominant representations of the dangerous, the subversive, the worthless, the marginal, and the unimportant become linked to making particular groups of people susceptible to violence abuses that allow them to be treated with less than human respect and dignity" (Stephen 2000:823).

#### Our alternative is to give back the gift of security. This reorients our conception of politics away from the realist state terrain that guarantees violence.

Neocleous 08. ( Mark Neocleous is a Professor of the critique of Political Economy at Brunel University, UK and a member of the Editorial Collective of “Radical Philosophy”. *Critique of Security.* 186)

Simon Dalby reports a personal communication with Michael Williams, co-editor of the important text *Critical Security Studies,* inwhich the latter asks: if you take away security, what do you put m the hole that's left behind? But I'm inclined to agree with Dalby: maybe there is no hole. The mistake has been to think that there is a hole and that this hole needs to be filled with a new vision or revision of security in which it is re-mapped or civilised or gendered or humanised or expanded or whatever. All of these ultimately remain within the statist political imaginary, and consequently end up reaffirming the state as the terrain of modern politics, the grounds of security. The real task is not to fill the supposed hole with yet another vision of security, but to fight for an alternative political language which takes us beyond the narrow horizon of bourgeois security and which therefore does not constantly throw us into the arms of the state. That's the point of critical politics: to develop a new political language more adequate to the kind of society we want. Thus while much of what I have said here has been of a negative order, part of the tradition of critical theory is that the negative may be as significant as the positive in setting thought on new paths. For if security really is the supreme concept of bourgeois society and the fundamental thematic of liberalism, then to keep harping on about insecurity and to keep demanding 'more security' (while meekly hoping that this increased security doesn't damage our liberty) is to blind ourselves to the possibility of building real alternatives to the authoritarian tendencies in contemporary politics. To situate ourselves against security politics would allow us to circumvent the debilitating effect achieved through the constant securitising of social and political issues, debilitating in the sense that 'security' helps consolidate the power of the existing forms of social domination and justifies the short-circuiting of even the most democratic forms. It would also allow us to forge another kind of politics centered on a different conception of the good. We need a new way of thinking and talking about social being and politics that moves us beyond security. This would perhaps be emancipatory in the true sense of the word. What this might mean, precisely, must be open to debate. But it certainly requires recognizing that security is an illusion that has forgotten it is an illusion requires recognising that security is not the same as solidarity. It requires accepting that insecurity is part of the human condition, and thus giving up the search for the certainty of security and instead learning to tolerate the uncertainties, ambiguities and ‘insecurities’ that come with being human; it requires accepting that ‘securitizing’ an issue does not mean dealing with it politically, but bracketing It out and handing it to the state; it requires us to be brave enough to return the gift.

# Leg

#### (--) Heg doesn’t solve war: Empirically proven

Christopher J. Fettweis (Professor of national security affairs @ U.S. Naval War College) 2010 “Threat and Anxiety in US Foreign Policy,” Survival, Volume 52, Issue 2 April 2010 , pages 59 – 82

One potential explanation for the growth of global peace can be dismissed fairly quickly: US actions do not seem to have contributed much. The limited evidence suggests that there is little reason to believe in the stabilising power of the US hegemon, and that there is no relation between the relative level of American activism and international stability. During the 1990s, the United States cut back on its defence spending fairly substantially. By 1998, the United States was spending $100 billion less on defence in real terms than it had in 1990, a 25% reduction.29 To internationalists, defence hawks and other believers in hegemonic stability, this irresponsible 'peace dividend' endangered both national and global security. 'No serious analyst of American military capabilities', argued neo-conservatives William Kristol and Robert Kagan in 1996, 'doubts that the defense budget has been cut much too far to meet America's responsibilities to itself and to world peace'.30 And yet the verdict from the 1990s is fairly plain: the world grew more peaceful while the United States cut its forces. No state seemed to believe that its security was endangered by a less-capable US military, or at least none took any action that would suggest such a belief. No militaries were enhanced to address power vacuums; no security dilemmas drove insecurity or arms races; no regional balancing occurred once the stabilis-ing presence of the US military was diminished. The rest of the world acted as if the threat of international war was not a pressing concern, despite the reduction in US military capabilities. Most of all, the United States was no less safe. The incidence and magnitude of global conflict declined while the United States cut its military spending under President Bill Clinton, and kept declining as the George W. Bush administration ramped the spending back up. Complex statistical analysis is unnecessary to reach the conclusion that world peace and US military expenditure are unrelated.

#### (--) No violent transition away from US hegemony – the lasting effects of the American era are a peaceful and sustainable international system

**Ikenberry 11**

[John, Milbank Professor of Politics and International Affairs at Princeton University. “The Future of the Liberal World Order” May/Jun2011, Vol. 90, Issue 3. Foreign Affairs]

But this panicked narrative misses a deeper reality: although the United States' position in the global system is changing, the liberal international order is alive and well. The struggle over international order today is not about fundamental principles. China and other emerging great powers do not want to contest the basic rules and principles of the liberal international order; they wish to gain more authority and leadership within it. Indeed, today's power transition represents not the defeat of the liberal order but its ultimate ascendance. Brazil, China, and India have all become more prosperous and capable by operating inside the existing international order--benefiting from its rules, practices, and institutions, including the World Trade Organization (WTO) and the newly organized G-20. Their economic success and growing influence are tied to the liberal internationalist organization of world politics, and they have deep interests in preserving that system. In the meantime, alternatives to an open and rule-based order have yet to crystallize. Even though the last decade has brought remarkable upheavals in the global system--the emergence of new powers, bitter disputes among Western allies over the United States' unipolar ambitions, and a global financial crisis and recession--the liberal international order has no competitors. On the contrary, the rise of non-Western powers and the growth of economic and security interdependence are creating new constituencies for it. To be sure, as wealth and power become less concentrated in the United States' hands, the country will be less able to shape world politics. But the underlying foundations of the liberal international order will survive and thrive. Indeed, now may be the best time for the United States and its democratic partners to update the liberal order for a new era, ensuring that it continues to provide the benefits of security and prosperity that it has provided since the middle of the twentieth century.

#### (--) Even if conflict is more likely there’s no escalation

Haas 8 Richard, President of the Council on Foreign Relations, former director of policy planning for the Department of State, former vice president and director of foreign policy studies at the Brookings Institution, the Sol M. Linowitz visiting professor of international studies at Hamilton College, a senior associate at the Carnegie Endowment for International Peace, a lecturer in public policy at Harvard University’s John F. Kennedy School of Government, and a research associate at the International Institute for Strategic Studies, April, “Ask the Expert: What Comes After Unipolarity?” http://www.cfr.org/publication/16063/ask\_the\_expert.html

#### Does a non polar world increase or reduce the chances of another world war? Will nuclear deterrence continue to prevent a large scale conflict? Sivananda Rajaram, UK Richard Haass: I believe the chance of a world war, i.e., one involving the major powers of the day, is remote and likely to stay that way. This reflects more than anything else the absence of disputes or goals that could lead to such a conflict. Nuclear deterrence might be a contributing factor in the sense that no conceivable dispute among the major powers would justify any use of nuclear weapons, but again, I believe the fundamental reason great power relations are relatively good is that all hold a stake in sustaining an international order that supports trade and financial flows and avoids large-scale conflict. The danger in a nonpolar world is not global conflict as we feared during the Cold War but smaller but still highly costly conflicts involving terrorist groups, militias, rogue

#### 4. No impact to decline – no challengers

**Bandow ‘10**   
[“Military Spending—For What?”, Japan Times, 1/19, http://search.japantimes.co.jp/cgi-bin/eo20100119db.html]

WASHINGTON — **The U**nited **S**tates **dominates the globe militarily. The threats** facing America **pale compared to its capabilities**. Why, then, is Washington spending so much on the military? **In 2010 the U.S. will spend roughly $700 billion on the military**. This is an increase of 2 percent (after inflation) from the Obama administration's original nonwar defense budget of $534 billion. Despite initial plans for zero growth in defense spending in coming years, there are rumors that the Department of Defense will receive a 2 percent increase in real outlays through 2015. Still, some conservatives want to enshrine a military buildup in a law mandating fixed outlays at 4, 5 or even 6 percent of gross domestic product. Hawks focus on the percentage of GDP going to the military — currently about 4.4 percent — since that figure has fallen over the years. America spends more inflation- adjusted dollars on the military today than at any time since the end of World War II. Figured in 2000 dollars, the U.S. devoted $774.6 billion to the military in 1945, the final year of World War II. In 1953, the final year of the Korean War, military outlay ran to $416.1 billion. Expenditure during the Vietnam War peaked at $421.3 billion in 1968. By contrast, in 2010 — even before the Afghan surge and other unplanned expenditure — the administration expected to spend $517.8 billion. That's more than during the lengthy, but often warm, Cold War. Expenditure as a percentage of GDP has fallen because the U.S. economy has grown. GDP in 2010 (in 2000 dollars) will run to about $11.7 trillion. That is almost twice as much as in 1986, more than three times as much as in 1968, and nearly six times as much as in 1953. Military outlay should be tied to threats, not economic growth. **Can anyone credibly claim the military threat facing America is two, three, or six times as great today** as during those years**?** Today **the U.S. does not face a significant military threat. As Colin Powell famously declared** in 1991 when chairman of the Joint Chiefs of Staff: **"I'm running out of enemies. I'm down to Castro and Kim** Il Sung." **The U.S. has no great power enemies. Relations with China and Russia are at times uneasy, but not confrontational, let alone warlike**. **Washington is allied with every other industrialized state. America possesses the most sophisticated nuclear arsenal and the most powerful conventional force. Washington's reach exceeds that of Rome and Britain at their respective peaks. Other nations, most notably China, are stirring, but it will take years before they match, let alone overtake, the U.S. Even subtracting the costs of the Afghanistan and Iraq wars leaves American military outlay around five times that of China and 10 times that of Russia. Combine a gaggle of adversaries, enemies and rogues** — Burma, Cuba, Iran, North Korea, Syria — **and the U.S. spends perhaps 25 times as much**. The United States is not alone. The European Union has 10 times the GDP and three times the population of Russia. Military outlay by the U.S. plus its NATO allies accounts for about 70 percent of world military spending. Add in America's other allies and friends, such as South Korea, and the total share of global military outlay hits 80 percent. In short, Washington spends what it spends not to defend America but to maintain the ability to overpower other nations. But it will become increasingly expensive for America to preserve the ability to attack countries like China. **Terrorism remains a pressing security threat. However, terrorist attacks, though horrid, do not pose an existential danger. Al-Qaida is no replacement for Nazism and Communism, nuclear-topped ICBMs and armored divisions**. Nor is traditional military force the best way to combat terrorism. Indeed, foreign intervention often promotes terrorism, like swatting a hornet's nest. America's military spending is determined by its foreign policy. America's commitments are a matter of choice. They don't make sense today. Engagement is good, but military force is not the only form of engagement. And any international involvement must balance costs and benefits. Adjusting commitments would allow a vastly different, and less expensive, force structure. **The U.S. could make significant cuts and still maintain the globe's strongest and most sophisticated military — one well able to defend Americans.**

#### No extinction

Gladwell 99 (Malcolm, The New Republic, July 17 and 24, 1995, excerpted in Epidemics: Opposing Viewpoints, p. 31-32)

Every infectious agent that has ever plagued humanity has had to adapt a specific strategy but every strategy carries a corresponding cost and this makes human counterattack possible. Malaria is vicious and deadly but it relies on mosquitoes to spread from one human to the next, which means that draining swamps and putting up mosquito netting can all hut halt endemic malaria. Smallpox is extraordinarily durable remaining infectious in the environment for years, but its very durability its essential rigidity is what makes it one of the easiest microbes to create a vaccine against. AIDS is almost invariably lethal because it attacks the body at its point of great vulnerability, that is, the immune system, but the fact that it targets blood cells is what makes it so relatively uninfectious. Viruses are not superhuman. I could go on, but the point is obvious. Any microbe capable of wiping us all out would have to be everything at once: as contagious as flue, as durable as the cold, as lethal as Ebola, as stealthy as HIV and so doggedly resistant to mutation that it would stay deadly over the course of a long epidemic. But viruses are not, well, superhuman. They cannot do everything at once. It is one of the ironies of the analysis of alarmists such as Preston that they are all too willing to point out the limitations of human beings, but they neglect to point out the limitations of microscopic life forms.

**No impact to immune systems**

Gladwell 99 (Malcolm, The New Republic, July 17 and 24, 1995, excerpted in Epidemics: Opposing Viewpoints, p. 31-32)

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**Burn out stops disease**

Lederberg 99 (Joshua, Professor of Genetics – Stanford University School of Medicine, Epidemic The World of Infectious Disease, p. 13)

The toll of the fourteenth-century plague, the "Black Death," was closer to one third. If the bugs' potential to develop adaptations that could kill us off were the whole story, we would not be here. However, with very rare exceptions, our microbial adversaries have a **shared interest** in our survival. Almost any pathogen comes to a **dead end** when we die; it first has to communicate itself to another host in order to survive. So historically, the really severe host- pathogen interactions have resulted in a **wipeout** of **both** host and pathogen. We humans are still here because, so far, the pathogens that have attacked us have willy-nilly had an interest in our survival. This is a very delicate balance, and it is easily disturbed, often in the wake of large-scale ecological upsets.

**-- Humans will adapt**

Gladwell 95 (Malcolm, The New Republic, July 17, Excerpted in Epidemics: Opposing Viewpoints, p. 29)

In Plagues and Peoples, which appeared in 1977. William MeNeill pointed out that…while man’s efforts to “remodel” his environment are sometimes a source of new disease. They are seldom a source of serious epidemic disease. Quite the opposite. As humans and new microorganisms interact, they begin to accommodate each other. Human populations slowly build up resistance to circulating infections. What were once virulent infections, such as syphilis become attenuated. Over time, diseases of adults, such as measles and chicken pox, become limited to children, whose immune systems are still naïve.

**Warming will be slow and not catastrophic**

C.R. de **Freitas 2**, Associate Prof. in Geography and Environmental Science at Univ. of Auckland, 2002, “Are observed changes in the concentration of carbon dioxide in the atmosphere really dangerous?”

An understanding of global warming hinges on the answers to certain key questions. Is global climate warming? If so, what part of that warming is due to human activities? How good is the evidence? What are the risks? The task of answering these questions is hindered by widespread confusion regarding key facets of global warming science. The confusion has given rise to several fallacies or misconceptions. These myths and misconceptions, and how they relate to the above questions, are explained. Although the future state of global climate is uncertain, there is no reason to believe that catastrophic change is underway. The atmosphere may warm due to human activity, but if it does, the expected change is unlikely to be much more than 1 degree Celsius in the next 100 years. Even the climate models promoted by the IPCC do not suggest that catastrophic change is occurring. They suggest that increases in greenhouse gases are likely to give rise to a warmer and wetter climate in most places; in particular, warmer nights and warmer winters. Generally, higher latitudes would warm more than lower latitudes. This means milder winters and, coupled with increased atmospheric carbon dioxide, it means a more robust biosphere with greater availability of forest, crops and vegetative ground cover. This is hardly a major threat. A more likely threat is policies that endanger economic progress. The negative effect of such policies would be far greater than any change caused by global warming. Rather than try to reduce innocuous carbon dioxide emissions, we would do better to focus on air pollution, especially those aspects that are known to damage human health.

**We’ll adapt to warming**

Hendrick **Tennekes 8**, former director of research at the Netherlands’ Royal National Meteorological Institute, 7-15-2008, <http://climaterealists.com/index.php/forum/?id=1554>

“Fortunately**, the time rate of climate change is slow compared to the rapid evolution of our institutions and societies. There is sufficient time for adaptation.** We should monitor the situation both globally and locally, but up to **now global climate change does not cause severe problems requiring immediate emission reductions. Successive IPCC reports have presented no scientific basis for dire warnings concerning climate collapse**. Local and regional problems with shorter time scales deserve priority. They can be managed professionally, just as the Dutch seem to do.” The so-called scientific basis of the climate problem is within my professional competence as a meteorologist. It is my professional opinion that **there is no evidence at all for catastrophic global warming**. It is likely that **global temperatures will rise a little**, much as IPCC predicts, **but** there is a growing body of evidence that the errant behavior of **the Sun may cause some cooling** in the foreseeable future.

**No warming – warming is an alarmist approach based off exaggerated data**

**Lewis 7** (Institute of Economic Affairs, Mar 6, <http://www.lyd.com/lyd/controls/neochannels/neo_ch4260/deploy/gwfalsealarm.pdf>)

**The government claim that global warming is more threatening than terrorism is alarmist and unwarranted. It is also suspect as an excuse for mounting taxes and controls. It is** strikingly **similar to the dire predictions of 40 years ago of an imminent ice age and to other past doom forecasts due to alleged overpopulation, depletion of food and fuel supplies, and chemical pollution. There are** serious **doubts about the measurements, assumptions and predictions of the** Intergovernmental Panel on Climate Change (**IPCC**), **with regard to global CO2 growth, temperature and the role of clouds.** Indeed **there is a strong case that the IPCC has overstated the effect of anthropogenic greenhouse gases on the climate and downplayed the influence of natural factors such as variations in solar output, El Niños and volcanic activity. The empirical evidence used to support the global warming hypothesis has** often **been misleading, with ‘scare stories’ promoted in the media that are distortions of scientific reality**. The high salience of the climate change issue reflects the fact that **many special interests have much to gain from policies designed to reduce emissions through increased government intervention and world energy planning.**

**No warming now – and, all the ways they use to measure it are flawed**

**Singer 2k** (Testimony of Prof. S. Fred Singer President, The Science & Environmental Policy Project before the Senate Committee on Commerce, Science, and Transportation on Climate Change, July 18, 2000, http://www.nationalcenter.org/KyotoSingerTestimony2000.html)

Contrary to the conventional wisdom and the predictions of computer models, the Earth's climate has not warmed appreciably in the past two decades, and probably not since about 1940. The evidence is overwhelming: a) Satellite data show no appreciable warming of the global atmosphere since 1979. In fact, if one ignores the unusual El Nino year of 1998, one sees a cooling trend. b) Radiosonde data from balloons released regularly around the world confirm the satellite data in every respect. This fact has been confirmed in a recent report of the National Research Council/National Academy of Sciences [1]. c) The well-controlled and reliable thermometer record of surface temperatures for the continental United States shows no appreciable warming since about 1940. [See figure] The same is true for Western Europe. These results are in sharp contrast to the GLOBAL instrumental surface record, which shows substantial warming, mainly in NW Siberia and subpolar Alaska and Canada. d) But tree-ring records for Siberia and Alaska and published ice-core records that I have examined show NO warming since 1940. In fact, many show a cooling trend. Conclusion: The post-1980 global warming trend from surface thermometers is not credible. The absence of such warming would do away with the widely touted "hockey stick" graph (with its "unusual" temperature rise in the past 100 years) [see figure]; it was shown here on May 17 as purported proof that the 20th century is the warmest in 1000 years. 2. Regional Changes in Temperature, Precipitation, and Soil Moisture? The absence of a current global warming trend should serve to discredit any predictions from current climate models, including the extreme warming from the two models (Canadian and British) selected for the NACC. Furthermore, the two NACC models give conflicting predictions, most often for precipitation and soil moisture [2,3]. For example, the Dakotas lose 85% of their current average rainfall by 2100 in one model, while the other shows a 75% gain. Half of the 18 regions studied show such opposite results; several others show huge differences. [see graph] The soil moisture predictions also differ. The Canadian model shows a drier Eastern US in summer, the UK Hadley model a wetter one. Conclusion: We must conclude that regional forecasts from climate models are beyond the state of the art and are even less reliable than those for the global average. Since the NACC scenarios are based on such forecasts, the NACC projections are not credible.

# Dem

#### Democratic peace theory is a farce

Layne ’07 [Christopher, Professor @ TX A&M, American Empire: A Debate, pg. 94]

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Wilsonian ideology drives the American Empire because its proponents posit that the United States must use its military power to extend democracy abroad. Here, the ideology of Empire rests on assumptions that are not supported by the facts. One reason the architects of Empire champion democracy promotion is because they believe in the so-called democratic peace theory, which holds that democratic states do not fight other democracies. Or as President George W. Bush put it with his customary eloquence, "democracies don't war; democracies are peaceful."136 **The democratic peace theory is the probably the most overhyped and undersupported "theory" ever to be concocted by American academics.** In fact, it is not a theory at all. Rather it is a theology that suits the conceits of Wilsonian true believers-especially the neoconservatives who have been advocating American Empire since the early 1990s. As serious scholars have shown, however, the historical record does not support the democratic peace theory.131 On the contrary, it shows that democracies do not act differently toward other democracies than they do toward nondemocratic states. When important national interests are at stake, democracies not only have threatened to use force against other democracies, but, in fact, **democracies have gone to war with other democracies**.

#### Democracy doesn't prevent wars—history and theory prove

* 1. **Schwartz and Skinner '01** Thomas and Kiron K (Research Fellow at the Hoover Institution at Stanford University, associate professor of history and political science at Carnegie Mellon University); December 22, 2001; “The Myth of Democratic Peace”; JAI Press; ORBIS

Here we show that neither the historical record nor the theoretical arguments advanced for the purpose provide any support for democratic pacifism. It does not matter how high or low one sets the bar of democracy. Set it high enough to avoid major exceptions and you find few, if any, democracies until the Cold War era. Then there were no wars between them, of course. But that fact is better explained by NATO and bipolarity than by any shared form of government. Worse, the peace among the high-bar democracies of that era was part of a larger pacific pattern: peace among all nations of the First and Second Worlds. As for theoretical arguments, those we have seen rest on implausible premises. Why, then, is the belief that democracies are mutually pacific so widespread and fervent? The explanation rests on an old American tendency to slip and slide unawares between two uses of the word "democracy": as an objective description of regimes, and as a term of praise--a label to distinguish friend from foe. Because a democracy (term of praise) can do no wrong--or so the thinking seems to run--at least one side in any war cannot be a democracy (regime description). There lies the source of much potential mischief in foreign policy. The Historical Problem Democratic pacifism combines an empirical generalization with a causal attribution: democracies do not fight each other, and that is because they are democracies. Proponents often present the former as a plain fact. Yet regimes that were comparatively democratic for their times and regions have fought each other comparatively often--bearing in mind, for the purpose of comparison, that most states do not fight most states most of the time. The wars below are either counter-examples to democratic pacifism or borderline cases. Each is listed with the year it started and those combatants that have some claim to the democratic label. American Revolutionary War, 1775 (Great Britain vs. U.S.) Wars of French Revolution (democratic period), esp. 1793, 1795 (France vs. Great Britain) Quasi War, 1798 (U.S. vs. France) War of 1812 (U.S. vs. Great Britain) Texas War of Independence, 1835 (Texas vs. Mexico) Mexican War, 1846 (U.S. vs. Mexico) Roman Republic vs. France, 1849 American Civil War, 1861 (Northern Union vs. Southern Confederacy) Ecuador-Columbia War, 1863 Franco-Prussian War, 1870 War of the Pacific, 1879 (Chile vs. Peru and Bolivia) Indian Wars, much of nineteenth century (U.S. vs. various Indian nations) Spanish-American War, 1898 Boer War, 1899 (Great Britain vs. Transvaal and Orange Free State) World War I, 1914 (Germany vs. Great Britain, France, Italy, Belgium, and U.S.) Chaco War, 1932 (Chile vs. Argentina) Ecuador-Peru, 1941 Palestine War, 1948 (Israel vs. Lebanon) Dominican Invasion, 1967 (U.S. vs. Dominican Republic) Cyprus Invasion, 1974 (Turkey vs. Cyprus) Ecuador-Peru, 1981 Nagorno-Karabakh, 1989 (Armenia vs. Azerbaijan) Yugoslav Wars, 1991 (Serbia and Bosnian-Serb Republic vs. Croatia and Bosnia; sometimes Croatia vs. Bosnia) Georgia-Ossetia, 1991 (Georgia vs. South Ossetia) Georgia-Abkhazia, 1992 (Georgia vs. Abkhazia and allegedly Russia) Moldova-Dnestr Republic, 1992 (Moldova vs. Dnestr Republic and allegedly Russia) Chechen War of Independence, 1994 (Russia vs. Chechnya) Ecuador-Peru, 1995 NATO-Yugoslavia, 1999 India-Pakistan, 1999

#### Democracies start more wars

Henderson 2

Errol **Henderson 2**, Assistant Professor, Dept. of Political Science at the University of Florida, 2002, Democracy and War The End of an Illusion?, p. 146

Are Democracies More Peaceful than Nondemocracies with Respect to Interstate Wars? The results indicate that democracies are more war-prone than non-democracies (whether democracy is coded dichotomously or continu­ously) and that democracies are more likely to initiate interstate wars. The findings are obtained from analyses that control for a host of political, economic, and cultural factors that have been implicated in the onset of interstate war, and focus explicitly on state level factors instead of simply inferring state level processes from dyadic level observations as was done in earlier studies (e.g., Oneal and Russett, 1997; Oneal and Ray, 1997). The results imply that democratic enlargement is more likely to increase the probability of war for states since democracies are more likely to become involved in—and to ini­tiate—interstate wars.

#### Transitions to democracy lead to war

Manfield and Snyder 2

Edward D. Mansfield, Hum Rosen Professor of Political Science and Co-Director of the Christopher H. Browne Center for International Politics at the University of Pennsylvania, and Jack Snyder, Robert and Renee Belfer Professor of International Relations at Columbia University, Spring 2002, International Organization

In previous research, we reported that states undergoing democratic transitions were substantially more likely to participate in external wars than were states whose regimes remained unchanged or changed in an autocratic direction. [6](http://muse.jhu.edu/journals/international_organization/v056/56.2mansfield.html" \l "FOOT6#FOOT6) We argued that elites in newly democratizing states often use nationalist appeals to attract mass support without submitting to full democratic accountability and that the institutional weakness of transitional states creates the opportunity for such war-causing strategies to succeed. However, these earlier studies did not fully address the circumstances under which transitions are most likely to precipitate war, and they did not take into account various important causes of war. Equally, some critics worried that the time periods over which we measured the effects of democratization were sometimes so long that events occurring at the beginning of a period would be unlikely to influence foreign policy at its end. [7](http://muse.jhu.edu/journals/international_organization/v056/56.2mansfield.html" \l "FOOT7#FOOT7) Employing a more refined research design than in our prior work, we aim here to identify more precisely the conditions under which democratization stimulates hostilities. We find that the heightened danger of war grows primarily out of the transition from an autocratic regime to one that is partly democratic. The specter of war during this phase of democratization looms especially large when governmental institutions, including those regulating political participation, are especially weak. Under these conditions, elites commonly employ nationalist rhetoric to mobilize mass support but then become drawn into the belligerent foreign policies unleashed by this process. We find, in contrast, that transitions that quickly culminate in a fully coherent democracy are much less perilous. [8](http://muse.jhu.edu/journals/international_organization/v056/56.2mansfield.html" \l "FOOT8#FOOT8) Further, our results refute the view that transitional democracies are simply inviting targets of attack because of their temporary weakness. In fact, they tend to be the initiators of war. We also refute the view that any regime change is likely to precipitate the outbreak of war. We find that transitions toward democracy are significantly more likely to generate hostilities than transitions toward autocracy.

#### WOT policies undermine demo cred

Thomas Carothers – VP Carnegie – Jan 2012, Democracy Policy Under Obama: Revitalization or Retreat?, http://carnegieendowment.org/files/democracy\_under\_obama.pdf

Another key element of Obama’s attempted revitalization of U.S. democracy support— the restoration of America’s standing as a symbol of democracy and human rights in the world—has encountered choppier waters. The administration has taken some corrective actions with regard to U.S. respect for law and rights in its counterterrorism policies, and Obama enjoys a better reputation generally in the world on human rights than did Bush. But the president has not accomplished his signature goal of closing Guantánamo. In addition, bowing to congressional pressure, the administration reversed its earlier decision to hold civilian trials in New York for detainees accused of planning the September 11 attacks.37 The administration has also been criticized by human rights advocates for failing to hold any current or former U.S. officials accountable for past abuses and instead adopting many of the Bush administration’s legal positions in order to block lawsuits by former detainees seeking redress for illegal detention, rendition, and torture.38

#### Too many alt causes – Bahrain, Yemen, Syria, Libya

Lloyd Gardner – author of The Road to Tahrir Square, Prof. Emeritus of History @ Rutgers – 1/6/12, America can no longer rely on military aid to influence the Middle East, http://www.guardian.co.uk/commentisfree/2012/jan/06/america-military-aid-influence-middle-east

In any event, it is clear Washington's influence over the course of events in Egypt and elsewhere has diminished as a result of the Arab spring. Over the past year the US simply stood by as Saudi Arabia put down protests in Bahrain, whose ruling family hosts a key American naval base, and exhibited a studied ambiguity toward events in Yemen as the country struggled to end the Saleh dictatorship. While the US did eventually join in demands for Syria's president, Bashar al-Assad, to step down, and steered events to depose the long-time Libyan dictator, Muammar Gaddafi, the general picture American policy conveyed was of an ageing stand-pat power, fearful of losing its grip.

#### Asian war is unlikely --- all potential conflicts are solved by regional stability initiatives throughout the region

**Bitzinger & Desker, 08** – senior fellow and dean of S. Rajaratnam School of International Studies respectively (Richard A. Bitzinger, Barry Desker, “Why East Asian War is Unlikely,” Survival, December 2008, http://pdfserve.informaworld.com-/678328\_731200556\_906256449.pdf)

The Asia-Pacific region can be regarded as a zone of both relative insecurity and strategic stability. It contains some of the world’s most significant flashpoints – the Korean peninsula, the Taiwan Strait, the Siachen Glacier – where tensions between nations could escalate to the point of major war. It is replete with unresolved border issues; is a breeding ground for transnationa terrorism and the site of many terrorist activities (the Bali bombings, the Manila superferry bombing); and contains overlapping claims for maritime territories (the Spratly Islands, the Senkaku/Diaoyu Islands) with considerable actual or potential wealth in resources such as oil, gas and fisheries. Finally, the Asia-Pacific is an area of strategic significance with many key sea lines of communication and important chokepoints**. Yet despite all these potential crucibles of conflict, the Asia-Pacific, if not an area of serenity and calm, is certainly more stable than one might expect**. To be sure, there are separatist movements and internal struggles, particularly with insurgencies, as in Thailand, the Philippines and Tibet. Since the resolution of the East Timor crisis, however, the region has been relatively free of open armed warfare. Separatism remains a challenge, but the break-up of states is unlikely. Terrorism is a nuisance, but its impact is contained. The North Korean nuclear issue, while not fully resolved, is at least moving toward a conclusion with the likely denuclearisation of the peninsula. Tensions between China and Taiwan, while always just beneath the surface, seem unlikely to erupt in open conflict any time soon, especially given recent Kuomintang Party victories in Taiwan and efforts by Taiwan and China to re-open informal channels of consultation as well as institutional relationships between organisations responsible for cross-strait relations. And while in Asia there is no strong supranational political entity like the European Union, there are many multilateral organisations and international initiatives dedicated to enhancing peace and stability, including the Asia-Pacific Economic Cooperation (APEC) forum, the Proliferation Security Initiative and the Shanghai Co-operation Organisation. In Southeast Asia, countries are united in a common eopolitical and economic organisation – the Association of Southeast Asian Nations (ASEAN) – which is dedicated to peaceful economic, social and cultural development, and to the promotion of regional peace and stability. ASEAN has played a key role in conceiving and establishing broader regional institutions such as the East Asian Summit, ASEAN+3 (China, Japan and South Korea) and the ASEAN Regional Forum. **All this suggests that war in Asia – while not inconceivable – is unlikely.**

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The Asia-Pacific region can be regarded as a zone of both relative insecurity and strategic stability. It contains some of the world’s most significant flashpoints – the Korean peninsula, the Taiwan Strait, the Siachen Glacier – where tensions between nations could escalate to the point of major war. It is replete with unresolved border issues; is a breeding ground for transnationa terrorism and the site of many terrorist activities (the Bali bombings, the Manila superferry bombing); and contains overlapping claims for maritime territories (the Spratly Islands, the Senkaku/Diaoyu Islands) with considerable actual or potential wealth in resources such as oil, gas and fisheries. Finally, the Asia-Pacific is an area of strategic significance with many key sea lines of communication and important chokepoints.Yet despite all these potential crucibles of conflict, the Asia-Pacific, if not an area of serenity and calm, is certainly more stable than one might expect. To be sure, there are separatist movements and internal struggles, particularly with insurgencies, as in Thailand, the Philippines and Tibet. Since the resolution of the East Timor crisis, however, the region has been relatively free of open armed warfare. Separatism remains a challenge, but the break-up of states is unlikely. Terrorism is a nuisance, but its impact is contained. The North Korean nuclear issue, while not fully resolved, is at least moving toward a conclusion with the likely denuclearisation of the peninsula. Tensions between China and Taiwan, while always just beneath the surface, seem unlikely to erupt in open conflict any time soon, especially given recent Kuomintang Party victories in Taiwan and efforts by Taiwan and China to re-open informal channels of consultation as well as institutional relationships between organisations responsible for cross-strait relations. And while in Asia there is no strong supranational political entity like the European Union, there are many multilateral organisations and international initiatives dedicated to enhancing peace and stability, including the Asia-Pacific Economic Cooperation (APEC) forum, the Proliferation Security Initiative and the Shanghai Co-operation Organisation. In Southeast Asia, countries are united in a common eopolitical and economic organisation – the Association of Southeast Asian Nations (ASEAN) – which is dedicated to peaceful economic, social and cultural development, and to the promotion of regional peace and stability. ASEAN has played a key role in conceiving and establishing broader regional institutions such as the East Asian Summit, ASEAN+3 (China, Japan and South Korea) and the ASEAN Regional Forum. All this suggests that war in Asia – while not inconceivable – is unlikely.

# S

#### (--) Turn: restrictions on detention lead to worse forms of punishment with non-detention alternatives:

Stephen Vladeck, 2012 (professor American University Washington College of Law, *Patriots Debate*, 206-207)

Judge Brown’s rhetoric provides a useful lens for thinking about the future of U.S. detention policy, for it can fairly be seen as suggesting that the Supreme Court’s various interventions into detainee policy in the War on Terrorism have been directly responsible for the “shrinking category of cases” arising out of Guantanamo and related reality that “[t]he ranks of Guantanamo detainees will not be replenished. Put another way, faced with the specter of judicial review, Latif suggests that the Bush and Obama administrations were compelled to resort to other measures for handling terrorism suspects, whether detention at other overseas locations (to which the Suspension Clause might not run); indictment and trial by civilian U.S. courts; or more lethal forms of incapacitation—including targeted killings. Indeed, if Judge Brown is right, then the result would be profoundly unsettling: The true lesson of the past decade with regard to military detention is that judicial review is ultimately self-defeating, provoking responses by the political branches that largely eliminate the need for (or availability of) judicial review in future cases.

#### (--) Turn: whitewashing—judicial review of detention policy decisions only justifies Guantanomo Bay:

Stephen Vladeck, 2012 (professor American University Washington College of Law, *Patriots Debate*, 220-221)

Reasonable minds may well disagree about the result in Maqaleh. The larger question that I’m left with after Jacob’s response, though, is why we should be so afraid of judicial review. After all, no one has identified a single example in the Guantanamo litigation in which classified information was improperly disclosed by a detainee’s counsel. Add that to the fact that the government has prevailed in every case in which it appealed a district court’s grant of habeas relief or in which the detainee appealed the denial. Taken together, these points bespeak a record in which judicial review has done exceedingly little to jeopardize the government’s interests. Indeed, it may have had the opposite effect, as I described in my initial contribution, of lending legitimacy to our detention program both at Guantanamo and elsewhere. At minimum, it has had the salutary effect of requiring the government to make its case before a neutral magistrate, something that, in the case of an overwhelming majority of the men who since have been released from Guantanamo, it declined even to attempt.

#### Turn: Terrorism:

#### Trying suspected terrorists in open courts harms national security- turns case

The Washington Times, Nov 12, 2008 (“Editorial: Obama and Gitmo”, Washington Times, <http://www.washingtontimes.com/news/2008/nov/12/obama-and-gitmo/>, accessed 8/16/13 NB)

If anything, the experience of the 1990s proves just the opposite - that trying terrorists in open court is laden with pratfalls that jeopardize national security.¶ On Feb. 26, 1993, an al Qaeda terrorist cell bombed the World Trade Center, killing six persons and injuring 1,000. From the beginning, the investigation of the bombing was hampered by the insistence of the Clinton administration on treating it as a law-enforcement problem rather than one of state sponsorship. Senior administration officials rebuffed CIA Director James Woolsey’s efforts to investigate evidence that foreign governments may have been behind the attack. The U.S. government won convictions of Sheik Omar Abdel Rahman (the “blind sheik”) and members of his terror cell in the bombing of the World Trade Center, conspiracy to bomb the United nations, the Holland and Lincoln Tunnels and the FBI’s Manhattan headquarters.¶ Mr. Obama suggests that trying the terrorists in open court did not damage U.S. security. He neglects to mention what took place during the prosecution of the sheik.¶ During the trial, prosecutors turned over a list of 200 unindicted conspirators to the defense - as the civilian criminal justice system required them to do. Within 10 days, the list made its way to downtown Khartoum, and Osama bin Laden knew that the U.S. government was on his trail. By giving this information to the defense in that terrorism case, the U.S. courts gave al Qaeda valuable information about which of its agents had been uncovered.¶ In another case, according to then-U.S. District Judge Michael Mukasey, there was seemingly innocuous testimony about delivery of a cell phone. That alerted terrorists to government surveillance. They shut down their communication network and intelligence was lost to the government forever.¶ Giving terrorists access to the U.S. legal system is hardly a cost-free exercise, as a seemingly naive Mr. Obama appears to believe.

#### A terrorist attack escalates to a global nuclear exchange

Speice 2006, Jr., JD Candidate @ College of William and Mary, February 2006, “NEGLIGENCE AND NUCLEAR NONPROLIFERATION: ELIMINATING THE CURRENT LIABILITY BARRIER TO BILATERAL U.S.-RUSSIAN NONPROLIFERATION ASSISTANCE PROGRAMS,” William & Mary Law Review, , 47 Wm and Mary L. Rev. 1427]edlee

Accordingly, there is a significant and ever-present risk that terrorists could acquire a nuclear device or fissile material from Russia as a result of the confluence of Russian economic decline and the end of stringent Soviet-era nuclear security measures. 39 Terrorist groups could acquire a nuclear weapon by a number of methods, including "steal[ing] one intact from the stockpile of a country possessing such weapons, or ... [being] sold or given one by [\*1438] such a country, or [buying or stealing] one from another subnational group that had obtained it in one of these ways." 40 Equally threatening, however, is the risk that terrorists will steal or purchase fissile material and construct a nuclear device on their own. Very little material is necessary to construct a highly destructive nuclear weapon. 41 Although nuclear devices are extraordinarily complex, the technical barriers to constructing a workable weapon are not significant. 42 Moreover, the sheer number of methods that could be used to deliver a nuclear device into the United States makes it incredibly likely that terrorists could successfully employ a nuclear weapon once it was built. 43 Accordingly, supply-side controls that are aimed at preventing terrorists from acquiring nuclear material in the first place are the most effective means of countering the risk of nuclear terrorism. 44 Moreover, the end of the Cold War eliminated the rationale for maintaining a large military-industrial complex in Russia, and the nuclear cities were closed. 45 This resulted in at least 35,000 nuclear scientists becoming unemployed in an economy that was collapsing. 46 Although the economy has stabilized somewhat, there [\*1439] are still at least 20,000 former scientists who are unemployed or underpaid and who are too young to retire, 47 raising the chilling prospect that these scientists will be tempted to sell their nuclear knowledge, or steal nuclear material to sell, to states or terrorist organizations with nuclear ambitions. 48 The potential consequences of the unchecked spread of nuclear knowledge and material to terrorist groups that seek to cause mass destruction in the United States are truly horrifying. A terrorist attack with a nuclear weapon would be devastating in terms of immediate human and economic losses. 49 Moreover, there would be immense political pressure in the United States to discover the perpetrators and retaliate with nuclear weapons, massively increasing the number of casualties and potentially **triggering a full-scale nuclear conflict**. 50 In addition to the threat posed by terrorists, leakage of nuclear knowledge and material from Russia will reduce the barriers that states with nuclear ambitions face and may trigger widespread proliferation of nuclear weapons. 51 **This** proliferation **will** increase the risk of nuclear attacks against the United States [\*1440] or its allies by hostile states, 52 as well as **increase the likelihood that regional conflicts will draw in the U**nited **St**ates **and** **escalate to the use of nuclear weapons**. 53

#### (--) No solvency: President will choose military tribunals irrevocably

McNeal 8 (Gregory S, visiting Assistant Professor of Law, Pennsylvania State University Dickinson School of Law, served as an academic consultant to the former Chief Prosecutor, Department of

Defense Office of Military Commissions, “BEYOND GUANTÁNAMO, OBSTACLES AND

OPTIONS” Northwestern University School of Law, 2008, [http://www.law.northwestern.edu/lawreview/ colloquy/2008/28/LRColl2008n28McNeal.pdf accessed 9/14/13](http://www.law.northwestern.edu/lawreview/%20colloquy/2008/28/LRColl2008n28McNeal.pdf%20accessed%209/14/13))

Consistent with the theme of this Essay, I theorize that protecting intelligence equities enjoys primary importance in the eyes of the Executive, and ¶ that trial outcomes are a close second. Since September 11, 2001, 1,562 individuals have been charged in Article III courts with terrorism-related offenses,¶ 116 while only a handful of individuals have been charged in military ¶ commissions. The number of detainees tried in Article III courts reveals ¶ that Article III courts are adequate in most cases. The system though, is ¶ under strain. A recent NPR report indicated that while the number of counterterrorism-related FISA warrants requested by the federal government has ¶ increased, the number of counterterrorism prosecutions has decreased.117¶ Reinforcing the intelligence protection principle discussed above, a former ¶ FBI official interviewed by NPR stated that once prosecutors indict a terrorism suspect, ―you start rolling a public process that after a point you can no ¶ longer really control. It becomes very public what you knew about this person, and that avenue of gathering more information or creating new sources ¶ is kind of cut off.‖¶ 118 This fact, coupled with the continued use of Guantánamo suggests that the Executive perceives some value in the military commission system. Clearly, some specific factors must influence the Executive to prefer trial by military commission over trial in Article III court. ¶ Otherwise those cases would be brought in Article III courts as many others ¶ have. I argue that two benefits of military commissions explain this phenomenon.¶ First, military commissions provide a marginal intelligence protection ¶ benefit over Article III courts. The language of the MCA related to protecting intelligence is nearly identical to the procedures detailed in the ¶ U.C.M.J.119 Despite these similarities, military commissions provide the intelligence protection benefit of: security cleared counsel for the parties, security cleared panel members (jurors), security cleared administrative staff,¶ and regimented procedures for reviewing all documents offered in pleadings or field with the court. Perhaps most importantly, military commissions do not require as many disclosures as those required in Article III ¶ courts and allow for the admission of hearsay.120 These procedures enable ¶ evidence to be admitted in a manner which protects intelligence (such as ex ¶ parte affidavits) and are also more likely to secure a conviction.¶ Consider the intelligence protection benefit of these procedures as ¶ compared to Article III courts. In the 1993 World Trade Center bombing ¶ case, a letter was revealed to the defense during discovery listing ―200 ¶ names of people who might be alleged as unindicted co-conspirators.‖¶ 121¶ Six years later, that letter turned up as evidence in the trial of those who ¶ bombed U.S. embassies in Africa. Within days ―the letter had found its ¶ way to Sudan and was in the hands of bin Laden (who was on the list), having been fetched for him by an al-Qaeda operative who had gotten it from ¶ one of his associates.‖¶ 122 Based on this information, bin Laden was able to ¶ determine which of his operatives had been compromised. Disclosures ¶ such as this, which are mandated in Article III courts, threaten the protection of intelligence, and also provide defendants with greater rights which ¶ may result in an acquittal. Protecting intelligence and securing convictions are considerations that weigh heavily on the mind of the Executive, who ¶ will seek to maximize both.¶ Congressional reformers must be aware of executive forum-discretion ¶ and limit the availability of alternative fora, especially in any transition to a ¶ national security court. Otherwise, the benefits of trial in military commissions will prove too alluring to the Executive, making any new forum underutilized.

#### (--) Turn: readiness

#### A) Judicial review of detainment decisions decimates military readiness:

Greg Jacob, 2012 (former US Solicitor of Labor, *Patriots Debate*, 222)

Until the new kind of war presented by the War on Terror came along, the courts uniformly recognized that war is a matter best handled by the political branches, and that at least in active theaters of combat operations, the judiciary should stay out. That is why the D.C. Circuit’s decision in *al-Maqaleh* is so important: It recognizes there are times and places in which the substantial costs in time, energy, and resources that necessarily accompany the judiciary’s error-correcting function simply aren’t worth it, and to which the Framers accordingly never intended to extend constitutional habeas protections. To be sure, the circumstances in which constitutional habeas protections do not apply are carefully circumscribed, U.S. citizens for example, will always be entitled to habeas review, and after *Boumediene*, most if not all aliens detained domestically will be as well. But within that narrow sphere from which the judiciary has been excluded, and has by and large accepted its exclusion, the time, energy, and resources at stake can literally be a matter of life or death for our troops, and for the nation as a whole.

#### B) Readiness is key to solve nuclear war:

#### Kagan, 7

(Robert, senior fellow at the Carnegie Endowment for International Peace, “End of Dreams, Return of History”, 7/19, <http://www.hoover.org/publications/policyreview/8552512.html>)

The jostling for status and influence among these ambitious nations and would-be nations is a second defining feature of the new post-Cold War international system. Nationalism in all its forms is back, if it ever went away, and so is international competition for power, influence, honor, and status. American predominance prevents these rivalries from intensifying — its regional as well as its global predominance. Were the United States to diminish its influence in the regions where it is currently the strongest power, the other nations would settle disputes as great and lesser powers have done in the past: sometimes through diplomacy and accommodation but often through confrontation and wars of varying scope, intensity, and destructiveness. One novel aspect of such a multipolar world is that most of these powers would possess nuclear weapons. That could make wars between them less likely, or it could simply make them more catastrophic.

# 2NC

## CP

### Impact – Terrorism

#### Only the CP solves flexibility – need appropriate punishment and rapid action to solve terrorism and extinction

Royal 11

JOHN PAUL ROYAL, Institute of World Politics, “War Powers and the Age of Terrorism,” Center¶ for the Study of the Presidency & Congress The Fellows Review, 2010-2011

Proliferation of weapons of mass destruction (WMD), especially nuclear weapons, into the hands of¶ these terrorists is the most dangerous threat to the United States. We know from the 9/11¶ Commission Report that Al Qaeda has attempted to make and obtain nuclear weapons for at¶ least the past fifteen years. Al Qaeda considers the acquisition of weapons of mass destruction¶ to be a religious obligation while “more than two dozen other terrorist groups are pursing¶ CBRN [chemical, biological, radiological, and nuclear] materials” (National Commission 2004, 397). Considering these¶ statements, rogue regimes that are openly hostile to the United States and have or seek to develop nuclear weapons capability¶ such as North Korea and Iran, or extremely unstable nuclear countries such as Pakistan, pose a special threat to¶ American national security interests. These nations were not necessarily a direct threat to the Unite d States in the¶ past. Now, however, due to proliferation of nuclear weapons and missile technology, they can inflict damage at considerably higher¶ levels and magnitudes than in the past. In addition, these regimes may pursue proliferation of nuclear weapons and missile¶ technology to other nations and to allied terrorist organizations. The United States must pursue condign¶ punishment and appropriate, rapid action against hostile terrorist organizations, rogue nation¶ states, and nuclear weapons proliferation threats in order to protect American interests both¶ at home and abroad. Combating these threats are the “top national security priority for the¶ United States... with the full support of Congress, both major political parties, the media, and the American¶ people” (National Commission 2004, 361). Operations may take the form of pre-emptive and sustained¶ action against those who have expressed hostility or declared war on the United States. Only¶ the executive branch can effectively execute this mission , authorized by the 2001 AUMF. If the national¶ consensus or the nature of the threat changes, Congress possesses the intrinsic power to rescind and limit these powers.

### 2NC Perception-Public

#### The president is the focal point of American politics – everyone perceives executive action

Fitts-prof law, Penn-96 [Michael, Professor of Law @ UPenn Law School, “The Paradox Of Power In The Modern State”, University of Pennsylvania Law Review, 144 U. Pa. L. Rev. 827, Lexis]

I. The Presidency A. The Modern Presidency What is the nature of the presidency in the modern state? Numerous political scientists and legal academics claim that our recent chief executives have inherited a "modern presidency," [33](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n33" \t "_self) which began to develop with Franklin Roosevelt and is structurally distinct from earlier regimes. [34](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n34" \t "_self) Of course, the balance of power among the president, Congress, and the agencies is exceedingly complex, since the amount of bureaucratic activity and legislative oversight has increased greatly over the years. Nevertheless, "the resources of modern presidents [are thought by many to] dwarf those of their predecessors." [35](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n35" \t "_self) Commentators point to three related changes that centralize greater formal power in the institution and increase the informal political assets at the president's command. The first change, which is to some extent considered the most important and defining quality of the modern presidency, is the increased visibility of the president as an individual within the electoral process. Prior to the Roosevelt Administration, the president was viewed more as a member of both a party and a complicated and elite system of government. He was also relatively distant from the population. The modern presidents, in contrast, are elected increasingly as individuals in the primary and general elections on the basis of direct public exposure in the media. This [\*842] evolution, which has occurred over a number of years, is a result of social forces, such as the decline of political parties [36](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n36" \t "_self) and the rise of the media, as well as legal changes, such as the ascendancy of primaries. [37](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n37" \t "_self) Second, once in power, modern presidents have increasingly attempted to take greater formal and informal control of the executive branch, through policy expansion of the OMB and the Executive Office of the President and increased oversight of agencies under Executive Order 12,291 [38](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n38" \t "_self) and its successor orders. Indeed, every president since Roosevelt has attempted to centralize power in the White House to oversee the operations of the executive branch and to make its resources more responsive to his policy and political needs. [39](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n39" \t "_self) [\*843] Finally, and relatedly, the modern presidency has become more centralized and personalized through its public media role - that is, its "rhetorical functions." [40](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n40" \t "_self) Given changes in the press and the White House office, the president has become far more effective in setting the agenda for public debate, sometimes even dominating the public dialogue when he chooses. [41](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n41" \t "_self) Economists would probably attribute the president's ability to "transmit information" to the centralized organization of the presidency - an "economy of scale" in public debate. [42](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n42" \t "_self) At the same time, the president can establish [\*844] a "focal point" around preferred public policies. [43](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n43" \t "_self) This proposition can also be stated somewhat differently. As an institution embodied in a single individual, the president has a unique ability to "tell" a simple story that is quite personal and understandable to the public. As a number of legal academics have shown, stories can be a powerful mode for capturing the essence of a person's situated perspective, improving public comprehension of particular facts, and synthesizing complex events into accessible language. [44](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n44" \t "_self) Complex institutions, such as Congress, have difficulty [\*845] assembling and transmitting information as part of a coherent whole; they represent a diversity - some would say a babble - of voices and perspectives. In contrast, presidents have the capacity to project a coherent and empathetic message, especially if it is tied to their own life stories. In this sense, the skill of the president in telling a story about policy, while sometimes a source of pointed criticism for its necessary simplicity, [45](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n45" \t "_self) may greatly facilitate public understanding and acceptance of policy. [46](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n46" \t "_self) B. The Theory of the Unitary Presidency This picture of the modern presidency is quite consistent with those parts of the legal and political science literatures exploring the advantages of presidential (as opposed to legislative) power and advocating a more unitary or centralized presidency. According to this view, [47](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n47" \t "_self) power and accountability in government and in the executive branch should be moved more toward the top, giving the [\*846] president and his staff greater ability to make decisions themselves or to leave them, subject to oversight, in the hands of expert agency officials. In the legal literature, this position is usually associated with support for strengthening the president's directorial powers over the agencies, unfettered presidential removal authority, and Chevron deference to agency regulations [48](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n48" \t "_self) reviewed by the White House. Similarly, political scientists emphasize the plebiscitarian president's growing informal influence with the agencies and the public, as well as the association between a strong president and the "national" interest. [49](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n49" \t "_self) To be sure, legal proponents of a strong unitary presidency usually do not outline a comprehensive policy defense of the legal position but rely more on doctrinal justifications and related policy arguments. [50](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n50" \t "_self) By synthesizing and integrating the interrelated legal and policy rationales in the legal and political science literatures, however, one can sketch the outlines of a common theory. This analysis suggests that the structure of a more unitary, centralized presidency should enhance the power, legitimacy, and effectiveness of the office, especially as compared to Congress, in three different but related ways. [\*847] First, with respect to the administration of the executive branch, centralized power, or at least the opportunity for the exercise of centralized power, is thought to facilitate better development and coordination of national programs and policies. Because federal government programs interrelate in countless ways, a centralized figure or institution such as the president is seemingly in a good position to recognize and respond to the demands of the overall situation. [51](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n51" \t "_self) For similar reasons, as social and political change accelerates, the president may be well-situated to foresee and implement adaptive synoptic changes - that is, to engage in strategic planning. One of the rationales for the existence of the federal government is the national effect of its policies, which under this view can be reconciled most easily at the top. [52](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n52" \t "_self) To the extent that the president is successful in putting together such programs, he should receive political credit, which would redound to his political strength. [53](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n53" \t "_self) Second, centralized power facilitates greater political accountability by placing in one single individual the public's focus of government performance. If the public had to evaluate electorally the activities of hundreds of different officials in the executive branch, its information about the positions, actions, and effects of government behavior would be extraordinarily limited. [54](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n54" \t "_self) Only those most [\*848] interested in a particular function would be likely to have information about its behavior or attempt to influence that behavior through election, lobbying, or litigation. This is the standard concern with New Deal agencies captured by the so-called iron triangle of Washington politics. [55](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n55" \t "_self) By contrast, placing overall political responsibility in one individual is thought to facilitate broader political accountability. While this oversight can have mixed effects depending on presidential performance, it has the potential for strengthening the president's political support and influence. [56](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n56" \t "_self) Because he is more likely to approximate the views of the median voter, [57](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n57" \t "_self) a unitary president is thought to enjoy a clear majoritarian mandate, as the only elected representative of all "The People." This democratic legitimacy should be, in turn, a major source of his political strength. [58](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n58" \t "_self) As one commentator has [\*849] argued: "Every deviation from the principle of executive unitariness will necessarily undermine the national majority electoral coalition." [59](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n59" \t "_self) Finally, on an elite political level, the existence of a single powerful political actor serves a political coordination function. [60](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n60" \t "_self) A dispersed government with a decentralized political structure has a great deal of difficulty in reaching cooperative solutions on policy outcomes. Even if it does reach cooperative solutions, it has great difficulty in reaching optimal results. Today, there are simply too many groups in Washington and within the political elite to reach the necessary and optimal agreement easily. [61](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n61" \t "_self) A central and visible figure such as the president, who can take clear positions, can serve as a unique focal point for coordinating action. [62](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n62" \t "_self) With the ability to focus public attention and minimize information costs, [63](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n63" \t "_self) [\*850] a president can also be highly effective in overcoming narrow but powerful sources of opposition and in facilitating communication (that is, coordination and cooperation) between groups and branches. [64](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n64" \t "_self) In technical terms, he might be viewed as the "least cost avoider." [65](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n65" \t "_self) The budget confrontation between Clinton and Congress is only the most recent example of the president's strategic abilities. [66](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n66" \t "_self) In this regard, it is not surprising that most studies have found that the president's popularity is an important factor in his ability to effectively negotiate with Congress. [67](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n67" \t "_self)

### 2NC Perception-International

#### Presidential action is perceived globally

Sunstein-prof law, Chicago- 95 [Cass, Karl N. Llewellyn Professor of Jurisprudence, University of Chicago Law School and Department of Political Science, “An Eighteenth Century Presidency in a Twenty-First Century World” Arkansas Law Review, 48 Ark. L. Rev. 1, Lexis]

With the emergence of the United States as a world power, the President's foreign affairs authority has become far more capacious than was originally anticipated. For the most part this is because the powers originally conferred on the President have turned out - in light of the unanticipated position of the United States in the world - to mean much more than anyone would have thought. The constitutionally granted authorities have led to a great deal of unilateral authority, simply because the United States is so central an actor on the world scene. The posture of the President means a great deal even if the President acts clearly within the scope of his constitutionally-granted power. Indeed, mere words from the President, at a press conference or during an interview, can have enormous consequences for the international community.

### 2NC Perm-Do Both-Statutory-Flexibility

#### The perm still links to the D/A, only unilateral executive action solves the DA.

Moe and Howell, Fellow for the Hoover Institution and Harvard Professor, 99

Terry M. Moe and William G. Howell, senior fellow for the Hoover Institution and Associate Professor for the Government Department at Harvard University, “Unilateral Action and Presidential Power: A theory”, LexisNexus.com 12-99

If the president had the power to act unilaterally in this same situation, as depicted in Figure 1B, things would turn out much more favorably. He would not have to accept Congress's shift in policy from [SQ.sub.2] to [SQ.sub.2\*] and could take action on his own to move the status quo from [SQ.sub.2\*] to V--using his veto to prevent any movement away from this point. V would be the equilibrium outcome (as it was in the earlier case of unilateral action). And although the president would still lose some ground as policy moves from the original [SQ.sub.2] to V, unilateral action allows him to keep policy much closer to his ideal point--and farther from Congress's ideal point--than would otherwise have been the case. He clearly has more power over outcomes when he can act unilaterally.

The permutation weakens presidential powers

Bellia, Law Professor at Notre Dame, 02

Patricia L Bellia, Associate Law Professor for Notre Dame Law School, “Executive power in Youngstown’s shadows”, LexisNexus.com, 02

Justice Jackson suggested that presidential powers "are not fixed but fluctuate, depending upon their disjunction or conjunction with those of Congress." (59) He offered the following grouping of presidential actions and their legal consequences: 1. When the President acts pursuant to an express or implied authorization of Congress, his authority is at its maximum, for it includes all that he possesses in his own right plus all that Congress can delegate. 2. When the President acts in absence of either a congressional grant or denial of authority, he can only rely upon his own independent powers, but there is a zone of twilight in which he and Congress may have concurrent authority, or in which its distribution is uncertain. Therefore, congressional inertia, indifference or quiescence may sometimes, at least as a practical matter, enable, if not invite, measures on independent presidential responsibility. In this area, any actual test of power is likely to depend on the imperatives of events and contemporary imponderables rather than on abstract theories of law. 3. When the President takes measures incompatible with the expressed or implied will of Congress, his power is at its lowest ebb, for then he can rely only upon his own constitutional powers minus any constitutional powers of Congress over the matter. Courts can sustain exclusive presidential control in such a case only by disabling the Congress from acting upon the subject. (60)

### 2NC Future Presidents Rollback

#### ---Fiat Solves---A minimal interpretation of structural fiat would preserve the existence of the executive order, just like legislation or court decisions would survive elections or appointments. At best this is a question of implementation and enforcement.

#### ---Political barriers check – new, stronger constituencies

Branum-Associate Fulbright and Jaworski- 2

Tara L, Associate, Fulbright & Jaworski L.L.P, “President or King? The Use and Abuse of Executive Orders in Modern Day America” Journal of Legislation 28 J. Legis. 1

Congressmen and private citizens besiege the President with demands  [\*58]  that action be taken on various issues. [n273](http://www.lexisnexis.com/us/lnacademic/frame.do?tokenKey=rsh-20.689002.875983458&target=results_DocumentContent&reloadEntirePage=true&rand=1220903297496&returnToKey=20_T4511783216&parent=docview" \l "n273) To make matters worse, once a president has signed an executive order, he often makes it impossible for a subsequent administration to undo his action without enduring the political fallout of such a reversal. For instance, President Clinton issued a slew of executive orders on environmental issues in the weeks before he left office. [n274](http://www.lexisnexis.com/us/lnacademic/frame.do?tokenKey=rsh-20.689002.875983458&target=results_DocumentContent&reloadEntirePage=true&rand=1220903297496&returnToKey=20_T4511783216&parent=docview" \l "n274) Many were controversial and the need for the policies he instituted was debatable. [n275](http://www.lexisnexis.com/us/lnacademic/frame.do?tokenKey=rsh-20.689002.875983458&target=results_DocumentContent&reloadEntirePage=true&rand=1220903297496&returnToKey=20_T4511783216&parent=docview" \l "n275) Nevertheless, President Bush found himself unable to reverse the orders without invoking the ire of environmentalists across the country. [n276](http://www.lexisnexis.com/us/lnacademic/frame.do?tokenKey=rsh-20.689002.875983458&target=results_DocumentContent&reloadEntirePage=true&rand=1220903297496&returnToKey=20_T4511783216&parent=docview" \l "n276) A policy became law by the action of one man without the healthy debate and discussion in Congress intended by the Framers. Subsequent presidents undo this policy and send the matter to Congress for such debate only at their own peril. This is not the way it is supposed to be.

#### ---Future administrations rarely overturn previous executive orders

Washington Times 8/23/99

“Clinton’s Executive Orders are Still Packing a Punch: Other Presidents Issued More, but His are Still Sweeping” Frank Murray [http://www.questia.com/library/1G1-55543736/clinton-s-executive-orders-still- are-packing-a-punch](http://www.questia.com/library/1G1-55543736/clinton-s-executive-orders-still-%20are-packing-a-punch)

Clearly, Mr. Clinton knew what some detractors do not: Presidential successors of the opposite party do not lightly wipe the slate clean of every order, or even most of them. Still on the books 54 years after his death are 80 executive orders issued by Franklin D. Roosevelt. No less than 187 of Mr. Truman's orders remain, including one to end military racial segregation, which former Joint Chiefs of Staff Chairman Colin Powell praised for starting the "Second Reconstruction." "President Truman gave us the order to march with Executive Order 9981," Mr. Powell said at a July 26, 1998 ceremony marking its 50th anniversary. Mr. Truman's final order, issued one day before he left office in 1953, created a national security medal of honor for the nation's top spies, which is still highly coveted and often revealed only in the obituary of its recipient.

### 2NC Perm-Do CP-Judicial

#### It’s a severance permutation

#### A. It severs judicial restrictions

Singer 7 (Jana, Professor of Law, University of Maryland School of Law, SYMPOSIUM A HAMDAN QUARTET: FOUR ESSAYS ON ASPECTS OF HAMDAN V. RUMSFELD: HAMDAN AS AN ASSERTION OF JUDICIAL POWER, Maryland Law Review 2007 66 Md. L. Rev. 759)

n25. See, e.g., Dep't of the Navy v. Egan, 484 U.S. 518, 530 (1988) (noting the reluctance of courts "to intrude upon the authority of the Executive in military and national security affairs"); see also Katyal, supra note 1, at 84 (noting that "in war powers cases, the passive virtues operate at their height to defer adjudication, sometimes even indefinitely"); Harold Hongju Koh, Why the President (Almost) Always Wins in Foreign Affairs: Lessons of the Iran-Contra Affair, 97 Yale L.J. 1255, 1313-17 (1988) (discussing the Court's use of justiciability doctrines to refuse to hear challenges to the President's authority in cases involving foreign affairs); Gregory E. Maggs, The Rehnquist Court's Noninterference with the Guardians of National Security, 74 Geo. Wash. L. Rev. 1122, 1124-38 (2006) (discussing the Rehnquist Court's general policy of nonintervention in cases concerning actions of governmental agencies and political entities in national security matters); Peter E. Quint, Reflections on the Separation of Powers and Judicial Review at the End of the Reagan Era, 57 Geo. Wash. L. Rev. 427, 433-34 (1989) (discussing the use of the political question doctrine as a means to avoid judicial restrictions on presidential power in cases involving military force).

#### B. Severance is illegitimate and a voting issue. It destroys negative ground since no counterplan would compete if the 2AC could pick and choose what parts of the plan to defend. It also makes the plan a moving target and conditional. Affirmative conditionality is worse than negative conditionality because the plan is the focus of the debate.

### Exec Fiat bad

Legit- crit to challenge the implementation of the plan

Predictable- most common cp on the topic, mentioned in their T,

Reject the arg not team

### 2NC CP Avoids Politics

#### Executive action avoids politics

Sovacool 9

Dr. Benjamin K. Sovacool 2009 is a Research Fellow in the Energy Governance Program at the Centre on Asia and Globalization., Kelly E. Sovacool is a Senior Research Associate at the Lee Kuan Yew School of Public Policy at the National University of SingaporeArticle: Preventing National Electricity-Water Crisis Areas in the United States, Columbia Journal of Environmental Law 2009 34 Colum. J. Envtl. L. 333,

¶ Executive Orders also save time in a second sense. The President does not have to expend scarce political capital trying to persuade Congress to adopt his or her proposal. Executive Orders thus save ¶ ¶ presidential attention for other topics. Executive Orders bypass congressional debate and opposition, along with all of the horsetrading and compromise such legislative activity entails.¶ ¶ 292¶ ¶ Speediness of implementation can be especially important when challenges require rapid and decisive action. After the September ¶ ¶ 11, 2001 attacks on the Pentagon and World Trade Center, for ¶ ¶ instance, the Bush Administration almost immediately passed ¶ ¶ Executive Orders forcing airlines to reinforce cockpit doors and ¶ ¶ freezing the U.S. based assets of individuals and organizations ¶ ¶ involved with terrorist groups.¶ ¶ 293¶ ¶ These actions took Congress ¶ ¶ nearly four months to debate and subsequently endorse with ¶ ¶ legislation. Executive Orders therefore enable presidents to ¶ ¶ rapidly change law without having to wait for congressional action ¶ ¶ or agency regulatory rulemaking.

#### Backlash against Obama on executive action won’t gain traction

Ramsey 12

(MICHAEL D. RAMSEY, is Professor of Law at the University of San Diego School of Law, “THE FEDERALIST SOCIETY NATIONAL LAWYERS CONVENTION--2011: MEET THE NEW BOSS: CONTINUITY IN PRESIDENTIAL WAR POWERS?” Summer, 2012, Harvard Journal of Law & Public Policy, LexisNexis, KB)

Thus there has been an escalation in the use of unconstitutional executive war power under President Obama, yet there has not been an outcry against him resembling the outcry against the Bush Administration, which was routinely attacked for exceeding the limits of executive power. n29 Although some voices have been raised against President Obama's claims of executive power, n30 they have been marginalized. They have not [\*871] been taken up by the mainstream in the manner of similar criticisms of President Bush. My speculation is that there is an identification by legal and media elites with the establishment Democratic Party that makes it difficult for these criticisms to gain traction in the way they did in the Bush Administration.¶ I think this makes it easier for Democratic presidents than for Republican presidents to unconstitutionally extend executive power. Thus Obama's policies, which are much more deserving of constitutional criticism, do not generate the popular pushback that we saw, perhaps unjustifiably, against President Bush. In any event, what is most striking about executive war power under President Obama is not the commonly recognized continuity as compared to the prior administration, but rather the increased disregard of constitutional limits.

### 2NC CP Avoids Flex DA

#### Executive restraint does not hurt presidential authority or perception.

Steve Koppes 8/4/13 (News Officer for the University of Chicago, Why power-hungry presidents are good for democracy, <http://www.futurity.org/society-culture/why-power-hungry-presidents-are-good-for-democracy/>, Accessed 8/18/13 MRS)

Interestingly, even as presidents accumulate more power for themselves, at no time are they seen more as failures than when they do not exercise that power, especially when it appears that they are refusing to act.

One example of this is President Jimmy Carter and the Iran hostage crisis. In 1979, a group of young Islamic militants stormed the embassy in Tehran and held 66 Americans prisoner for 444 days.

Carter’s failure to end the crisis earlier derived not from unwillingness to act but from a lack of viable options. But the fact that more wasn’t done ultimately led to Carter’s downfall.

Still, beyond the Constitutional limits on presidential power are other restrictions, such as cultural misgivings. Built into the American psyche, largely as a result of the dislike of the absolute power held by the British monarchy they left behind, is a condemnation of presidential candidates who betray too much interest in holding the office.

#### Statutory limits on the president establish a straight-jacket on executive flexibility:

John Yoo, 2005 (professor of law @ U Cal Berekley, The Powers of War and Peace, p. 159-160)

Congress’s power over funding, rather than broad framework statutes like the War Powers Resolution, provides the legislature with the right to participate in the decision to initiate hostilities. Indeed, the original understanding indicates that the War Powers Resolution is unconstitutional because it attempts to enact general rules limiting the president’s commander-in-chief and executive powers to engage in hostilities that do not rise to the level of total war. When critics complained that the president might exercise such a power recklessly, Federalists such as Madison did not respond by asserting that Congress could pass a statute or use its declare war authority to check the executive. Rather, they responded that Congress would use its appropriations power to frustrate presidential warmaking that was not in the nation’s interest. The War Powers Resolution’s inconsistency with the Constitution’s text, history, and original understanding explains, perhaps, why none of the branches, including Congress itself, has respected its terms. Attempting to place a statutory straightjacket on war powers undermines the very flexibility—swift and decisive presidential action combined with congressional participation by way of the funding power—that the Framers understood the Constitution to establish. Even today, after the end of the Cold War, Congress continues to authorize standing armed forces capable of conducting large-scale military operations around the world. It funds weapons systems that allow the United States to engage in a wide variety of interventions, from quick, surgical cruise missile strikes to power projection by carrier groups to invasions by heavy armored forces. By providing long-term funding for a permanent military capable of such operations, Congress has given the executive the means to send troops immediately into combat overseas. By not taking the step of placing conditions on their use, as is often done with domestic spending programs, Congress has implicitly allowed their deployment. Indeed, by keeping the funds flowing once hostilities in Iraq, Afghanistan, and Kosovo had begun, Congress ratified the executive’s exercise of initiative in war. The decision to go to war in those places operated well within the boundaries set by the constitutional text and the original understanding of war powers.

### Case

**We’ll adapt to warming**

Hendrick **Tennekes 8**, former director of research at the Netherlands’ Royal National Meteorological Institute, 7-15-2008, <http://climaterealists.com/index.php/forum/?id=1554>

“Fortunately**, the time rate of climate change is slow compared to the rapid evolution of our institutions and societies. There is sufficient time for adaptation.** We should monitor the situation both globally and locally, but up to **now global climate change does not cause severe problems requiring immediate emission reductions. Successive IPCC reports have presented no scientific basis for dire warnings concerning climate collapse**. Local and regional problems with shorter time scales deserve priority. They can be managed professionally, just as the Dutch seem to do.” The so-called scientific basis of the climate problem is within my professional competence as a meteorologist. It is my professional opinion that **there is no evidence at all for catastrophic global warming**. It is likely that **global temperatures will rise a little**, much as IPCC predicts, **but** there is a growing body of evidence that the errant behavior of **the Sun may cause some cooling** in the foreseeable future.

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### Impact Overview

#### Disad outweighs & turns the case:

#### a. Time Frame– failure to raise the debt ceiling causes quick unraveling of the U.S. and global economy – collapse before November

Sahadi 9/10/2013

Jeanne, “Debt ceiling 'X date' could hit Oct. 18”, <http://money.cnn.com/2013/09/10/news/economy/debt-ceiling-bills-coming-due/index.html>, MCR

A new analysis by a think tank shows that **Washington's drop-dead deadline for the debt ceiling could hit as soon as Oct. 18**.¶ Estimating exactly when the Treasury Department will be unable to pay all the bills coming due if Congress fails to raise the nation's legal borrowing limit is notoriously difficult.¶ That's why, in an analysis released Tuesday, the Bipartisan Policy Center put the "X date" between Oct. 18 and Nov. 5.¶ Treasury Secretary Jack Lew has warned that **by mid-October the agency will have only $50 billion in cash on top of incoming revenue.**¶That may sound like a lot. But, as the Bipartisan Policy Center details, **it won't last very long**.¶ If the "X" date turns out to be Oct. 18, Treasury would run about $106 billion short of the money it owes between then and Nov.15. That means it wouldn't be able to pay the equivalent of a third of all the bills due during that period.¶ Here's why: Treasury handles about 80 million payments a month. Those payments are not evenly spaced out so on some days more is owed than on others. And the revenue flowing into federal coffers is unpredictable and varies from day to day.¶ Payments include IRS refunds, Social Security and veterans benefits, Medicare reimbursements for doctors and hospitals, bond interest owed investors, payments to contractors and paychecks for federal workers and military personnel.¶ If Congress fails to act in time, Treasury will have to make difficult -- and legally questionable -- decisions about who should get paid and who should be stiffed. It may decide to pay some bills in full and on time and not others.¶ Or it may decide to delay all payments due on a given day until it has sufficient revenue on hand to pay in full. in a Treasury Inspector General's report that this might be the most plausible and least harmful approach.¶ But under that scenario, **delays would grow over time from a day or two to several weeks**. For example, the payments due to seniors, veterans and active duty military personnel on Nov. 1 wouldn't go out until Nov. 13.¶ In any case, the expectation is that the agency will try to prioritize payments to bond investors over everyone else, lest the financial markets go haywire. Politically, of course, that carries risk, said Steve Bell, the senior director of the Bipartisan Policy Center's economic policy project.¶ "There's a political danger you'll be accused of paying bondholders over Social Security recipients," Bell said.¶ On both Oct. 23 and Nov. 14, $12 billion in Social Security benefits come due, while another $25 billion comes due on Nov. 1, according to the analysis.¶ Meanwhile, on Oct. 24, Treasury will have to roll over $57 billion in outstanding debt and another $115 billion on Oct. 31. Normally that's not a problem, because U.S. Treasury auctions attract a lot of buyers willing to purchase bonds at low rates.¶ But if those rollover dates come after the "X" date, and **the perception is that the United States is defaulting on some of its obligations, Treasury could have trouble finding enough buyers or investors could demand higher interest rates**.¶ The debt ceiling is currently set at $16.7 trillion. That ceiling was reached on May 19, and ever since Treasury has been using a host of special measures to keep the country's borrowing at or below that ceiling. But those measures will be exhausted by mid-October, according to Treasury.¶ If lawmakers want to raise the ceiling enough to get past the 2014 midterm elections in November, the Bipartisan Policy Center estimates they will have to raise it by $1.1 trillion to $17.8 trillion. To top of page

#### b. Magnitude: Friedenberg & Schonfeld evidence indicates global conflicts around the world are triggered by economic decline—outweighs and turns their conflict scenarios.

#### c. Probability—history’s on our side—the 30’s prove economic collapse causes global nuclear war

#### d. Turns the case:

**War destroys the environment**

**McNEELY 2002** (Jeffrey, Chief Scientist at IUCN, Conserving the Peace, www.iisd.org/pdf/2002/envsec\_conserving\_overview.pdf)

War, and preparations for it, has negative impacts on all levels of biodiversity, from genes to ecosystems. These impacts can be direct—such as hunting and habitat destruction by armies—or indirect, for example through the activities of refugees. Sometimes these impacts can be deliberate, and a new word has been added to the military vocabulary: “ecocide,” the destruction of the environment for military purposes clearly deriving from the “scorched earth” approach of earlier times. Westing (1976) divides deliberate environmental manipulations during wartime into two broad categories: those involving massive and extended applications of disruptive techniques to deny to the enemy any habitats that produce food, refuge, cover, training grounds and staging areas for attacks; and those involving relatively small disruptive actions that in turn release large amounts of “dangerous forces” or become self-generating. An example of the latter is the release of exotic micro-organisms or spreading of landmines (of which over 100 million now litter active and former war zones around the world—Strada, 1996).

#### Economic crisis blocks solutions to global warming:

Michael Graham Richard, 2/6/2008 (“Counter-Point: 4 Reasons Why Recession is BAD for the Environment,” [http://www.treehugger.com/files/2008/02/4\_reasons\_recession \_bad\_environment.php](http://www.treehugger.com/files/2008/02/4_reasons_recession%20_bad_environment.php), Accessed 11/7/2012, rwg)

Thirdly, there's less money going into the stock markets and bank loans are harder to get, which means that many small firms and startups working on the breakthrough green technologies of tomorrow can have trouble getting funds or can even go bankrupt, especially if their clients or backers decide to make cuts.¶ Fourthly, during economic crises, voters want the government to appear to be doing something about the economy (even if it's government that screwed things up in the first place). They'll accept all kinds of measures and laws, including those that aren't good for the environment. Massive corn subsidies anyone? Don't even think about progress on global warming...

#### Prolonged debt ceiling negotiations trash American legitimacy and demo promo

Babones 13

[Salvatore, senior lecturer in sociology and social policy (Sydney) and an associate fellow at the Institute for Policy Studies, “The Debt Ceiling Debate That Wasn't,” Truthout, 5/21, <http://truth-out.org/opinion/item/16504-the-debt-ceiling-debate-that-wasnt>]

The debt ceiling has been reached multiple times since the beginning of the global financial crisis, and another debt ceiling crisis is right around the corner. Except that there will be no crisis, because the country is Australia. Just like the United States, Australia has a debt ceiling. Australian borrowing bumps up against this ceiling on a regular basis. And just as in the United States, the debt ceiling is an absolute limit on government spending that cannot be transgressed even if the Australian parliament has passed a bill authorizing additional expenditures. But there the similarity ends. Australia has no debates over default, no dramatic government shutdowns, no sequestration and no fiscal cliffs. When the government reaches the debt ceiling, the ceiling is raised in an orderly manner. No one panics. Everyone gets paid. It used to work that way in the United States, too. The debt ceiling has only come to be politicized in recent years. This situation is ludicrous - and dangerous. Once the government has incurred a legal obligation, we should all expect the government to meet it. America's debt ceiling brinksmanship has made us a global laughingstock. In no other developed country do political parties threaten to push the government into default if they don't get their way. This kind of take-no-prisoners politics is more characteristic of third-world dictatorships than first-world democracies. The United States doesn't have to have a debt ceiling. At the next reauthorization (which by most accounts will be the 90th or so) Congress could simply abolish the ceiling. But Australia's experience shows this is unnecessary. If America's politicians could be as sober and mature as Australia's, we wouldn't have to worry about it. The Australians I know will be rolling in the aisles to hear their politicians described as "sober and mature." Australian politics is highly partisan, often very personal and nothing if not robust. But it is not self-destructive. America - and America's politicians - could learn some important lessons in democracy from looking overseas. America's own democracy is, perhaps, not the example it once was.

#### (--) Economic decline turns Asian Wars:

AARON FRIEDBERG and GABRIEL SCHOENFELD, 10/21/2008 (professor of politics and international relations @ Princeton & a visiting scholar @ Princeton, “The Dangers of a Diminished America,” <http://online.wsj.com/article/SB122455074012352571.html>, Accessed 11/7/2012, rwg)

Then there are the dolorous consequences of a potential collapse of the world's financial architecture. For decades now, Americans have enjoyed the advantages of being at the center of that system. The worldwide use of the dollar, and the stability of our economy, among other things, made it easier for us to run huge budget deficits, as we counted on foreigners to pick up the tab by buying dollar-denominated assets as a safe haven. Will this be possible in the future?¶ Meanwhile, traditional foreign-policy challenges are multiplying. The threat from al Qaeda and Islamic terrorist affiliates has not been extinguished. Iran and North Korea are continuing on their bellicose paths, while Pakistan and Afghanistan are progressing smartly down the road to chaos. Russia's new militancy and China's seemingly relentless rise also give cause for concern.¶ If America now tries to pull back from the world stage, it will leave a dangerous power vacuum. The stabilizing effects of our presence in Asia, our continuing commitment to Europe, and our position as defender of last resort for Middle East energy sources and supply lines could all be placed at risk.

#### Intrinsicness is illegitimate and a voting issue:

#### 1) Decimates disad ground: allows them to just wish away the impact to any disad.

#### 2) Makes the AFF not topical: The intrinsicness answer is not topical, proves the resolution alone is inadequate to solve and is a reason to vote negative.

#### 3) Begs the question of political capital—political capital is an intrinsic resource of Obama: if we prove the plan trades off with that, it is an intrinsic disad.

#### 4) Makes the AFF a moving target: NEG needs a fixed target to shoot at in order to promote clash and in-depth education

#### 5) Politics is core negative disad ground—mentioned in the topic paper and literature is AFF biased—NEG needs the politics disad to offset.

#### 6) Debating politics is educational—teaches us about how government functions and about relevant pieces of legislation of the day—their argument wishes politics disads away.

2AC 1 says PC Not key

#### (--) Extend our Lanenkamp evidence…Obama’s approval ratings have given him political capital to spend on the debt ceiling—his capital is key to passage…

#### (--) Obama needs maximum political capital for the fight over the debt ceiling:

Julianna Goldman, 9/16/2013 (“Summers’ Decision Spares Obama Intraparty Squabble,” <http://www.bloomberg.com/news/2013-09-16/summers-quit-fed-quest-after-democrats-spurned-obama-favorite.html>, Accessed 9/16/2013, rwg)

Lawrence Summers spared President Barack Obama a political fight in his own Democratic Party at a time when the White House needs maximum political capital for a confrontation with Republicans over federal spending, the debt ceiling and dealing with Syria.

Group Obama wont push and plan popular:

#### (--) Obama is in a politically untenable position on Gitmo—he can’t close it:

Kevin Gosztola, 2/9/2012 (staff writer, “Why Liberals Support Indefinite Detention at Guantanamo & Drone Warfare,” <http://dissenter.firedoglake.com/2012/02/09/why-liberals-support-targeted-killing-indefinite-detention-at-guantanamo/>, Accessed 8/20/2013, rwg)

The absence of true opposition to these policies from those in the Democratic Party leads liberals, who were opposed under Bush, to slowly become acceptable with it because they convince themselves Obama is trying his hardest and would do more if Republicans were not so obstructive. This explains why support for Guantanamo Bay is higher than it was under Bush in 2003. (Of course, that presumes that Obama ever put his Administration in a politically untenable situation that ultimately led him to have to cave because there was absolutely no way to close the prison or prosecute Bush Administration officials.)

#### (--) Congressional opposition to closing Guantanomo Bay

Posner, 13

(Eric, writer for Slate, "President Obama Can Shut Guantanamo Whenever He Wants", May 2, [www.slate.com/articles/news\_and\_politics/view\_from\_chicago/2013/05/president\_obama\_can\_shut\_guantanamo\_whenever\_he\_wants\_to.html](http://www.slate.com/articles/news_and_politics/view_from_chicago/2013/05/president_obama_can_shut_guantanamo_whenever_he_wants_to.html) NL)

The real issue here, of course, is that Congress has given the president a convenient excuse for not doing something he doesn’t really want to do anyway. The public [wants](http://takingnote.blogs.nytimes.com/2012/02/09/hurray-for-guantanamo-bay/) to keep Guantanamo open. Shutting it would generate a serious backlash that enraged members of Congress would whip up. It also matters that President Obama does not object to indefinite detention, but to the island prison itself. That is why he wants to move detainees to a supermax in the United States, not release them. But doing so would make clear that his campaign promise to shut down Guantanamo Bay was an empty one. The place of indefinite detention would change; the system supporting it would not. He does better with headlines like “[Congress, rules keep Obama from closing Guantanamo Bay](http://www.mcclatchydc.com/2012/01/09/135179/congress-rule-keep-obama-from.html#.UYK7EHfLkUK)” than with “Obama moves detainees to U.S. soil where they will remain forever.” The president will not shut Guantanamo, and the reason is politics, not law. If you don’t like this choice, blame him.

#### (--) 63% of voters support keeping Gitmo open:

Bruce Drake, 5/23/2013 (staff writer, “A majority of Americans still support use of drones despite questions,” <http://www.pewresearch.org/fact-tank/2013/05/23/a-majority-of-americans-still-support-use-of-drones-despite-questions/>, Accessed 8/20/2013, rwg)

As for the military prison at Guantanamo, where a hunger strike by half of the prisoners has passed the 100-day mark, a Fox News poll conducted May 18-20 found that 63% of registered voters want to keep the facility open while 28% favor closing it and moving the detainees to other prisons in the U.S. About half of those surveyed (48%) said the use of Guantanamo had made the U.S. safer, 22% said it had made the country less safe, while 15% did not express an opinion. Read more

They say winners win:

#### (--) Fights bleed momentum – they don’t generate capital

Politico ’10 (John and Carol Lee, Staff writers for Politico, “Obama’s first year”, 1/20/10, http://dyn.politico.com/printstory.cfm?uuid=4DF829C9-18FE-70B2-A8381A971FA3FFC9)

Obama believed that early success would be self-reinforcing, building a powerful momentum for bold government action. This belief was the essence of the White House’s theory of the “big bang” — that success in passing a big stimulus package would lead to success in passing health care, which in turn would clear the way for major cap-and-trade environmental legislation and “re-regulation” of the financial services sector — all in the first year. This proved to be a radical misreading of the dynamics of power. The massive cost of the stimulus package and industry bailouts — combined with the inconvenient fact that unemployment went up after their passage — meant that Obama spent the year bleeding momentum rather than steadily increasing public confidence in his larger governing vision. That vision was further obscured for many Americans by the smoke from the bitter and seemingly endless legislative battle on Capitol Hill over health care.

#### (--) History’s on our side—past wins by Obama drained his capital:

Todd Eberly, 1/21/2013 (“The presidential power trap,” <http://articles.baltimoresun.com/2013-01-21/news/bs-ed-political-capital-20130121_1_political-system-party-support-public-opinion/2>, Accessed 1/24/2013, rwg)

Barack Obama's election in 2008 seemed to signal a change. Mr. Obama's popular vote majority was the largest for any president since 1988, and he was the first Democrat to clear the 50 percent mark since Lyndon Johnson. The president initially enjoyed strong public approval and, with a Democratic Congress, was able to produce an impressive string of legislative accomplishments during his first year and early into his second, capped by enactment of the Patient Protection and Affordable Care Act. But with each legislative battle and success, his political capital waned. His impressive successes with Congress in 2009 and 2010 were accompanied by a shift in the public mood against him, evident in the rise of the tea party movement, the collapse in his approval rating, and the large GOP gains in the 2010 elections, which brought a return to divided government.

#### (--) Declines in political capital outweigh the effect of winning:

Marissa Silber, 2007 (Political Science PhD Student @ Univ. of Florida and Interim professor of political science @ Samford University, “WHAT MAKES A PRESIDENT QUACK?” Accessed at [http://74.125.155.132/scholar?q=cache:bbkJmVQ3SJMJ: scholar.google.com/](http://74.125.155.132/scholar?q=cache:bbkJmVQ3SJMJ:%20scholar.google.com/) +%22political+capital%22+%22finite%22+resources+president&hl=en&as\_sdt=80000000)

Important to the discussion of political capital is whether or not it can be replenished over a term. If a President expends political capital on his agenda, can it be replaced? Light suggests that “capital declines over time – public approval consistently falls: midterm losses occur” (31). Capital can be rebuilt, but only to a limited extent. The decline of capital makes it difficult to access information, recruit more expertise and maintain energy. If a lame duck President can be defined by a loss of political capital, this paper helps determine if such capital can be replenished or if a lame duck can accomplish little. Before determining this, a definition of a lame duck President must be developed.

#### (--) Health care empirically denies: Obama got a win, but it didn’t help him pass anything through Congress.

They say Fed stumble hurt but

#### (--) Summers controversy is no big deal—won’t hurt Obama:

Mike Dorning, 9/17/2013 (staff writer, “Obama Rifts With Allies on Summers-Syria Limit Debt Dealing,” <http://www.bloomberg.com/news/2013-09-17/obama-s-summers-syria-rifts-with-allies-limit-room-on-debt-deal.html>, Accessed 9/20/2013, rwg)

By contrast, Clinton had 58 percent job approval from Sept. 25-28, 1997, and Ronald Reagan 60 percent from Sept. 13-16, 1985, according to Gallup.¶ Still, Joel Johnson, a former aide to Clinton and to onetime Senate Democratic leader Tom Daschle, said Obama’s ratings “are not dangerously low.”¶ The fissures among congressional Democrats exposed by the Syria and Summers controversies are “apparent for anyone to see, but I don’t make much of it,” Johnson said. “Presidents struggle with the left and the right of their own caucuses constantly.”

And they say EPA hurts Obama: cross apply previous argument that Syria win is huge, much bigger than an EPA loss.

They say debt ceiling wont pass

#### (--) Extend our Easley evidence—Obama will win the debt ceiling fight now because he has won the political framing in the status quo—prefer our evidence it’s predictive and assumes the effects of political capital on the negotiations.

#### (--) Debt ceiling will pass

Rubin, 9/19/13 (Jennifer, “Steady as they go in the House,” <http://www.washingtonpost.com/blogs/right->turn/wp/2013/09/19/steady-as-they-go-in-the-house/, bgm)

The reports from House Republicans who attended Wednesday’s conference meeting were cautiously optimistic about the battles over a continuing resolution, debt and Obamacare that lie ahead. The simplistic media narrative, that the leadership is losing to the crazies, simply isn’t true.

One insider told Right Turn, “The conference really was more unified than I’ve seen it in a while.” The shape of the deal is far from certain, but the mood in the room gave leadership confidence that the House would hold together. “We’ll figure something out, ” the insider said cheerfully.

In public remarks, House Speaker John Boehner (Ohio) let it be known that the real action would be on the debt ceiling. (“For decades, congresses and presidents have used the debt limit for legislation to cut spending, and even President Obama worked with us two years ago in the debt-limit negotiations to put controls on spending. This year is not going to be any different.”)

(--) Obama will win the debt ceiling fight:

Jason Easley, 9/18/2013 (staff writer, “Obama’s Genius Labeling of GOP Demands Extortion Has Already Won The Debt Ceiling Fight,” <http://www.politicususa.com/2013/09/18/obamas-genius-labeling-gop-demands-extortion-won-debt-ceiling-fight.html>, Accessed 9/20/2013, rwg)

Republicans haven’t realized it yet, but while they are chasing the fool’s gold of defunding Obamacare they have already lost on the debt ceiling. By caving to the lunatic fringe in his party, John Boehner may have handed control of the House of Representatives back to Democrats on a silver platter.¶ While Republicans posture on Obamacare, Obama is routing them on the debt ceiling.

Group the econ resilient debate

#### (--) Economy growing but fragile –debt ceiling debate is key and alt causes are wrong

Bernanke, 7/17/2013 (Chairman Ben S. Bernanke, Semiannual Monetary Policy Report to the Congress, Before the Committee on Financial Services, U.S. House of Representatives, Washington, D.C.

July 17, 2013, http://www.federalreserve.gov/newsevents/testimony/bernanke20130717a.htm)

The pickup in economic growth projected by most Committee participants partly reflects their view that federal fiscal policy will exert somewhat less drag over time, as the effects of the tax increases and the spending sequestration diminish. The Committee also believes that risks to the economy have diminished since the fall, reflecting some easing of financial stresses in Europe, the gains in housing and labor markets that I mentioned earlier, the better budgetary positions of state and local governments, and stronger household and business balance sheets. That said, the risks remain that tight federal fiscal policy will restrain economic growth over the next few quarters by more than we currently expect, or that the debate concerning other fiscal policy issues, such as the status of the debt ceiling, will evolve in a way that could hamper the recovery. More generally, with the recovery still proceeding at only a moderate pace, the economy remains vulnerable to unanticipated shocks, including the possibility that global economic growth may be slower than currently anticipated.

#### (--) US economy isn’t resilient – slow growth ensures shocks can crash it

MNI, 12 (Market News International, “Chicago Fed’s Evans: US Economy Simply Not Resilient Enough,” 9-18-12, <http://www.forexlive.com/blog/2012/09/18/chicago-feds-evans-us-economy-simply-not-resilient-enough/>)

However, while fully supportive of the Fed’s recent actions, Evans urged monetary policymakers not to rest their oars in the effort to get the recovery back on track, cautioning against being complacent or “unduly passive.” “Our economy today is simply not resilient enough. The damage from the Great Recession was substantial; and to date, the recovery has been disappointing,” Evans said in remarks prepared for delivery to a breakfast event in Ann Arbor, Michigan. And given the recession in Europe and slower growth in previous economic bright spots such as China, “there’s a significant risk that the global recovery might weaken further,” he added. “We can’t count on a boost to U.S. output from robust exports.” The Federal Reserve’s policymaking Federal Open Market Committee announced last week that in addition to its maturity extension program, it will buy $40 billion in mortgage-backed securities a month until it sees a significant improvement in the labor market. It also pushed out its forward guidance — how long its expects interest rates to remain close to zero — to mid-2015 from late-2014. Evans, who will not be a voter on the FOMC until next year, has been one of the loudest proponents of additional action by the Fed in the weeks leading up to last week’s meeting. “This was the time to act,” he said. “With the problems we face and the potential dangers lying ahead, it is essential to do as much as we can now to bolster the resiliency and vibrancy of the economy.” “I believe the combination of new asset purchases and enhanced forward guidance about future policy should provide an important added stimulus to economic activity and hiring,” he declared, adding, “It is very hard to believe that millions of people who were working productively just a few years ago have suddenly become unemployable.” Not only were last week’s additional monetary policy actions in response to the disappointing pace of the recovery, Evans said they were also intended to increase the resiliency of the economy in the face of the “increasing headwinds and greater downside risks” posed by the slowdown in global economic growth, the economic turmoil in Europe and the looming U.S. fiscal cliff. More monetary accommodation by the Fed and greater confidence in the future would mean a stronger U.S. economy, Evans said, one that would be more resilient to “a large-scale decline in global growth or a sharp fiscal retrenchment.” On Europe, Evans noted that while the current expectation is that a combination of liquidity support for banks and sovereigns will reduce financial restraint — allowing individual countries time to make structural adjustments — “the periphery countries will almost certainly experience a great deal of pain.” Closer to home, Evans warned that a fiscal contraction on the scale of the fiscal cliff would be “a serious threat” to the fragile recovery, and added that “unfortunately, a political stalemate that triggers slated spending cuts — an extreme outcome — cannot be ruled out.” The Fed’s shift away from conducting asset purchases of a fixed size and timespan towards a more open-ended approach conditions its actions to the economy’s performance, Evans said. “And stating that we expect to keep a highly accommodative stance for policy for a considerable time after the recovery strengthens is an important reassurance to households and businesses that Fed policy will not tighten prematurely,” he added. While declaring his wholehearted support for the Fed’s actions, Evans nevertheless said he believes there are additional steps the Fed can take to further strengthen its positive effects on the economy. He spoke of the risks of being “timid and unduly passive,” warning that sticking to just “modest, cautious, safe policy actions” risks inflicting a lost decade on the U.S. economy similar to that which Japan experienced in the 1990s. “Underestimating the enormity of our problems and the negative forces holding back growth itself exposes the economy to other potentially more serious unintended consequences,” Evans said. “We cannot be complacent and assume that the economy is not being damaged if no action is taken. I am optimistic that we can achieve better outcomes through more monetary policy accommodation,” he concluded.