## T- Restriction 2AC

#### 1. W/M – We limit the president’s authority to determine those responsible for 9/11 in the AUMF.

Bradley & Goldsmith 2005

[- Curtis & - Jack, Professors at University of Virginia and Harvard Law Schools Respectively, CONGRESSIONAL AUTHORIZATION AND THE

WAR ON TERRORISM, Harvard Law Review, Volume 118, May 2005]

The AUMF is arguably more restrictive in one respect, and argua-bly broader in another respect, than authorizations in declared wars. It is arguably more restrictive to the extent that it requires the Presi-dent to report to Congress on the status of hostilities. This difference from authorizations in declared wars, however, does not purport to af-fect the military authority that Congress has conferred on the Presi-dent. The AUMF is arguably broader than authorizations in declared wars in its description of the enemy against which force can be used. The AUMF authorizes the President to use force against those “na-tions, organizations, or persons he determines” have the requisite nexus with the September 11 attacks. This provision contrasts with authori-zations in declared wars in two related ways. First, it describes rather than names the enemies that are the objects of the use of force.144 Second, it expressly authorizes the President to determine which “nations, organizations, or persons” satisfy the statutory criteria for enemy status.145 One could argue that the effect of the “he determines” provision is to give the President broad, and possibly unreviewable, discretion to apply the nexus requirement to identify the covered enemy — at least to the extent that his determination does not implicate constitutional rights.146 Even if this argument is correct, this provision probably adds little to the President’s already-broad authority to de-termine the existence of facts related to the exercise of his authority under the AUMF.147

**Legal scholars agree it’s the most restrictive approach**

**Chesney, Goldsmith, Waxman, & Wittes, 2013**

[Robert, Professor in Law at The University of Texas School of Law, Jack, Henry L. Shattuck Professor of Law at Harvard University, Matthew, professor of law at Columbia Law School and an adjunct senior fellow at the Council on Foreign Relations, & Benjamin, Senior fellow in governance studies at the Brookings Institution and codirector of the Harvard Law School–Brookings Project on Law and Security, “A Statutory Framework¶ for¶ Next-Generation¶ Terrorist¶ Threats”, Hoover Institution, Taskforce on National Security & Law, Stanford University, <http://media.hoover.org/sites/default/files/documents/Statutory-Framework-for-Next-Generation-Terrorist-Threats.pdf>, BJM]

Congress could instead authorize the president to use force against specified¶ terrorist groups and/or in specified countries or geographic areas. This would¶ resemble the more traditional approach by which Congress authorizes force¶ against state adversaries or for particular operations within foreign countries.¶ Recent news reports have suggested that some in the administration and the¶ military are deliberating about whether to ask Congress for just such a statute to¶ address Islamist terrorist threats in some North African countries.8 This “retail”¶ approach—in contrast to the “wholesale” approach laid out in the previous¶ section—is the one that, among our three options, most restricts presidential¶ discretion.

## Debt Ceiling 2AC

Won’t pass because of election fears and Obama’s approach prolongs Republican backlash- star this card

Kaplan 10-3-13 [Rebecca, serves as City Councilmember At-Large for Oakland, California, CBS News, “Why is it so difficult to end the government shutdown?” <http://www.cbsnews.com/8301-250_162-57605784/why-is-it-so-difficult-to-end-the-government-shutdown/>]

As the government shutdown enters its third day, Democrats and Republicans seem no closer to bridging their differences than they were when the shutdown began early Tuesday morning. It's difficult to say when the standoff will end. The two shutdowns that occurred in 1995 and 1996 lasted a total of 27 days. And back then, the conditions for getting to a deal were much better.¶ Republicans won the House and Senate in the 1994 midterm elections - the first time the party had a House majority in 40 years. That set up a showdown between House Speaker Newt Gingrich, who had run on a conservative platform, and then-President Bill Clinton. That dispute came in 1995, when Gingrich wanted to balance the budget in a short time frame and Clinton wanted money spent on Democratic priorities. After two separate shutdowns and several weeks, the pressure was too high on Republicans and they cut a deal with Clinton: he would get his priorities, but would have to balance the budget for 10 years.¶ "They were kind of testing each other," said former Rep. Tom Davis, R-Va., who was a freshman in Congress at the time. Afterward, Davis noted, Clinton and Gingrich would go on to work together on a host of issues including welfare reform. The economy boomed, helping to mitigate budget issues.¶ Republicans who were lawmakers or aides in Congress in 1995 cite a variety of reasons that the shutdown ended. For Davis, it was the mounting public pressure on Republicans and their rapidly dropping poll numbers that helped spur a compromise. "There was a revolt, and they simply couldn't hold their members after a while," he said of the Republican leadership. It didn't help that Republicans were afraid of losing the first majority they'd had in decades. Davis recalls going to former Rep. Dick Armey, then the Republican Majority leader from Texas, and saying, "We're getting our butts kicked."¶ But Bob Walker, then a Republican congressman from Pennsylvania, had a different take from the conventional narrative that Republicans had caved. "We stayed focused in 1995 on the fact that what the end result for us was to get a pathway to a balanced budget, and so in the end when we got an agreement to just begin the process of moving toward a balanced budget," he said. "We declared victory on that and we were prepared to then get the government back into action."¶ This time, it's not so easy for Republicans to achieve even a piece of their chief goal - to dismantle the Affordable Care Act. The law is President Obama's signature policy achievement, and its constitutional authority was affirmed by the Supreme Court. Democrats in the Senate and Mr. Obama himself have proven with the shutdown fight that they are determined to keep the law intact.¶ "We didn't get an immediate balanced budget obviously but what we got was a seven-year plan toward a balanced budget that then ended up being accomplished in there years," Walker said of the House Republicans in 1995. But nowadays, he said, "I'm not certain I see where the bottom lines are."¶ As shutdown continues, Obama says Wall Street "should be concerned"¶ Government shutdown: Is Congress acting selfishly?¶ Yet another explanation of why the 1995-1996 shutdown ended had to do with presidential politics. Former Senate Majority Leader Bob Dole, R-Kansas, was eyeing a presidential bid against Clinton in 1996.¶ "He just got sick of it. I think he started seeing that this was directly impacting his ability to run for president," said John Feehery, a political strategist who was the communications director for then-House Majority Whip Tom DeLay during the shutdown. Dole was key to engineering an end to the shutdown, a fact that was apparent to everyone - even Democrats.¶ "It was a huge factor," said American University professor Patrick Griffin, who served as Clinton's assistant for legislative affairs from 1994 to 1996. "We could always sense that there was no love lost between him and [Gingrich] - on the [Contract with America], on the shutdown. It was just not Dole's style...he was wasting time, he was not being able to get his campaign."¶ If anything, presidential politics will lengthen the shutdown. Mr. Obama has no re-election campaign to worry about - like Clinton did at the time - and Republican presidential campaigns cannot be won without pleasing an active base that hates the healthcare law. It would be difficult for any Republican to help broker a compromise that preserved most of Obamacare and then woo Republican primary voters.¶ Not that many Republicans feel as if they can work with Mr. Obama. "Many people in Congress ...believe that the president treats them with contempt and so the atmosphere for negotiating is not very good. That's a big difference," said Walker.¶ House Speaker John Boehner, R-Ohio, and Mr. Obama have tried and failed to negotiate big deals several times. Since the government shut down on Tuesday, they've barely talked aside from a meeting the president held with top congressional leaders Wednesday afternoon. And a recent Politico story that detailed how Boehner and Senate Majority Leader Harry Reid, R-Nev., worked together to preserve congressional subsidies for healthcare coverage will likely have poisoned the well between the leaders of the two chambers.¶ That wasn't the case with Gingrich and Clinton, despite their differences. "Both President Clinton and Speaker Gingrich had a pretty civil and reasonably good personal relationship," said Mack McLarty, Clinton's first chief of staff as president. Both hailed from the south, and had "very inquisitive minds" about the world around them.¶ Perhaps the biggest roadblock to a deal, however, is the increasingly partisan nature of Congress caused by congressional redistricting that puts many members into seats where fewer and fewer constituents are from the opposite party. In 1995, more than 34 percent of Republican representatives in the House were elected in districts that had voted for Clinton as president. Now, only seven percent of House members come from districts that voted for Mr. Obama.¶ There's a larger proportion of hardline conservatives in the House in 2013, and they have so far been more successful at driving the agenda than their more moderate counterparts. "The-rank-and-file members are sick and tired of the rebels running the thing but there's too many of them who vote with the rebels to protect their flank," Feehery said, referring to Republicans who are worried about receiving a primary challenge from the right.¶ With so many factors working against a deal, it's hard to see a way out of the crisis. The only thing that's guaranteed to inject some urgency into the debate is the looming deadline to raise the debt ceiling on Oct. 17. While a government shutdown can have minimal effects on the financial markets, the possibility of the U.S. defaulting is much more likely to cause financial panic that could push lawmakers into a deal.¶ Plus, if the spending and debt ceiling deals morph into one, there may be more issues on the table to discuss such as the sequester and the whole federal budget. That, Walker said, will give Republicans more areas where they can look for victory.

All their link args are non-unique

NPR 9/21, “Have Obama's Troubles Weakened Him For Fall's Fiscal Fights?” http://www.ideastream.org/news/npr/224494760

President Obama has had a tough year. He failed to pass gun legislation. Plans for an immigration overhaul have stalled in the House. He barely escaped what would have been a humiliating rejection by Congress on his plan to strike Syria.¶ Just this week, his own Democrats forced Larry Summers, the president's first choice to head the Federal Reserve, to withdraw.¶ Former Clinton White House aide Bill Galston says all these issues have weakened the unity of the president's coalition.¶ "It's not a breach, but there has been some real tension there," he says, "and that's something that neither the president nor congressional Democrats can afford as the budget battle intensifies."¶ Obama is now facing showdowns with the Republicans over a potential government shutdown and a default

on the nation's debt. On Friday, the House voted to fund government operations through mid-December, while also defunding the president's signature health care law — a position that's bound to fail in the Senate.¶ As these fiscal battles proceed, Republicans have been emboldened by the president's recent troubles, says former GOP leadership aide Ron Bonjean.

Fiat means the plan passes instantaneously and doesn’t cost capital

Shutdown crushes Obama’s agenda

O’Brien 10/1 (Michael O'Brien 10/1, "Winners and losers of the government shutdown", 2013, nbcpolitics.nbcnews.com/\_news/2013/10/01/20763839-winners-and-losers-of-the-government-shutdown?lite)

Obama¶ The fiscal fight is a double-edged sword for Obama.¶ Yes, the president won a short-term victory that revitalizes his pull within the Beltway after beating back Republicans and shifting blame primarily to them for a shutdown. But Obama is no less a symbol of Washington dysfunction than Ted Cruz or John Boehner.¶ It might be simplistic, but any president shares in some of the broader opinion toward D.C. just by the very nature of the job. Put another way: as president, Obama is the most visible political leader in the U.S., if not the world. If Americans are dissatisfied with Washington, Obama will have to shoulder some of that burden.¶ Obama's 2011 battles with Republicans over the debt ceiling saw his approval ratings sink to one of the lowest points of his presidency. There are signs this fight might be taking a similar toll: a CNN/ORC poll released Monday found that 53 percent of Americans disapprove of the way the president is handling his job, versus 44 percent who approve.¶ Moreover, after the time and political capital expended on this nasty political fight — and with midterm elections on the docket for 2014 — Obama's top second-term priorities, like comprehensive immigration reform, are on life support.

Political capital isn’t key and Obama isn’t spending it

Allen, 9/27/13- politics reporter for Politico (Jonathan, “President Obama’s distance diplomacy” <http://www.politico.com/story/2013/09/government-shutdown-barack-obama-house-gop-97483.html?hp=t3_3>)

The White House’s distance diplomacy with Republicans is an approach that tacitly acknowledges three inescapable realities: There’s no one to negotiate with on the GOP side; Obama’s direct involvement in a pact would poison it for many rank and file Republicans; and Democrats don’t trust him not to cut a lousy deal. Indeed, Democrats are urging Obama to stay at arm’s length from Congress so there’s no confusion over his message that he won’t negotiate on an increase in the debt limit, which the nation is expected to breach as early as Oct. 17 without legislative action. “I believe the president has made it very clear, as we have tried to make it clear: There are no negotiations. We’re through,” Senate Majority Leader Harry Reid (D-Nev.) told POLITICO. In past installments of the fiscal-failure soap opera, overheated rhetoric about government shutdowns and a default on the national debt has been matched by sober and direct deal-making behind the scenes — usually in the form of a virtual handshake between Vice President Joe Biden and Senate Minority Leader Mitch McConnell. In the winter 2010 debate over tax cuts, Biden and McConnell agreed to extend all of the Bush-era tax cuts for two years, infuriating the left. In 2011, Boehner and Obama secretly discussed for weeks a possible grand-bargain deal — but when the details were leaked, Democrats were furious and the negotiations fell apart. And in 2012, Biden and McConnell averted the so-called fiscal cliff — but that greatly upset Reid, who believed the White House gave away too much to Republicans whose backs were against the wall. Indeed, many Democrats had buyer’s remorse on aspects of those agreements, particularly a budget sequestration plan that has squeezed domestic and military spending, and the locking in of much of the Bush tax rates. When Chief of Staff Denis McDonough and other senior White House aides quietly discussed budget issues with a group of Senate Republicans earlier this year, top Democrats believed it made little sense to continue negotiations that appeared to be going nowhere and didn’t seem likely to help their party. So they’ve asked Obama himself to steer clear of this round of the debt fight and try to force Republicans to come to him. The Senate, on a party line 54-44 vote on Friday, sent a bill that would keep the government operating but dropped a House provision defunding Obamacare. Now the House is expected to load up the measure with more provisions that aren’t acceptable to Democrats — though it has been hard for House GOP leaders to herd their troops on a budget bill and a separate plan to raise the debt ceiling. “You first need the Republicans to have a position to negotiate – they don’t yet,” Sen. Chuck Schumer (D-N.Y.), who often advises the White House on strategy, said Friday when asked about Obama’s posture. “Until the House Republican Caucus figures out what it wants to do, nobody can deal with them.” Other than a terse phone call to Speaker John Boehner last Friday to reiterate that he won’t negotiate on the debt limit, Obama hasn’t talked to House Republicans — the key constituency in the fight. The White House has let Reid take the lead in the latest fights, even scrapping a potential meeting at the White House with Obama and the three other congressional leaders to allow the process to play out on Capitol Hill. With Republicans fighting with each other over Obamacare, Democrats believe it makes far more sense to keep the focus on the GOP intraparty warfare, rather than risk putting Obama middle of a politically sensitive negotiation. Republicans sourly note that Obama has been quicker to talk with Russian President Vladimir Putin — and now Iranian President Hassan Rouhani — than with House Speaker John Boehner. “Grandstanding from the president, who refuses to even be a part of the process, won’t bring Congress any closer to a resolution,” said Brendan Buck, a spokesman for House Speaker John Boehner. When McDonough went to the Hill this week for closed-door talks, it was to reassure fellow Democrats that the president wouldn’t fold early, as he’s been accused of doing in past budget battles. Obama isn’t expected to meet with congressional leaders until after the Tuesday deadline to stop a government shutdown. Asked if he believed that Obama would eventually have to engage directly in the fiscal fights, Reid said: “Not on the debt ceiling and not on the CR. Maybe on something else – but not these two. We have to fund the government and pay our bills.” Whether Obama can sustain his no-negotiatio

n position on the debt ceiling remains to be seen. Senate Republicans — even those who have balked at calls to use the threat of a government shutdown to defund Obamacare — say the president won’t get a clean debt ceiling increase. “It’s what’s wrong with the government right now,” said Sen. Roy Blunt (R-Mo.), who voted to break a GOP-led filibuster blocking the continuing resolution. “I suppose the Congress might say we don’t want a negotiation on the debt ceiling either.” If Obama can’t get 60 votes in the Senate for a clean debt ceiling increase, he will very likely to have to engage in direct talks with Republicans, even Democrats privately concede. But for now, Democratic leaders say the president is doing what he has to: Making speeches to attack Republicans, and letting his allies on the Hill deal with the nitty-gritty of legislating and horse-trading. Republican Rep. Mike Rogers (R-Mich.), who has worked with the White House on national security issues, says the president’s always had a “laissez-faire” approach to Congress.

Obama’s PC is low and decreasing

Steinhauser, 9/26/13 **–** CNN Political Editor (Paul, “Obama's support slips; controversies, sluggish economy cited” <http://www.cnn.com/2013/09/26/politics/cnn-poll-of-polls-obama/?hpt=po_c2>)

As he battles with congressional Republicans over the budget and the debt ceiling, and as a key component of his health care law kicks in, new polling suggests that President Barack Obama's standing among Americans continues to deteriorate. The president's approval rating stands at 45%, according to a CNN average of four national polls conducted over the past week and a half. And a CNN Poll of Polls compiled and released Thursday also indicates that Obama's disapproval rating at 49%. In the afterglow of his re-election and second inauguration, the percentage of those approving of Obama's job performance hovered in the low 50s as the year began, according to CNN Poll of Poll averages. But his numbers slipped to the upper 40s by spring and now have edged down to the mid 40s. At the same time, his disapproval numbers have edged up from the low 40s to right around the 50% mark. Anxiety and skepticism over the Affordable Care Act, better known as Obamacare, continuing concerns over the sluggish economy, and a drop in the president's approval on foreign policy -- once his ace in the hole -- all appear to be contributing to the slide of Obama's general approval rating. "Not a precipitous drop, but more like a continued erosion in the president's numbers," says CNN Chief Political Correspondent Candy Crowley. "The Boston Marathon bombings, Edward Snowden's 'big brother' revelations, the 'non-coup' in Egypt, the 'now we bomb, now we don't' policy in Syria, an economic recovery that remains disappointing, the uncertainty of how/what will change under the new health care system, shall I go on?" "It all adds up to an awful lot of uncertainty and unfairly or not, uncertainty tends to breed lower poll numbers for the guy in charge," added Crowley, anchor of CNN's "State of the Union." Besides being the main indicator of a president's standing with the public, a presidential approval rating is a good gauge of his clout in dealing with Congress. The drop in his numbers comes as the president pushes back against attempts by congressional Republicans to use deadlines to keep the federal government funded and to extend the nation's debt ceiling to try and defund the health care law. A slew of national polls conducted this month indicate that a majority doesn't support shutting down the government in order to defund Obamacare. But if the fight shifts to the debt ceiling, public opinion appears to turn against the president, who reiterated on Thursday that he will not negotiate with the GOP in Congress over extending the debt ceiling.

No Default – internal checks & balanced budget

Dorfman, 10/3 [Jeffrey, Forbes, “Don't Believe The Debt Ceiling Hype: The Federal Government Can Survive Without An Increase”, <http://www.forbes.com/sites/jeffreydorfman/2013/10/03/dont-believe-the-debt-ceiling-hype-the-federal-government-can-survive-without-an-increase/>, BJM]

That’s right. As much as the politicians and news media have tried to convince you that the world will end without a debt ceiling increase, it is simply not true. The federal debt ceiling sets a legal limit for how much money the federal government can borrow. In other words, it places an upper limit on the national debt. It is like the credit limit on the government’s gold card. Reaching the debt ceiling does not mean that the government will default on the outstanding government debt. In fact, the U.S. Constitution forbids defaulting on the debt (14th Amendment, Section 4), so the government is not allowed to default even if it wanted to. In reality, if the debt ceiling is not raised in the next two weeks, the government will actually have to prioritize its expenses and keep its monthly, weekly, and daily spending under the revenue the government collects. In simple terms, the government would have to spend an amount less than or equal to what it earns. Just like ordinary Americans have to do in their everyday lives.

Fights now and McCain supports the plan.

Shapiro May 29th 2013

[-Ari, Why Obama Wants To Change The Key Law In The Terrorism Figh [www.npr.org/blogs/itsallpolitics/2013/05/29/187059276/why-obama-wants-to-change-the-key-law-in-the-terrorism-fight](http://www.npr.org/blogs/itsallpolitics/2013/05/29/187059276/why-obama-wants-to-change-the-key-law-in-the-terrorism-fight)]

The AUMF is one of the most unusual laws Congress has passed this century. It's less than a page long. The vote was nearly unanimous. And it went from concept to law in exactly one week. It authorizes the president to go after the groups that planned, authorized, committed or aided the Sept. 11 attacks, or any groups and countries that harbored them. In broad terms, it justified invading Afghanistan. But two presidents have applied it around the world. "It was vast in the powers that it gave," says Karen Greenberg, who runs the Center on National Security at Fordham Law School. "And it was somewhat vast in its definition of the enemy. However, in many ways, that definition has expanded in the interim years." Presidents Bush and Obama have used AUMF authority to kill terrorists in Somalia, Yemen and other places far from the Afghan battlefield. But last week at the National Defense University, Obama said the law needs to change. He explained that after 12 years, the Afghan war is ending, and al-Qaida's core is a shell of its former self. "Unless we discipline our thinking, our definitions, our actions, we may be drawn into more wars we don't need to fight," the president said, "or continue to grant presidents unbound powers more suited for traditional armed conflicts between nation-states." Obama promised to work with Congress to refine, and ultimately repeal, the AUMF's mandate. "And I will not sign laws designed to expand this mandate further," he said. According to a senior White House official, that threat was a specific reaction to lawmakers who have talked about expanding the law. Until now, presidents have interpreted a very vague law to give them very broad powers. Sen. John McCain, R-Ariz., has expressed interest in making the law less vague, and making those broad powers explicit. "Wouldn't it be helpful to the Department of Defense and the American people if we updated the AUMF to make it more explicitly consistent with the realities today, which are dramatically different [than] they were on that fateful day in New York?" he said at a Senate Armed Services Committee hearing earlier this month. But the White House is moving in the opposite direction. As a senior White House official put it: "The AUMF should apply to al-Qaida. As we defeat al-Qaida, we should ultimately repeal the law." As other terrorist groups become threats, the White House believes a president should ask Congress for permission to target those groups on a case-by-case basis. James Jeffrey, who was deputy national security adviser to Bush, worries about rolling back the law. "This law has served us well for over a decade," he says. "Much hangs from it, including the detention capability and the ability to use the U.S. military against clear and present dangers to the United States." That detention piece of the puzzle is key: The Guantanamo prison operates under the AUMF, so repealing this law is also part of the White House's effort to close the prison. Many in Congress want to keep the prison open. That's one reason this issue will not be easily resolved, says Thomas Kean, who co-chaired the 9/11 Commission. "I think it'll be a long debate, and it should be," Kean says. "[These are] very, very contentious issues, but the one thing you have to have, I think, in the United States, particularly for something lasting as long as this, is a framework of laws. We're a nation of laws. You can't just do ad hoc as we have in the past." It's pretty unusual for a president to ask Congress to take away some of his power. But Kate Martin of the Center for National Security Studies says if you look at it a different way, this situation doesn't seem so strange. "It's not unusual for presidents to end wars, right?" she says. "And if what we were talking about was ending military operations, that would not look like a president giving up power. It would look like a president ending wars."

McCain key to success in talks

Curry, 10/3 [Tom, NBC Politics, “McCain in the middle: Can Senate's GOP elders solve shutdown mess?”, <http://nbcpolitics.nbcnews.com/_news/2013/10/02/20790845-mccain-in-the-middle-can-senates-gop-elders-solve-shutdown-mess?lite>, BJM]

Arizona Sen. John McCain and other like-minded Republican senators could end up reprising roles as key deal-makers as the party seeks a final negotiated solution to the government shutdown. No clear path to ending the impasse over spending has emerged, but in one possible deal scenario -- a comprehensive agreement that also solves the problem of raising the debt limit -- McCain will likely play an essential role, just as he has been in past bipartisan agreements like the immigration bill that passed the Senate last June. With a core group of House Republicans sticking together in their chamber, and Senate GOP leader Mitch McConnell taking a low public profile in the fight, that leaves McCain and similar-thinking GOP senators to look for a deal. It’s no secret and no surprise that the Republican Party’s 2008 presidential standard-bearer has been critical of the strategy of conservatives such as Sen. Ted Cruz, R-Texas, and Sen. Mike Lee, R-Utah, of trying to use the spending bill and perhaps the debt limit as vehicles to force President Barack Obama to agree to defund or delay his signature achievement, the Affordable Care Act. McCain has argued over and over again that this is one battle that the Republicans simply cannot win. And most Republican senators seem to agree with him, but there is little evidence that their GOP counterparts in the House can be convinced, at least not yet. The lines have been drawn between Senate Republicans like McCain and House Tea Party members who are joined by a handful of sympathetic GOP senators like Cruz, who staged a 21-plus hour protest speech on the Senate floor against Obamacare last week. The impact of the first government shutdown in 17 years was felt across America as offices were shuttered and workers were sent home after lawmakers failed to come to a deal. Launch slideshow McCain, in turn, took to the floor to chastise Cruz for comparing those who opposed Obamacare delays to Nazi appeasers in the run up to World War II. "I resoundingly reject that allegation. That allegation, in my view, does a great disservice," McCain said on the Senate floor. "I do not agree with that comparison; I think it's wrong." The decisive vote that allowed Senate Majority Leader Harry Reid to move ahead and pass his short-term spending bill last Friday was the vote on cloture, or ending debate. On that vote, 25 of the Senate’s 46 Republicans voted to end debate and thus opened the door that allowed the Senate to pass the spending bill. Among the 25 GOP senators voting to end debate were Minority Leader McConnell of Kentucky and every member of the Senate GOP leadership team. But over the past several days, McConnell has largely not been in the vanguard of the fight over defunding Obamacare and blocking a spending bill. He is faced with the pressure of a conservative primary challenger, Matt Bevin, the tenor of whose campaign is suggested by the tagline of one recent campaign e-mail: “Follower McConnell's Liberalism Catches Up to Him.” (McConnell’s lifetime voting rating from the American Conservative Union: 90 out of a perfect 100.) As McConnell receded from leading the public fight, Republicans like McCain have picked up the slack. “We have to understand that the only way we are going to repeal Obamacare is when we have 67 Republican votes in the United States Senate because that's what's required to override a presidential veto,” McCain told Bloomberg News on Monday. McCain noted that he’d campaigned against Obamacare during the 2012 campaign and that he’d fought to defeat it on the Senate floor in 2009. But he added, “In democracies, unfortunately sometimes the majority rules. That's why we (Republicans) are at a disadvantage in this fight that we're having.” He added that “by threatening to shut down the government we are kind of circumventing the results of elections” – an argument that Obama and administration spokesmen have also made. Sen. John McCain, R-Ariz., expresses concern over a comparison made by Sen. Ted Cruz, R-Texas, on Tuesday between fighting Obamacare and standing up to Nazi Germany. The conservatives’ effort to defund or delay Obamacare risks alienating voters as the GOP heads into the 2014 mid-term elections, McCain has implied. “We're doing things that frankly are not rational in the view of our constituents,” he said Monday. Rather than simply being against Obamacare, he said, “We can present a positive agenda for the American people and win the elections in 2014. And I think if we do it right, we've got a great shot of getting a majority in the Senate.” But at least in the past two days, House Republicans have been following a playbook suggested by McCain: target the “most unpopular provisions such as the tax on medical devices and let's rifle shot amendments so that we force people to vote on those.”

## XO 2AC

#### Case is a DA---Judicial process key

Steven Clark 12, former Staff Sergeant in the US Army, BA in Poli Sci and Government from Campbell University, “Targeted Killings: Justified Acts of War or Too Much Power for One Government?” Global Security Studies, Summer 2012, Volume 3, Issue 3, http://globalsecuritystudies.com/Clark%20Targeted.pdf

Although Eric Holder was right when he distinguished between judicial process and due process, there is more than legality to this question. If the United States continues to ignore judicial oversight, this could also cause a loss of credibility and create a legitimacy problem. To prevent this, the United States needs to include judicial oversight while still maintaining national security and not revealing specific intelligence to the public. This could be done with a special court, similar to the Foreign Intelligence Surveillance Court. 79 A court like this would also be able to act quickly in situations requiring immediate action

#### Congress is key – only the perm solves

Silverstein 2011

[- Gordon, Fellow in the Program in Law and Public Affairs, Princeton University and Assistant Professor of Political Science at the University of California, Berkeley, is the author of Law’s Allure: How Law Shapes, Constrains, Saves and Kills Politics (Cambridge University Press 2009) and Imbalance of Powers: Constitutional Interpretation and the Making of American Foreign Policy (Oxford University Press, 1997), “U.S. War and Emergency Powers: The Virtues of Constitutional Ambiguity”]

Far from embedding a new normal, the Bush Administration’s lawfare strategy (Bruff 2009:285-294) was having the opposite effect (Goldsmith 2005, Cole 2008). John Yoo, a primary architect of the Bush legal and constitutional strategy, recognized as early as 2006 that far from being an ally in the realignment of constitutional power away from Congress and the courts and into the Executive branch, the Supreme Court would in fact be a major impediment. “What the Court is doing,” Yoo told the New York Times after the Court handed down the Hamdan decision in 2006, “is attempting to suppress creative thinking.” The Court, Yoo added, “has just declared that it is going to be very intrusive in the war on terror.” The Hamdan decision, Yoo said, could undercut the entire legal edifice that had been built by the Bush lawyers: “It could,” he insisted, “affect every aspect of the war on terror” (Liptak 2006). But, of course, Hamdan was a great defeat not for the administration’s policy preferences, but for the broader goal of the formal bifurcation of the constitution and eradication of any ambiguities that shared power imposed. Saikrishna Prakash (2006) illuminates this important distinction between the constitutionality of the policy itself (where the Bush lawyers typically prevailed) and the question of who decides upon that policy (where they failed). Consider torture. There were, Prakash notes, two very different constitutional debates to be had: Could the United States torture? And just who has the authority to torture; who has the authority to interpret and abrogate treaties; who can detain, and who can establish and administer military commissions? Similarly, Mark Tushnet notes that the military commission decision in Hamdan dealt “solely with the procedural law of emergency powers” (Tushnet 2007:1452) and offered no opinion on the substantive or normative issue of the place of military commissions in American law, leaving that to prevailing political preferences. The message in these cases was that the United States could engage in the practices in question (harsh interrogation; military commissions, truncated habeas proceedings), but that the Executive, alone, did not have the authority to make these choices. **To do these things would require explicit authorization from Congress**. To the degree the Court was eliminating ambiguity, it was doing so by issuing clear opinions favoring congressional and not Executive prerogatives which was arguably worse from the administration’s perspective than would have been the case had they never pressed for exclusive control. At least with ambiguity, the administration could act now, and seek post-hoc ratification (Gross 2008). By eradicating ambiguity and pressing the Court to go on record requiring an explicit congressional role, the Bush lawyers had succeeded in expanding Justice Jackson’s least permissive category (President versus Congress) and shrinking the “twilight zone” in the opposite direction – away from Executive power.

#### XOs are net worse for political capital and prez powers

Scheir 2011

Steven E., Professor of Political Science at Carleton College in Northfield, Minnesota The Contemporary Presidency: The Presidential Authority Problem and the Political Power Trap Presidential Studies Quarterly [Volume 41, Issue 4,](http://onlinelibrary.wiley.com.ezproxy.baylor.edu/doi/10.1111/psq.2011.41.issue-4/issuetoc)pages 793–808, December 2011

So the “presidential authority problem” has several parts. Authority among elites faces limits due to the institutional thickening in national government. Authority among the public and in Congress suffers from the lessening of presidential political capital detailed in this article. Political authority, according to Skowronek, is designated in advance, works through institutions, and has enforceable mandates and perceptions ([Orren and Skowronek 2004](http://onlinelibrary.wiley.com.ezproxy.baylor.edu/doi/10.1111/j.1741-5705.2011.03918.x/full%22%20%5Cl%20%22b35%22%20%5Co%20%22Link%20to%20bibliographic%20citation), 125). The decline in presidential political capital means that nowadays such traits are hard for presidents to come by. Advance designations frequently vanish among American governing elites and the mass public. Institutions are less “workable” for presidents. Mandates and perceptions are now evanescent, much less enforceable. This leads to a “presidential power trap.” Maintaining authority is hard and frustrating work, and in seeking to maintain it, presidents encounter widespread constraints. Yet the modern presidency grants an incumbent many formal powers over executive branch administration, foreign, and national security policy. The power is there, if the authority is not. So why not use the power—via unilateral decisions, signing statements and executive orders—while you have it, if authority is so hard to garner? The risk is that by using such powers, a president effectively destroys his authority. Richard Nixon's presidency, with its constitutional violations, is the signal example of this, but one can find evidence of the authority problem and power trap among other recent presidencies. Carter took his authority for granted, ignoring the maintenance of its elite and mass aspects, and paid the price. Reagan gradually relied more on executive power as authority problems grew, leading to the Iran-Contra imbroglio. George H. W. Bush exerted war powers but never found a stable basis in political authority. Clinton usually suffered an authority shortage and found his use of powers under steady political attack. George W. Bush's use of war powers destroyed his authority during his second term. Presidential efforts to increase their powers have drawn scholarly attention. As William Howell noted regarding these efforts, “almost all the trend lines point upward” ([Howell 2005](http://onlinelibrary.wiley.com.ezproxy.baylor.edu/doi/10.1111/j.1741-5705.2011.03918.x/full#b22), 417). A recent manifestation of increasing power claims is the theory of the unitary executive introduced during the Reagan presidency and repeatedly asserted by George W. Bush. Exponents Steve Calabresi and John Yoo argue the Constitution “gives presidents the power to control their subordinates by vesting all of the executive power in one, and only one, person: the president of the United States” ([Calabresi and Yoo 2008](http://onlinelibrary.wiley.com.ezproxy.baylor.edu/doi/10.1111/j.1741-5705.2011.03918.x/full%22%20%5Cl%20%22b9%22%20%5Co%20%22Link%20to%20bibliographic%20citation), 4). Thus Congress's power to interfere with executive branch decisions is quite limited, and the president has total control of all executive agencies within limits set by Congress. Several legal and presidential scholars have argued this theory gives too much rein to unilateral presidential action in a way that threatens the constitutional separation of powers and individual liberty (for example, [Fisher 2010](http://onlinelibrary.wiley.com.ezproxy.baylor.edu/doi/10.1111/j.1741-5705.2011.03918.x/full#b16), [Matheson 2009](http://onlinelibrary.wiley.com.ezproxy.baylor.edu/doi/10.1111/j.1741-5705.2011.03918.x/full#b28), [Rudalevig 2006](http://onlinelibrary.wiley.com.ezproxy.baylor.edu/doi/10.1111/j.1741-5705.2011.03918.x/full%22%20%5Cl%20%22b41%22%20%5Co%20%22Link%20to%20bibliographic%20citation)). Accompanying the unitary executive theory in the second Bush administration was an aggressive use of signing statements, presidential memoranda, and executive orders. Ambitious claims of unilateral presidential power have ominous implications: “The assertion by the executive that it alone has the authority to interpret the law and that it will enforce the law at its own discretion threatens the constitutional balance set up by the Constitution” ([Pfiffner 2008](http://onlinelibrary.wiley.com.ezproxy.baylor.edu/doi/10.1111/j.1741-5705.2011.03918.x/full%22%20%5Cl%20%22b38%22%20%5Co%20%22Link%20to%20bibliographic%20citation), 227). Barack Obama and the Power Trap It is in the context of such controversies that Obama serves as president and continues to use unilateral tools when they prove convenient. Though he has publicly disavowed the theory of the unitary executive, like his recent predecessors he has made unilateral policy via executive order, presidential memoranda, and signing statements ([Schier 2011](http://onlinelibrary.wiley.com.ezproxy.baylor.edu/doi/10.1111/j.1741-5705.2011.03918.x/full%22%20%5Cl%20%22b45%22%20%5Co%20%22Link%20to%20bibliographic%20citation)). Upon taking office in 2009, Obama's executive orders reversed his predecessor's policies on U.S. government support for international family planning organizations, union organizing, and terrorist interrogation techniques. Another executive order secured passage of his landmark health care reform in early 2010. The order, banning the use of federal funds for abortion, secured the vital support of a group of antiabortion House Democrats. Obama employed presidential memoranda to order his energy secretary to formulate higher fuel efficiency standards for automobiles and energy efficiency standards for appliances ([Schier 2011](http://onlinelibrary.wiley.com.ezproxy.baylor.edu/doi/10.1111/j.1741-5705.2011.03918.x/full%22%20%5Cl%20%22b45%22%20%5Co%20%22Link%20to%20bibliographic%20citation)). In 2009, two of Obama's signing statements drew strong protests from Congress. In the statements, the president indicated he would not enforce certain provisions of the law with which he disagreed ([Weisman 2009](http://onlinelibrary.wiley.com.ezproxy.baylor.edu/doi/10.1111/j.1741-5705.2011.03918.x/full#b53), [Associated Press 2009](http://onlinelibrary.wiley.com.ezproxy.baylor.edu/doi/10.1111/j.1741-5705.2011.03918.x/full#b5)). This stance echoed the approach of his predecessor, George W. Bush ([Schier 2008](http://onlinelibrary.wiley.com.ezproxy.baylor.edu/doi/10.1111/j.1741-5705.2011.03918.x/full%22%20%5Cl%20%22b44%22%20%5Co%20%22Link%20to%20bibliographic%20citation)). The ensuing uproar caused the administration to declare it would no longer issue such policy declarations in signing statements but would instead quietly disregard enforcement of laws it found unconstitutional ([Savage 2010](http://onlinelibrary.wiley.com.ezproxy.baylor.edu/doi/10.1111/j.1741-5705.2011.03918.x/full#b42)). In May 2011, Obama ignored requirements of the War Powers Resolution regarding his military incursion into Libya. The use of force occurred without prior consultation of Congress as required by the resolution. The administration also ignored the resolution's provision that Congress approve the use of the military within 60 days of their initial engagement in conflict until after the deadline had passed ([Ackerman and Hathaway 2011](http://onlinelibrary.wiley.com.ezproxy.baylor.edu/doi/10.1111/j.1741-5705.2011.03918.x/full#b3)). Obama initially enjoyed strong public approval but his job approval gradually sank, in part because of continuing slow economic growth and high unemployment. His impressive successes with Congress in 2009 and 2010 also accompanied a shift in the public mood against him, evident in the rise of the Tea Party movement and the large GOP gains in the 2010 elections. During 2009, [James Stimson (2011](http://onlinelibrary.wiley.com.ezproxy.baylor.edu/doi/10.1111/j.1741-5705.2011.03918.x/full#b51)) calculated the public mood shifted −.88 against Obama's policies. In comparison, the public's notable move against Obama's policy position was greater than that registered during the JFK, LBJ, and the first Bush presidencies. It also exceeded mood shifts during Clinton's second term and during either of the second Bush's two terms. By mid-2011 Obama's job approval had slipped well below its initial levels, and Congress was proving increasingly intransigent. In the face of declining public support and rising congressional opposition, Obama, like his predecessors when faced with similar circumstances, continued to resort to the energetic use of executive power. Declining political capital, rising authority problems, and accompanying assertions of executive power—we have seen this movie before. Obama thus faces an authority problem and a power trap. Only by solving the former is he likely to avoid the latter. Presidents in recent years have been unable to prevent their authority—evident in their political capital—from eroding. When it did, their power assertions often got them into further political trouble. None of his post-1965 predecessors solved the political authority problem. It is the central political challenge confronted by modern presidents, and now by Obama.

#### Theory of the unitary executive is not supported by history, and leads to facism it’s just been constrained the recent past. It’s no different in principle from the story of Hitler. The balanced approach of aff is best.

**Bensing 2007**

[-Dwayne, B.A. University of Arkansas (cum laude), J.D. UPenn, Unitary Executive Theory: Constitutional Mandate or Fascist Threat?www.thepresidency.org/storage/documents/Calkins/Bensing.pdf]

On the other hand, one need not look long to find the numerous critiques of Yoo and Calabresi’s ideas of a Unitary Executive; many of these critiques claim there are fascist dangers of such an interpretation of the Constitution. Fascism is frequently used as a rhetorical threat that elicits images of Nazi Germany, though few really know what fascism is. Robert Paxton describes the essence of fascism as: "1. a sense of overwhelming crisis beyond reach of traditional solutions; 2. belief one’s group is the victim, justifying any action without legal or moral limits; 3. need for authority by a natural leader above the law, relying on the superiority of his instincts; 4. right of the chosen people to dominate others without legal or moral restraint; 5. fear of foreign `contamination."lxii Indeed, the Bush administration and his Republican colleagues in the press and other branches of government have set up an environment in which several of these “fascist” qualifications are met. Few days pass without Americans being reminded of the 9-11 attacks, and Homeland security tries to color-qualify our fears. President Bush has identified the “axis of evil”lxiii and has supported legislation building a wall between the U.S. and Mexican borders. Furthermore, Bush’s use of the Unitary Executive has certainly advanced Executive power—“need for authority by a natural leader above the law, relying on the superiority of his instincts”lxiv as “the decider.” Arthur Versluis gives insight to how reaching for expanded Executive power can lead to fascist results. Versluis writes, “What very few people have realized is that this notional ‘Unitary Executive’ power has an instructive precedent, which is outlined in the works of the German legal theorist, Carl Schmitt. In the 1920s, Schmitt sharply criticized the parliamentary system of the Weimar Republic, in an analysis that has a striking resonance with the contemporary American Congress's morass of ineptness, paralysis, and manifest corruption.”lxv Versuluis goes on to explain how Schmitt’s theory became the absolute defense of the Third Reich. As Steve Douglas notes, “the Schmittian drives for the arrogation of all power into the hands of a ‘unitary executive’ Presidential dictatorship,’ in the case of both Hitler and Bush, are “essentially, identical.” lxvi While Congress has changed party hands since these articles were written, the Bush administration’s usurpation of Congressional authority is duly noted; for example, his defense of warrant-less wiretapping, holding of detainees, and declaration of war. This, of course, is worrisome. At the point that an entire branch of our government is ignored, it seems that there may be grave danger of a looming fascist state. While a fully enacted Unitary Executive may very well be a threat to this government, one might say that judging on prior administrations and the great overarching powers they have assumed, our government has ample opportunity to correct and balance the powers of the three branches of government. The ebb and flow of Presidential power is an old tale with many actors. Supreme Court decisions involving the breadth of the Executive power have substantial meaning today— Bush has held civilians without issuing habeas corpus (and been corrected by Hamdan) and has frequently issued signing statements that are clearly divergent from Congressional intent (Sarbanes-Oxley, Detainee Bill). Based on these actions, it comes as no surprise that the unifying theme of Bush’s Supreme Court judicial nominees is a strong belief in the Unitary Executive. However, so far, President Bush has not been allowed free reign without supervision. Since the November 2006 elections, there has already been a shift in Congressional oversight. Hearings are being conducted on the firings of U.S. Attorneys and Emergency Funding Bills are setting up timetables for troop withdrawal from Iraq. Congress, one could say, is reasserting itself as a coequal branch of government and is utilizing the authority granted to it by Article I of the U.S. Constitution. Some reactions by the Supreme Court are noted in Chapter 4; however, the Court is still issuing further responses to this administration’s overstepping of authority.lxvii And, one must not forget, the Senate must confirm any further judicial nominees if they should arise. Professor Kelly argues that a new form of Executive authority has developed since the Watergate Era, and Yoo and Calabresi argue that there has been a Unitary Executive theory in effect since the first Washington administration. However, this paper would suggest another alternative. Rather than it being a “Unitary Executive” that past administrations were trying to achieve, it was, simply, power. Professor Kelly’s argument, much like that of Schlesinger on the “Imperial Presidency,” explains a shift taking place after the Nixon administration. Schlesinger focuses on the war powers of the Presidency. He states that “the imperial Presidency received its decisive impetus, I believe, from foreign policy; above all, from the capture by the Presidency of the most vital of national decisions, the decision to go to war.”lxviii What Kelly does not explain, though, is the strong historical precedent of Presidential reaching of power during war times—and the following rebuke from Congress, the Courts, or the voters. Schlesinger explains these instances clearly throughout his book. This paper suggests that the shift of power is perhaps no shift at all; yet, it is the 43rd verse, same as the first, second, and so on—every President will attempt to expand their powers until checked by the other branches of government. Lincoln did it. Truman did it. President Bush has done it. Kelly’s approach to explaining the Bush administration, while useful to explain the specific ways in which the Reagan through Bush W. administrations have attained more Executive power, is too short-sighted in its view of the Presidency as an institution. Granted, the Unitary Executive has only existed as a named theory since the Reagan Administration, Kelly gives additional credence to the Unitary Executive by acknowledging it as a newly thought-up and developed source of Presidential authority, rather than a copy of what every other administration has done to assume power only to be rebuked later. Claiming that the Constitution gives more power to the Executive than what the Courts or Congress believe to be true is nothing new. Kelly, however, allows Yoo and Calabresi to frame history with the unitary executive. Yoo and Calabresi would have us believe that the history of Presidential administrations using a Unitary Executive gives weight to the Bush assumption of power now. However, history describes quite the contrary. The Unitary Executive as a precedent of Executive authority is a farce. Balance of powers between three coequal branches, not the Unitary Executive, has always prevailed in U.S. history. Th e latest trend of Presidential power seeking comes in the name of the Unitary Executive. Schlesinger comments: we have noted that corruption appears to visit the White House in fifty-year cycles. This suggests that exposure and retribution inoculate the Presidency against its latent criminal impulses for about half a century. Around the year 2023 the American people would be well advised to go on the alert and start nailing down everything in sight. Perhaps this cycle’s half-life is increasing; 25 years instead of 50. This Unitary Executive will surely struggle in a shared-government system. The President must have support from other branches of government in order to govern. We have seen this failure in the Bush administration. Robert Novak claims, “With nearly two years remaining in his Presidency, George W. Bush is alone. In half a century, I have not seen a President so isolated from his own party in Congress -- not Jimmy Carter, not even Richard Nixon as he faced impeachment.”lxix We have seen the consequences of administrations that seek too much power before. And, indeed we see them today. Bush’s permission from Congress has been halted by the democracy’s vote in the 2006 elections, and the the Courts have not yet abdicated in their duty, despite Bush’s appointments of “Unitary Executive” subscribers, Roberts and Alito. So far, Bush has had his own electoral and judicial knock-downs and is now facing unfriendly (as well as friendly) fire from Congress. Chairman Waxmanlxx and Leahylxxi are guaranteeing testimony, investigation, and subpoenas. The ebb and flow of Presidential power continues, no matter the authority the administration claims to have via the Constitution. The historical context of Presidential power provides extensive anecdotes to the fluctuations of authority allowed for the White House. While there should always be concern for the proper constitutional balance of powers between the three branches of government, the U.S. government is enriched with protections that seem to allow the correction of undue power in one branch over time. While a Unitary Executive may soon be accepted by the Courts, the Constitution will always protect the powers of the Congress and the Courts to check the Executive Branch. It seems to be far too premature to call America a fascist state. Rather, we have an Executive Branch that has successfully obtained an unauthorized amount of power that is (and has been) Constitutionally balanced by Congressional oversight and judicial review; the current administration’s abuse of power is a good reminder that the delicately calibrated balance of our government exists only if and when our public servants in the other two branches are proactive and act to maintain their important position vis a vis the Executive Branch. Yoo and Calabresi are steadfast in their attempt to remove this delicate balance and place it in a historical context that is only partially supported. While Kelly may be too short-sighted in his analysis, Yoo and Calabresi seem to be perverting hind-sight to develop their own thesis. What do they have to gain from such re-writing of history? The answer may be provided by Umberto Eco’s Essay on “Eternal Fascism: Fourteen Ways of Looking at a Blackshirt.” Umberto Eco discusses the dangers of fascism and the ways in which fascist ideologies and tendencies become engrained into a political discourse. The first step is to have a “cult of tradition.” For Eco, the cult of tradition is the situation wherein a set ideology or a patent way of thinking comes to be dominant because people believe it has always been dominant. In Eco’s words, “the truth has already been announced once and for all”, there can be no advancement of learning: “all we can do is continue interpreting its [tradition’s] obscure message.” lxxii Essentially, the cult of tradition functions as a self-fulfilling prophecy. Yoo and Calabresi are attempting to establish this cult of tradition and date it to the Washington administration. However, it wasn’t until Yoo was in Reagan’s Office of Legal Council that such an interpretation of the Constitution was engendered. By rewriting history, they selectively pick and choose which elements of history to include in their account. By presenting as their evidence past presidents’ administrations, they plant the idea that the unitary executive is, simply, “the way it has always been.” This is particularly insidious because it trains people’s minds to be prepared to accept even more presidential authority because of the “rich historical” context. If Yoo and Calabresi’s ideas were to become dominant, unquestioned, the “truth has already been announced once and for all” that the unitary executive theory is right and proper. Yoo and Calabresi, despite historians’ contrary interpretation of events continue to defend that this tradition of a Unitary Executive exists. As Eco explains, “each of the original messages contains a sliver of wisdom, and although they seem to say different or incompatible things, they all are nevertheless alluding, allegorically, to the same primeval truth.”lxxiii This “truth,” as Yoo and Calabresi would have us see it, is nothing other than an elaborate fable invented by and defended by the Bush administration so that they may proceed in overextending presidential authority, surpassing Constitutional limits—and do so in the name of a historical context, a context that historians fail to acknowledge exists. While the American government is well protected by precedent that establishes a secure balance of power between three co-equal branches, Americans should beware the re-writing of history. The fascist threats are not the actions of the current Bush administration—those things will hopefully be resolved in the end through Court decisions, Congressional action, and the democratic process. However, the real threat comes from Unitary Executive cronies like Yoo and Calabresi, who are attempting desperately to establish a well-documented precedent of the Unitary Executive. Kelly explains “when a precedent is established, the courts are reluctant to find the action unconstitutional if it has gone unanswered by the Congress."lxxiv Congress and the American people must not be convinced of the cult of tradition invented by Yoo and Calabresi. The lessons learned from past administrations, especially those of Lincoln and Truman, is that our government works best not as an autocracy, but as a representative democracy. As Justice Davis stated, “the Constitution has all the powers granted to it which are necessary to preserve its existence.” lxxv We should be careful not to allow Presidents or their advisors—though deemed “legal scholars” and “historians”-- to convince us otherwise.

## Pres Powers DA 2AC

#### Deference kills pres-powers in the long term.

**Margulies 2009**

[Peter, Professor of Law, Roger Williams University, THE WAGES OF PLAYING FOR TIME:¶ AVOIDANCE DOCTRINES AND INTERPRETIVE¶ METHOD IN NATIONAL SECURITY AND FOREIGN RELATIONS CASES]

The response to advocates of presidential power accepts their general thesis on the advantages of presidential action, but queries whether deference best preserves the president’s discretion over the long term. Although some advocates for deference acknowledge that the executive can act in haste, they view judicial intervention as a cure worse than the disease.341 Moreover, the most sophisticated presidential power advocates, who argue that emergency powers usually have no long-term impact on rights,342 discount the tendency of moral hazard to produce volatility in the form of a backlash against executive excesses. The presidential power advocates argue descriptively for a cycling thesis in which courts and public opinion curb emergency powers once the occasion for the emergency fades, thereby leading to new threats that eventually produce renewed deference.343 However, the presidential power advocates fail to consider whether moral hazard encourages a greater than optimal level of executive overreaching, thereby leading to cycling of greater than optimal amplitude. If the executive felt somewhat greater constraints from courts ab initio, overreaching might decrease along with unnecessary volatility. The result might be a higher overall level of both liberty and security.

#### Obama’s decisions are hurting presidential powers now, even setting the precedent for lower powers in the future.

 **Yoo 2013**

[-John, WSJ, John Yoo: Diminishing the Presidency online.wsj.com/article/SB10001424127887323375204578271681410646810.html]

A year ago this month, President Obama bypassed the Senate's advice-and-consent power by naming three new members to the National Labor Relations Board and appointing Richard Cordray to head the Consumer Financial Protection Bureau. Mr. Obama declared that these were "recess" appointments even though the Senate—by its own definition—remained in session. The D.C. Circuit Court of Appeals on Friday unanimously struck down these unilateral appointments, but the three-judge panel's decision in Noel Canning v. NLRB did more than knock a few people out of work and effectively nullify a year's worth of rules that eased union organizing and regulated mortgages and credit cards. Judge David Sentelle, given an opening by the unprecedented White House power grab, issued a ruling that has profound ramifications for the office of the presidency. He and judge Karen Henderson rejected the very idea of "intra-session recess appointments." Mr. Obama thus has jeopardized a vital executive power for all future presidents. Senate advice and consent serves as an important counterweight in the unending struggle between the president and Congress. The Constitution, however, allows presidents to temporarily fill "vacancies that may happen during the recess of the Senate," because in the late 18th century legislative sessions were short and breaks could last as long as nine months. Enlarge Image image Chad Crowe Since 1823, presidents have filled offices that opened even while Congress was in session, on the legal fiction that the vacancies continue to "happen" when the recess came. In the early 20th century, presidents also claimed that, in addition to the official break between a Congress's first and second years, a short Senate adjournment constituted a recess when unilateral appointments could be made. Mr. Obama's defenders may claim that his exercise of appointment power differed little from that of his predecessors. President George W. Bush, for example, appointed William Pryor in 2004 as a federal judge and John Bolton as U.N. ambassador in 2005 during Senate adjournments. President Bush acted after he became frustrated with Senate inaction on his nominees. He was also frustrated by Majority Leader Harry Reid's maneuver, beginning in 2007, to keep the body in "pro forma" session where it continued to meet but no important business was conducted. But Mr. Bush respected the Senate's authority over its own rules, and he declined to unilaterally select officials in violation of the Appointments Clause. Not so Mr. Obama, whose unwarranted use of executive authority has provoked the D.C. Circuit to reverse 190 years of constitutional practice. Though the Senate remained in session last January and even passed major legislation during that time, Mr. Obama went ahead and appointed the NLRB and CFPB officials anyway. The Justice Department argued that the president could decide for himself whether the Senate was really in session and whether it was "genuinely capable of exercising its constitutional function." Under the Constitution's separation of powers, each branch of government sets its own internal rules. Only the Senate can decide to allow a filibuster. Only justices decide to issue written opinions, or decide cases by majority vote. The president chooses to whom he listens, with whom he discusses, and through whom he transmits his decisions. Mr. Obama, however, claimed the right to judge the legitimacy of the other branches' proceedings—a seizure of power unheard of in American history. A future president employing this power could ignore legislation that he thought insufficiently debated, recognize laws that had not met the filibuster's 60-vote requirement, or only enforce unanimous Supreme Court decisions. In Noel Canning, Judge Sentelle confronted more than one instance of executive overreach. Mr. Obama has also distorted the Framers' presidency into an instigator of domestic revolution, rather than as the protector of the national security and the enforcer of the laws. As Alexander Hamilton explained in Federalist 70, an energetic executive "is essential to the protection of the community against foreign attacks; it is not less essential to the steady administration of the laws." The Bush administration made decisions that risked conflict with congressional policy. They were made during the 9/11 attacks to protect national security against an unforeseen enemy who refused to fight according to the rules of civilized warfare. This was in keeping with the Constitution's design. Only the president can respond with the"decision, activity, secrecy, and dispatch," in the words of Federalist 70, to confront an immediate emergency. Mr. Bush made grave choices—on Guantanamo Bay, war in Afghanistan, tough interrogation and aggressive wiretapping of terrorist communications—not for narrow partisan advantage or to improve his re-election chances. He defended the president's constitutional authority over what the Federalist calls "the direction of war" to stop future terror attacks. A glance at the extensive listing of Congress's prerogatives in Article I, Section 8 of the Constitution makes clear that the Framers had no such expectations of the president at home. They understood that Congress would exercise the primary power to legislate with regard to domestic affairs, and the president's main power to restrain the legislature was with a veto. Mr. Obama, however, has wasted his office's constitutional capital for domestic advantage. He did not fill a vital office during a time of crisis; instead his appointments to the NLRB rewarded constituencies vital to his re-election and burnished his populist credentials. This is of a piece with another unprecedented exercise of executive power: Mr. Obama's refusal to enforce laws that he dislikes. His Justice Department, for instance, will not deport illegal immigrants as required by law. Mr. Obama's abdication of a core constitutional responsibility as a way of advancing his political fortunes is a remarkable and troubling turn in the history of the presidency. Judge Sentelle's opinion best captures the Framers' original understanding of the Appointments Clause, but the case will almost certainly be appealed to the Supreme Court. The ruling is in conflict with the decisions of other federal courts, offers a broad holding on when a vacancy "may happen," and has significant regulatory impact. The justices could avoid a broader confrontation with the president—this is the court, after all, that shied away from striking down ObamaCare—by finding that the Senate was in session and dispatching the NLRB's rump officers in short order. The administration, however, is not helping itself: The NLRB officials are openly disobeying the D.C. Circuit's ruling by continuing to stay in their posts and conduct business, one must assume with the White House's approval. (See Notable & Quotable nearby.) Every president should seek to leave the office stronger than when he found it. The Framers understood that the future's challenges could not be anticipated, and so the executive's powers should not be wasted for short-term political advantage. Mr. Obama holds the prospect of leaving a diminished presidency that will put his successors in a far worse position than the one he inherited. That, unfortunately, will prove to be his historical legacy unless he changes course.

## Case 2AC

**No data supports the blowback or radicalization thesis**

Michael Aaronson 13, Professorial Research Fellow and Executive Director of cii – the Centre for International Intervention – at the University of Surrey, and Adrian Johnson, Director of Publications at RUSI, the book reviews editor for the RUSI Journal, and chair of the RUSI Editorial Board, “Conclusion,” in Hitting the Target?: How New Capabilities are Shaping International Intervention, ed. Aaronson & Johnson, http://www.rusi.org/downloads/assets/Hitting\_the\_Target.pdf

Unintended detrimental consequences of intervention – ‘blowback’– are by no means a new phenomenon, nor an inherent feature of drone versus other kinds of strikes. A widespread view holds that drones are fuelling a political and societal backlash against the US.15 Worse, unintended civilian deaths may be creating new grievances, driving new recruits to join terrorist groups, and undermining the legitimacy of the very governments the US is trying to bolster.16 In other words, the covert drone programme is radical Islamism’s latest recruiting sergeant.17

This is contested, as is inevitable when relying on anecdotal evidence. Some data suggest that the effect is overblown – one analyst conducting fieldwork in Yemen found very little causation between drone strikes and radicalisation.18 The lack of information is a major problem for both policymakers and the public in attempting to definitively determine the strategic impact of any intervention, not just drone strikes. Here, again, the secrecy of the CIA programme is an obstacle – what data we do have on it comes from leaks, rather than systematic analysis.19 Neither is the US alone guilty of secrecy; in the aftermath of the UN Special Rapporteur’s report on the legality of drone strikes in Pakistan, one might note that the Pakistani government’s complaints to the Special Rapporteur seem to be contradictory given what is known from WikiLeaks documents about private approval.20

A lack of data may mean that talk of blowback is misguided, or it might not; Hastings Dunn and Wolff offer some clarity on the relationship between targeting policy and public anger in this regard. A bigger issue is that media reports tend to be unreliable from regions like the FATA, particularly when weapons forensics experts – who would be able to determine, for instance, what kind of weapon system has caused what kind of damage – cannot reach these areas.21 Ultimately, the information problem may mean that we cannot conclude whether anti-Americanism or fragile support for local regimes is caused by or coincident with drone strikes. This highlights the importance of casualty-recording and damage assessment, outlined in this report, to the strategic conduct of intervention.

**OR blowback’s inevitable---local governments will always deflect blame**

Amitai Etzioni 12, senior advisor to the Carter White House; taught at Columbia University, Harvard and The University of California at Berkeley; and is a university professor and professor of international relations at The George Washington University, 4/2/12, “In Defense of Drones,” http://nationalinterest.org/commentary/defense-drones-6715

What about collateral damage? Rohde notes that “across Pakistan, there's a belief that the overwhelming majority of people killed in these strikes are simply civilians.” Actually, he candidly notes, “roughly 70 to 90 percent of those killed are actually militants.” Rohde hence says that he “would involve local governments, and force Pakistan and Yemen . . . [and] Somalia as well to support” the drones so they would be less misunderstood and hence could be used, albeit on a less “extraordinary” scale.

If wishes were horses, beggars would ride. The notion that if we ask these governments to explain to their people what’s up—including that while they are providing us with targeting information they denounce the drones—they would do so (or that we could make them speak truth to their people) is a lovely sociological fantasy.

**Aggressive targeted killing policy’s key to stability in Yemen**

Alan W. Dowd 13, writes on national defense, foreign policy, and international security in multiple publications including Parameters, Policy Review, The Journal of Diplomacy and International Relations, World Politics Review, American Outlook, The Baltimore Sun, The Washington Times, The National Post, The Wall Street Journal Europe, The Jerusalem Post, and The Financial Times Deutschland, Winter-Spring 2013, “Drone Wars: Risks and Warnings,” Parameters, Vol. 42.4/43.1

At the beginning of President Hadi’s May offensive he, therefore, had a fractured army and a dysfunctional air force. Army leaders from competing factions were often disinclined to support one another in any way including facilitating the movement of needed supplies. Conversely, the air force labor strike had been a major setback to the efficiency of the organization, which was only beginning to operate as normal in May 2012. Even before the mutiny, the Yemen Air Force had only limited capabilities to conduct ongoing combat operations, and it did not have much experience providing close air support to advancing troops. Hadi attempted to make up for the deficiencies of his attacking force by obtaining aid from Saudi Arabia to hire a number of tribal militia fighters to support the regular military. These types of fighters have been effective in previous examples of Yemeni combat, but they could also melt away in the face of military setbacks.

Adding to his problems, President Hadi had only recently taken office after a long and painful set of international and domestic negotiations to end the 33-year rule of President Saleh. If the Yemeni military was allowed to be defeated in the confrontation with AQAP, that outcome could have led to the collapse of the Yemeni reform government and the emergence of anarchy throughout the country. Under these circumstances, Hadi needed every military edge that he could obtain, and drones would have been a valuable asset to aid his forces as they moved into combat. As planning for the campaign moved forward, it was clear that AQAP was not going to be driven from its southern strongholds easily. The fighting against AQAP forces was expected to be intense, and Yemeni officers indicated that they respected the fighting ability of their enemies.16

Shortly before the ground offensive, drones were widely reported in the US and international media as helping to enable the Yemeni government victory which eventually resulted from this campaign.17 Such support would have included providing intelligence to combatant forces and eliminating key leaders and groups of individuals prior to and then during the battles for southern towns and cities. In one particularly important incident, Fahd al Qusa, who may have been functioning as an AQAP field commander, was killed by a missile when he stepped out of his vehicle to consult with another AQAP leader in southern Shabwa province.18 It is also likely that drones were used against AQAP fighters preparing to ambush or attack government forces in the offensive.19 Consequently, drone warfare appears to have played a significant role in winning the campaign, which ended when the last AQAP-controlled towns were recaptured in June, revealing a shocking story of the abuse of the population while it was under occupation.20 Later, on October 11, 2012, US Secretary of Defense Leon Panetta noted that drones played a “vital role” in government victories over AQAP in Yemen, although he did not offer specifics.21 AQAP, for its part, remained a serious threat and conducted a number of deadly actions against the government, although it no longer ruled any urban centers in the south.

## 1AR Case

**Signature strikes are key to thin the ranks of Al-Qaeda---they make it impossible for militants to keep pace with their rates of losses**

Philip Mudd 13, was a senior official at the CIA and the FBI, now director of global risk at SouthernSun Asset Management, 5/24/13, “Fear Factor,” http://www.foreignpolicy.com/articles/2013/05/24/fear\_factor\_signature\_strikes

The impact of armed drones during the decade-plus of this intense global counterterrorism campaign is **hard to overestimate**: Without operational commanders and visionary leaders, **terror groups decay** into locally focused threats, or **disappear** altogether. Targeted strikes against al Qaeda leaders and commanders in the years immediately after 9/11 **deprived the group of the time and stability required to plot a major strike**. But the London subway attacks in July 2005 illustrated the remaining potency of al Qaeda's core in the tribal areas of Pakistan. The threat was fading steadily. But not fast enough.

So-called signature strikes -- in which target selection is based not on identification of an individual but instead on patterns of behavior or unique characteristics that identify a group -- **accelerated this decline** for simple reasons. Targeting leadership degrades a small percentage of a diffuse terror group, but developing the tactical intelligence required to locate an individual precisely enough to stage a pinpoint strike, in a no-man's land half a world away, is time-consuming and difficult. And it's not a perfect science; the leaders of groups learn over time how to operate more securely. Furthermore, these leaders represent only a fraction of the threat: Osama bin Laden might have been the public face of al Qaeda, but he was supported by a web of document-forgers, bombmakers, couriers, trainers, ideologues, and others. They **made up the bulk of al Qaeda** and propelled the apparatus that planned the murder of innocents. Bin Laden was the revolutionary leader, but it was the troops who executed his vision.

**Signature strikes have pulled out these lower-level threads of al Qaeda's apparatus** -- and that of its global affiliates -- rapidly enough that the deaths of top leaders are now more than matched by the destruction of the complex support structure below them. Western conceptions of how organizations work, with hierarchal structures driven by top-level managers, do not apply to al Qaeda and its affiliates. These groups are instead conglomerations of militants, operating independently, with rough lines of communication and fuzzy networks that cross continents and groups. They are hard to map cleanly, in other words. **Signature strikes take out whole swaths of these network sub-tiers rapidly -- so rapidly that the groups cannot replicate lost players** and their hard-won experience. The tempo of the strikes, in other words, adds sand to the gears of terror organizations, **destroying their operational capability faster than the groups can recover**.

2. leadership

**Drones solve leadership decapitation – turns quality arg**

Patrick B. Johnston 13, Associate Political Scientist, RAND Corporation, and Anoop Sarbahi, postdoctoral scholar in the Department of Political Science at the University of California, Los Angeles, July 2013, “The Impact of U.S. Drone Strikes on Terrorism in Pakistan and Afghanistan,” <http://patrickjohnston.info/materials/drones.pdf>

We expect drone strikes that kill terrorist leaders will be associated with reductions in terrorist attacks. Previous research convincingly demonstrates that conducting effective terrorist attacks requires skilled individuals, many of whom are well-educated and come from upper middle- class backgrounds. 21 Indeed, captured documents containing detailed biographical data on foreign al Qa’ida militants in Iraq illustrate that among the foreign terrorists—who are conventionally known to be more sophisticated than local fighters—their most commonly listed “occupation” prior to arriving in Iraq was that of “student.” For militants for whom information on “experience” was available, “computers” was the most commonly listed experience type, just ahead of “weapons.”22

In the context of northwest Pakistan, where militant freedom of movement is limited by the threat of drone strikes, we expect that militant groups will be unable to replace senior leaders killed in drone strikes because recruiting and deploying them, perhaps from a foreign country with a Salafi jihadist base, will be costly and difficult. This is not to say that leaders killed in drone strikes are irreplaceable. On the contrary, other militants are likely to be elevated within their organization to replace them. But we also anticipate that those elevated to replace killed leaders will be, on average, of lower quality to the organization than their predecessors. Thus, we predict that the loss of leaders will be associated with the degradation of terrorists’ ability to produce violence. This logic implies Hypothesis 3:

H3: All else equal, drone strikes that kill one or mor e terrorist leader(s) will lead to a decrease in terrorist violence.

**Data proves**

Patrick B. Johnston 13, Associate Political Scientist, RAND Corporation, and Anoop Sarbahi, postdoctoral scholar in the Department of Political Science at the University of California, Los Angeles, July 2013, “The Impact of U.S. Drone Strikes on Terrorism in Pakistan and Afghanistan,” <http://patrickjohnston.info/materials/drones.pdf>

Given that killing terrorist leaders or HVIs in terrorist organizations is the purpose of drone strikes, we evaluate whether patterns of militant attacks differ following strikes in which a militant leader was killed. Table 3 provides tests of Hypotheses 3 and 4 against the four metrics of militant violence examined here using the same 2FESL specifications as in table 2. The results are largely consistent with Hypothesis 3—that killing militant leaders is associated with decreased violence. There is little support for Hypothesis 4, that killing HVIs has counterproductive effects on violence. Controlling for the number of drone strikes per agency-week, the first column of table 3 shows that drone strikes that kill a HVI are associated with reductions in the number of militant incidents that occur. This result is statistically significant at the one-percent level. There is, however, weaker evidence that HVI removals reduce militant lethality and IED attacks.45

Overall, the evidence is somewhat consistent with the argument that individuals matter for a terrorist organization’s ability to produce violence at sustained rates. Along with other evidence from macro-level studies of leadership decapitation, the present results suggest that critics who argue against the efficacy of removing key figures may be overemphasizing the extent to which such individuals can be readily replaced.46

**No public backlash in Yemen---just as many people love them as hate them**

Max Boot 13, the Jeane J. Kirkpatrick Senior Fellow in National Security Studies at the Council on Foreign Relations, 2/6/13, “Obama Drone Memo is a Careful, Responsible Document,” http://www.commentarymagazine.com/2013/02/06/obama-drone-memo-is-a-careful-responsible-document/

Drone strikes are by no means risk free, the biggest risk being that by killing innocent civilians they will cause a backlash and thereby create more enemies for the U.S. than they eliminate. There is no doubt that some of these strikes have killed the wrong people–as the New York Times account highlights in one incident in Yemen. There is also little doubt, moreover, that drone strikes are no substitute for a comprehensive counterinsurgency and state-building policy designed to permanently safeguard vulnerable countries such as Pakistan, Yemen, Somalia, Libya, and Mali from the incursions of radical jihadists. But drone strikes have been effective in disrupting al-Qaeda operations and they have been conducted with less collateral damage and more precision than in the past.

It is hard to assess what impact they have had on public opinion in countries such as Yemen and Pakistan, but there is at least as much evidence that these strikes are applauded by locals who are terrorized by al-Qaeda thugs as there is evidence that the strikes are reviled for killing fellow clansmen. As the Times notes: “Although most Yemenis are reluctant to admit it publicly, there does appear to be widespread support for the American drone strikes that hit substantial Qaeda figures like Mr. Shihri, a Saudi and the affiliate’s deputy leader, who died in January of wounds received in a drone strike late last year.”

**There’s no impact to anti-drones backlash**

Stephen Holmes 13, the Walter E. Meyer Professor of Law, New York University School of Law, July 2013, “What’s in it for Obama?,” The London Review of Books, <http://www.lrb.co.uk/v35/n14/stephen-holmes/whats-in-it-for-obama>

This is the crux of the problem. We stand at the beginning of the Drone Age and the genie is not going to climb back into the bottle. The chances that this way of war will, over time, reduce the amount of random violence in the world are essentially nil. Obama’s drone policy has set an ominous precedent, and not only for future residents of the White House. It promises, over the long term, to engender more violence than it prevents because it excites no public backlash. That, for the permanent national security apparatus that has deftly moulded the worldview of a novice president, is its irresistible allure. It doesn’t provoke significant protest even on the part of people who condemn hit-jobs done with sticky bombs, radioactive isotopes or a bullet between the eyes – in the style of Mossad or Putin’s FSB. That America appears to be laidback about drones has made it possible for the CIA to resume the assassination programme it was compelled to shut down in the 1970s without, this time, awakening any politically significant outrage. It has also allowed the Pentagon to wage a war against which antiwar forces are apparently unable to rally even modest public support.

## 1AR Debt Ceiling

Won’t pass---GOP spending cuts strategy

**Bloomberg 10-3** – Bloomberg News, 12:43PM ET, 10/3/13, “Republicans Said to Plan Debt-Limit Measure Amid Shutdown,” <http://www.bloomberg.com/news/2013-10-03/republicans-said-to-plan-debt-limit-measure-amid-shutdown.html>

House Majority Leader Eric Cantor of Virginia indicated that Republicans and Democrats should negotiate their differences on government spending and increasing the nation’s borrowing authority at one time. Republicans want to “sit down and talk to resolve our differences” on both issues, Cantor told reporters today at the U.S. Capitol. House Republican leaders are weighing their next move in a standoff that has shut down the government and risks a U.S. default in two weeks. They plan to bring up a measure to raise the U.S. debt-limit as soon as next week as part of a new attempt to force President Barack Obama to negotiate on the budget, according to three people with knowledge of the strategy. The approach would merge the disputes over ending the partial government shutdown and raising the debt ceiling into one fiscal fight. “I’d like to get one agreement and be done,” House Majority Whip Kevin McCarthy told reporters yesterday without offering details. Cantor didn’t provide details on when Republicans will introduce a measure to raise the debt ceiling. Leaders will meet with rank-and-file members behind closed doors tomorrow morning to discuss the next move. No Incentive Republican leaders are attempting to pair their party’s priorities with a debt-limit increase, a plan they shelved last month to focus on a stopgap measure to fund the government in the new fiscal year. The goal is to have a bill ready in the coming days, even without resolving the partial government shutdown, according to a Republican lawmaker and two leadership aides who asked not to be identified to discuss the strategy. There’s no incentive for the Republican-controlled House to take up a Senate-passed short-term measure without add-ons because many lawmakers don’t yet feel the effects of the government shutdown now in its third day, the people said.

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

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

GOP puts new price on debt hike (Video) Rank-and-file members want Speaker John Boehner (R-Ohio) to return to the so-called “Boehner Rule,” which they say means any debt limit hike must be matched by an equal amount of spending cuts. An earlier GOP measure to raise the debt ceiling included a host of GOP priorities, including defunding ObamaCare and constructing the Keystone XL pipeline, but not dollar-for-dollar spending cuts. Now, as it looks increasingly like the government shutdown fight will be paired with raising the debt ceiling, Republicans are pushing hard for a strong opening bid and are adamant that changes to entitlement programs be included in any final deal. “The American people are realizing that spending has got to be brought under control,” said Rep. Marsha Blackburn (R-Tenn.). “I want three dollars’ worth of cuts for any dollar [of debt limit increase.]” Washington is struggling to find a way out of the standoff over the government shutdown with the Oct. 17 deadline for raising the debt ceiling fast approaching. The earlier GOP plan has been shelved, but a spokesman for Boehner on Wednesday said it technically met the Boehner Rule when taking into account both cuts and economic growth. Rep. Kevin Brady (R-Texas), who released an economic report touting the benefits of the earlier plan, told The Hill on Wednesday that his colleagues are looking for more “meaningful” cuts, particularly on entitlements. “It’s very much in play,” he said of the dollar-for-dollar approach. “Discretionary savings were modest but important, but really to get a handle on our finances, we’ve got to really start to save the entitlements.” Asked what he wants on the debt ceiling deal, Rep. Marlin Stutzman (R-Ind.) quickly replied, “dollar-for-dollar cuts.” “We’ve got to start getting control of our spending,” he added. “I’d like to see us even address entitlement programs.” In private, many in the financial industry are growing increasingly concerned about a possible default, given the broad gap between the two parties and the shrinking timeline for action. President Obama has repeatedly said he will not negotiate over raising the debt limit even as he called congressional leaders to the White House on Wednesday to discuss both the shutdown and debt ceiling. Some speculate stocks must crash to get the sides to compromise. “People are willing to risk it all, the credibility of the country … for political reasons,” said one banking lobbyist. “You let the market fall by 400 or 500 points and watch the constituent calls start to come in.” The president huddled Wednesday with the heads of the nation’s largest financial institutions, who reiterated their concern over using the debt limit as a political tool. “Individual members of our group represent every point on the political spectrum,” Goldman Sachs head Lloyd Blankfein told reporters after the private meeting. “You can litigate these policy issues, you can re-litigate these policy issues in a public forum, but they shouldn’t use the threat of causing the U.S. to fail on its obligation to repay debt as a cudgel.” Republicans have long argued they have public opinion on their side in the debt fight, but a new poll released Wednesday by CNN/ORC International found that a majority of the public believe failing to raise the debt limit would be a bad thing for the nation. Only 38 percent said it would be a positive. A Quinnipiac University poll released one day earlier found 64 percent opposed blocking a debt-limit boost, while 27 percent favored it. Those results suggest a significant shift from earlier polling, which typically found a large number of Americans opposed to hiking the borrowing limit. A Sept. 13 poll from NBC News and The Wall Street Journal found twice as many Americans opposed a debt limit boost than supported it. Republicans insist they will have leverage in the debt-ceiling talks with the White House.

No debt ceiling econ impact

Tom Raum 11, AP, “Record $14 trillion-plus debt weighs on Congress”, Jan 15, <http://www.mercurynews.com/news/ci_17108333?source=rss&nclick_check=1>

Democrats have use doomsday rhetoric about a looming government shutdown and comparing the U.S. plight to financial crises in Greece and Portugal. It's all a bit of a stretch. "We can't do as the Gingrich crowd did a few years ago, close the government," said Senate Majority Leader Harry Reid (D-Nev.), referring to government shutdowns in 1995 when Georgia Republican Newt Gingrich was House speaker. But those shutdowns had nothing to do with the debt limit. They were caused by failure of Congress to appropriate funds to keep federal agencies running. And there are many temporary ways around the debt limit. Hitting it does not automatically mean a default on existing debt. It only stops the government from new borrowing, forcing it to rely on other ways to finance its activities. In a 1995 debt-limit crisis, Treasury Secretary Robert Rubin borrowed $60 billion from federal pension funds to keep the government going. It wasn't popular, but it helped get the job done. A decade earlier, James Baker, President Ronald Reagan's treasury secretary, delayed payments to the Civil Service and Social Security trust funds and used other bookkeeping tricks to keep money in the federal till. Baker and Rubin "found money in pockets no one knew existed before," said former congressional budget analyst Stanley Collender. Collender, author of "Guide to the Federal Budget," cites a slew of other things the government can do to delay a crisis. They include leasing out government-owned properties, "the federal equivalent of renting out a room in your home," or slowing down payments to government contractors. Now partner-director of Qorvis Communications, a Washington consulting firm, Collender said such stopgap measures buy the White House time to resist GOP pressure for concessions. "My guess is they can go months after the debt ceiling is not raised and still be able to come up with the cash they need. But at some point, it will catch up," and raising the debt limit will become an imperative, he suggested.