# 1NC

#### Congress will raise the debt ceiling now -

Taylor 9/12/13 (Andrew, Associated Press, GOP Leaders Confounded on Stopgap Spending Bill")

The speaker met Wednesday with Treasury Secretary [Jacob Lew](http://www.ctpost.com/?controllerName=search&action=search&channel=news%2Fpolitics&search=1&inlineLink=1&query=%22Jacob+Lew%22) — an adversary from the 2011 budget and debt negotiations — and presented him with a list of examples in which debt ceiling legislation has been paired with budget cuts. Such examples including budget pacts in 2011, 1997 and 1990.¶ "For decades the White House, the [Congress](http://www.ctpost.com/?controllerName=search&action=search&channel=news%2Fpolitics&search=1&inlineLink=1&query=%22Congress%22) have used the debt limit to find bipartisan solutions on the deficit and the debt. Now these types of changes were signed into law by Presidents Reagan, Bush, Clinton — and President Obama himself two years ago," Boehner said. The administration says is won't negotiate on the debt limit after Republicans used it in 2011 to demand spending cuts.¶ On numerous other occasions, including seven instances during the administration of [George W. Bush](http://www.ctpost.com/?controllerName=search&action=search&channel=news%2Fpolitics&search=1&inlineLink=1&query=%22George+W.+Bush%22), Republicans have delivered support for debt ceiling increases without any spending cuts attached. That's what the administration and Democrats are demanding now, and they're confident that Republicans have less leverage than they think.¶ "If push comes to shove on debt ceiling, I'm virtually certain they blink," Sen. [Chuck Schumer](http://www.ctpost.com/?controllerName=search&action=search&channel=news%2Fpolitics&search=1&inlineLink=1&query=%22Chuck+Schumer%22), D-N.Y., said. "They know they shouldn't be playing havoc with the markets."

#### The plan is a huge loss for Obama –Democrats cracking down on war powers makes Obama look weak

Paterno 6/23/2013 (Scott, Writer for Rock the Capital, “Selfish Obama” http://www.rockthecapital.com/06/23/selfish-obama/)

Now we have a Democratic president who wants to make war and does not want to abide by the War Powers Resolution. But rather than truly test the constitutionality of the measure, he is choosing to simply claim that THIS use of US military power is not applicable.¶ This is an extraordinarily selfish act, and one liberals especially should fear. POTUS is setting a precedent that subsequent presidents will be able to use – presidents that the left might not find so “enlightened.” Left as is, President Obama has set a standard where the president can essentially attack anywhere he wants without congressional approval for as long as he wants so long as he does not commit ground forces.¶ That is an extraordinarily selfish act. Why selfish? Because the president is avoiding congress because he fears a rebuke – from his own party, no less. The politically safe way to both claim to be decisive and to not face political defeat at the hands of Democrats – a defeat that would signal White House weakness – is to avoid congress all together. Precedent be damned, there is an election to win after all.

#### Political capital is necessary – the budget is the litmus test for Obama

Wolf 9/12/13 (Z. Byron, "Analysis: Is Obama A Winner or Loser on Syria")

The president just seems to be very uncomfortable with being commander in chief of this nation," Corker said, although he added that he hopes the new diplomatic track pans out.¶ "He just can't follow through," said Corker, who was clearly frustrated that the president hadn't made a stronger argument to the nation that when an American president draws a red line, no country should be able to cross it without repercussions.¶ Obama will need senators like Corker to work with him now that Syria has been paused on Capitol Hill. Given Americans' continued focus on the economy, this president may be judged more for how he handles the looming two-headed fiscal dragon of government funding and debt ceiling authority.¶ Those issues will fester over the next two weeks until government funding runs out October 1 and the debt limit is reached [as soon as October 18](http://money.cnn.com/2013/09/10/news/economy/debt-ceiling-bills-coming-due/index.html).¶ On those matters, he's not going to get any help from Putin. He must figure out how to work with Congress.

#### Failure to raise the debt ceiling has economic ripple effects – investor uncertainty

Masters 13 (Jonathan, Deputy Editor at the Council on Foreign Relations, Backgrounder, jan 2 2013"US Debt Ceiling. Costs and Consequences")

Most economists, including those in the White House and from former administrations, agree that the impact of an outright government default would be severe. Federal Reserve Chairman Ben Bernanke has said a U.S. default could be a ["recovery-ending event"](http://blogs.wsj.com/economics/2011/03/01/bernanke-warns-on-debt-limit-chaos/) that would likely spark another financial crisis. Short of default, officials warn that legislative delays in raising the debt ceiling could also inflict significant harm on the economy.¶ Many analysts say congressional gridlock over the debt limit will likely sow significant uncertainty in the bond markets and place upward pressure on interest rates. Rate increases would not only hike future borrowing costs of the federal government, but would also raise capital costs for struggling U.S. businesses and cash-strapped homebuyers. In addition, rising rates could divert future taxpayer money away from much-needed federal investments in such areas as infrastructure, education, and health care.¶ The protracted and politically acrimonious debt limit showdown in the summer 2011 prompted Standard and Poor's to take the unprecedented step of downgrading the U.S. credit rating from its triple-A status, and analysts fear such brinksmanship in early 2013 could bring about similar moves from other rating agencies.¶ A 2012 study by the non-partisan Government Accountability Office estimated that [delays in raising the debt ceiling](http://www.gao.gov/products/GAO-12-701) in 2011 cost taxpayers approximately $1.3 billion for FY 2011. BPC estimated the ten-year costs of the prolonged fight at roughly $19 billion.¶ The stock market also was thrown into frenzy in the lead-up to and aftermath of the 2011 debt limit debate, with the [Dow Jones Industrial Average](http://www.bizjournals.com/nashville/news/2011/08/08/slideshow-dows-10-worst-days-ever.html) plunging roughly 2,000 points from the final days of July through the first days of August. Indeed, the Dow recorded one of its worst single-day drops in history on August 8, the day after the S&P downgrade, tumbling 635 points.¶ Speaking to the [Economic Club of New York](http://www.reuters.com/article/2012/11/20/idUSW1E8KA00A20121120) in November 2012, Fed Chairman Ben Bernanke warned that congressional inaction with regard to the fiscal cliff, the raising of the debt ceiling, and the longer-term budget situation was creating uncertainty that "appears already to be affecting private spending and investment decisions and may be contributing to an increased sense of caution in financial markets, with adverse effects on the economy."

#### Furthermore, Economic collapse kills millions and sparks great power wars

Duncan ’12 (Richard Duncan, Former IMF consultant, Financial sector specialist for the World Bank, Chief Economist Blackhorse Asset Management, The New Depression: The Breakdown of the Paper Money Economy, Page 12, Ebooks, 2012)

The political battle over America’s future would be bitter, and quite possibly bloody. It cannot be guaranteed that the U.S. Constitution would survive. Foreign affairs would also confront the United States with enormous challenges. During the Great Depression, the United States did not have a global empire. Now it does. The United States maintains hundreds of military bases across dozens of countries around the world. Added to this is a fleet of 11 aircraft carriers and 18 nuclear-armed submarines. The countryspends more than $650 billion a year on its military. If the U.S. economy collapsesinto a New Great Depression,the United States could not afford to maintain its worldwide military presence or to continue in its role as global peacekeeper.Or, at least, it could not finance its military in the same way it does at present. Therefore, either the United States would have to find an alternative funding method for its global military presence or else it would have to radically scale it back. Historically, empires were financed with plunder and territorial expropriation. The estates of the vanquished ruling classes were given to the conquering generals, while the rest of the population was forced to pay imperial taxes. The U.S. model of empire has been unique. It has financed its global military presence by issuing government debt, thereby taxing future generations of Americans to pay for this generation’s global supremacy. That would no longer be possible if the economy collapsed. Cost–benefit analysis would quickly reveal that much of America’s global presence was simply no longer affordable. Many—or even most—of the outposts that did not pay for themselves would have to be abandoned. Priority would be given to those places that were of vital economic interests to the United States. The Middle East oil fields would be at the top of that list. The United States would have to maintain control over them whatever the price**.** In this global depression scenario, the price of oil could collapse to $3 per barrel**.** Oil consumption would fall by half and there would be no speculators left to manipulate prices higher. Oil at that level would impoverish the oil-producing nations, with extremely destabilizing political consequences**.** Maintaining control over the Middle East oil fields would become much more difficult for the United States. It would require a much larger military presence than it does now. On the one hand, it might become necessary for the United States to reinstate the draft (which would possibly meet with violent resistance from draftees, as it did during the Vietnam War). On the other hand, America’s all-volunteer army might find it had more than enough volunteers with the national unemployment rate in excess of 20 percent. The army might have to be employed to keep order at home, given that mass unemployment would inevitably lead to a sharp spike in crime. Only after the Middle East oil was secured would the country know how much more of its global military presence it could afford to maintain. If international trade had broken down, would there be any reason for the United States to keep a military presence in Asia when there was no obvious way to finance that presence?In a global depression, the United States’ allies in Asia would most likely be unwilling or unable to finance America’s military bases there or to pay for the upkeep of the U.S. Pacific fleet**.** Norwould the United States have the strength to force them to pay for U.S. protection**.** Retreat from Asia might become unavoidable. And Europe?What would a cost–benefit analysis conclude about the wisdom of the United States maintaining military bases there? What valued added does Europe provide to the United States? Necessity may mean Europe will have to defend itself**.** Should a New Great Depression put an end to the Pax Americana, the world would become a much more dangerous place**.** When the Great Depression began, Japan was the rising industrial power in Asia. It invaded Manchuria in 1931 and conquered much of the rest of Asia in the early 1940s. Would China, Asia’s new rising power, behave the same way in the event of a new global economic collapse? Possibly. China is the only nuclear power in Asia east of India (other than North Korea, which is largely a Chinese satellite state). However**,** in this disaster scenario, it is not certain that China would survive in its current configuration.Its economy would be in ruins. Most of its factories and banks would be closed. Unemployment could exceed 30 percent**.** There would most likely be starvation both in the cities and in the countryside. The Communist Party could lose its grip on power, in which case the country could break apart**,** as it has numerous times in the past. It was less than 100 years ago that China’s provinces, ruled by warlords, were at war with one another.United or divided, China’s nuclear arsenal would make it Asia’s undisputed superpower if the United States were to withdrawfrom the region. From Korea and Japan in the North to New Zealand in the South to Burma in the West,all of Asia would be at China’s mercy**.** And hunger among China’s population of 1.3 billion people could necessitate territorial expansion into Southeast Asia. In fact, the central government might not be able to prevent mass migration southward, even if it wanted to. In Europe, severe economic hardship would revive the centuries-old struggle between the left and the right**.** During the 1930s, the Fascists movement arose and imposed a police state on most of Western Europe. In the East, the Soviet Union had become a communist police state even earlier. The far right and the far left of the political spectrum converge in totalitarianism**.** It is difficult to judge whether Europe’s democratic institutions would hold up better this time that they did last time. England had an empire during the Great Depression. Now it only has banks. In a severe worldwide depression, the country—or, at least London—could become ungovernable. Frustration over poverty and a lack of jobs would erupt into anti-immigration riots not only in the United Kingdom but also across most of Europe. The extent to which Russia would menace its European neighbors is unclear. On the one hand,Russia would be impoverished by the collapse in oil prices and might be too preoccupied with internal unrest to threaten anyone. On the other hand, it could provoke a war with the goal of maintaining internal order through emergency wartime powers**.** Germany is very nearly demilitarized today when compared with the late 1930s. Lacking a nuclear deterrent of its own, it could be subject to Russian intimidation. While Germany could appeal for protection from England and France, who do have nuclear capabilities, it is uncertain that would buy Germany enough time to remilitarize before it became a victim of Eastern aggression. As for the rest of the world, its prospects in this disaster scenario can be summed up in only a couple of sentences. Global economic output could fall by as much as half, from $60 trillion to $30 trillion.Not all of the world’s seven billion people would survive in a $30 trillion global economy. Starvation would be widespread. Food riots would provoke political upheaval and myriad big and small conflicts around the world. It would be a humanitarian catastrophe so extreme as to be unimaginablefor the current generation, who, at least in the industrialized world, has known only prosperity**.** Nor would there be reason to hope that theNew GreatDepression would end quickly**.** The Great Depression was only ended by an even more calamitous global war that killed approximately 60 million people.

# 1NC

#### The Counsel to the President of the United States should consult the Office of Legal Counsel for legal counsel and coordination on the President’s war powers authority. The Office of Legal Counsel should advise the President that he should restrict targeted killing as a first resort outside zones of active hostilities.

#### CP is competitive and solves the case ---- Coordination with OLC can ensure executive action

BORRELLI et al 2000 - Professor of Government Chair of the Government and International Relations Department, Connecticut College (Maryanne Borrelli, Karen Hult, Nancy Kassop, “The White House Counsel’s Office”, http://whitehousetransitionproject.org/files/counsel/Counsel-OD.PDF)

The White House Counsel’s Office is at the hub of all presidential activity. Its mandate is to be watchful for and attentive to legal issues that may arise in policy and political contexts in which the president plays a role. To fulfill this responsibility, it monitors and coordinates the presidency’s interactions with other players in and out of government. Often called “the president’s lawyer,” the Counsel’s Office serves, more accurately, as the “presidency’s lawyer,” with tasks that extend well beyond exclusively legal ones. These have developed over time, depending on the needs of different presidents, on the relationship between a president and a Counsel, and on contemporary political conditions. The Office carries out many routine tasks, such as vetting all presidential appointments and advising on the application of ethics regulations to White House staff and executive branch officials, but it also operates as a “command center” when crises or scandals erupt. Thus, the more sharply polarized political atmosphere in recent years has led to greater responsibility and demands, as well as heightened political pressure and visibility, on the traditionally low-profile Counsel’s Office. The high-stakes quality of its work has led to a common sentiment among Counsels and their staff that there is “zero tolerance” for error in this office.

In sum, the Counsel’s Office might be characterized as a monitor, a coordinator, a negotiator, a recommender, and a translator: it monitors ethics matters, it coordinates the president’s message and agenda with other executive branch units, it negotiates with a whole host of actors on the president’s behalf (not the least of which is Congress), it recommends myriad actions to the president, and it translates or interprets the law (whether it is the Constitution, federal rules and regulations, treaties or legislation) for all executive branch officials. Past Counsels have lamented that there is no job description for this office, while the opening quote from Peter Wallison makes clear that even if there was, it would be all-consuming and all-inclusive of everything that goes in and out of the president’s office.

In simple terms, the Counsel’s Office performs five basic categories of functions: (1) advising on the exercise of presidential powers and defending the president’s constitutional prerogatives; (2) overseeing presidential nominations and appointments to the executive and judicial branches; (3) advising on presidential actions relating to the legislative process; (4) educating White House staffers about ethics rules and records management and monitoring adherence; and (5) handling department, agency and White House staff contacts with the Department of Justice (see Functions section). In undertaking these responsibilities, the Counsel’s Office interacts regularly with, among others, the president, the Chief of Staff, the White House Office of Personnel, the Press Secretary, the White House Office of Legislative Affairs, the Attorney General, the Office of Management and Budget (on the legislative process), the General Counsels of the departments and agencies, and most especially, the Office of Legal Counsel in the Department of Justice (see Relationships section). In addition to the Counsel, the Office usually consists of one or two Deputy Counsels, a varying number of Associate and Assistant Counsels, a Special Counsel when scandals arise, a Senior Counsel in some administrations, and support staff. Tasks are apportioned to these positions in various ways, depending on the Counsel’s choices, though most Counsels expect all Office members to share the ongoing vetting for presidential appointments (see Organization and Operations section).

Certain responsibilities within the Office are central at the very start of an administration (e.g., vetting for initial nominations and shepherding the appointment process through the Senate), while others have a cyclical nature to them (e.g., the annual budget, the State of the Union message), and still others follow an electoral cycle (e.g., determining whether presidential travel and other activities are partisan/electoral/campaign or governmental ones) (see Organization and Operations). There is, of course, the always unpredictable (but almost inevitable) flurry of scandals and crises, in which all eyes turn to the Counsel’s Office for guidance and answers. Watergate, Iran-contra, Whitewater, the Clinton impeachment, and the FBI files and White House Travel Office matters were all managed from the Counsel’s Office, in settings that usually separated scandal management from the routine work of the Office, so as to permit ongoing operations to continue with minimal distraction. Among the more regular tasks that occur throughout an administration are such jobs as directing the judicial nomination process, reviewing legislative proposals (the president’s, those from departments and agencies, and bills Congress has passed that need the Counsel’s recommendation for presidential signature or veto), editing and clearing presidential statements and speeches, writing executive orders, and determining the application of executive privilege (see both Relationships and Organization and Operations sections).

Perhaps, the most challenging task for the Counsel is being the one who has the duty to tell the president “no,” especially when it comes to defending the constitutional powers and prerogatives of the presidency. Lloyd Cutler, Counsel for both Presidents Carter and Clinton, noted that, in return for being “on the cutting edge of problems,” the Counsel needs to be someone who has his own established reputation…someone who is willing to stand up t o the President, to say, “No, Mr. President, you shouldn’t do that for these reasons.” There is a great tendency among all presidential staffs to be very sycophantic, very sycophantic. It’s almost impossible to avoid, “This man is the President of the United States and you want to stay in his good graces,” even when he is about to do something dumb; you don’t tell him that. You find some way to put it in a very diplomatic manner. (Cutler interview, pp. 3-4)

LAW, POLITICS AND POLICY

A helpful way to understand the Counsel’s Office is to see it as sitting at the intersection of law, politics and policy. Consequently, it confronts the difficult and delicate task of trying to reconcile all three of these without sacrificing too much of any one. It is the distinctive challenge of the Counsel’s Office to advise the president to take actions that are both legally sound and politically astute. A 1994 article in Legal Times warned of the pitfalls: Because a sound legal decision can be a political disaster, the presidential counsel constantly sacrifices legal ground for political advantage. (Bendavid, 1994, p. 13) For example, A.B. Culvahouse recalled his experience upon arriving at the White House as counsel and having to implement President Reagan’s earlier decision to turn over his personal diaries to investigators during the Iran-contra scandal.

Ronald Reagan’s decision to turn over his diary - that sits at the core of the presidency. …You’re setting up precedents and ceding a little power. But politically, President Reagan wanted to get it behind him. (Bendavid, 1994, p. 13)

Nonetheless, Culvahouse added, the Counsel is “the last and in some cases the only protector of the President’s constitutional privileges. Almost everyone else is willing to give those away in part inch by inch and bit by bit in order to win the issue of the day, to achieve compromise on today’s thorny issue. So a lot of what I did was stand in the way of that process...” (Culvahouse interview, p. 28)

Because of this blend of legal, political and policy elements, the most essential function a Counsel can perform for a president is to act as an “early warning system” for potential legal trouble spots before **(**and, ultimately, after) they erupt. For this role, a Counsel must keep his or her “antennae” constantly attuned. Being at the right meetings at the right time and knowing which people have information and/or the necessary technical knowledge and expertise in specific policy or legal areas are the keys to insuring the best service in this part of the position. C. Boyden Gray, Counsel for President Bush, commented: “As Culvahouse said -- I used to say that the meetings I was invited to, I shouldn’t go to. …It’s the meetings I wasn’t invited to that I’d go to.” (Gray interview, p. 26) Lloyd Cutler noted that

….the White House Counsel will learn by going to the staff meetings, et cetera, that something is about to be done that has buried within it a legal issue which the people who are advocating it either haven’t recognized or push under the rug. He says, “Wait a minute. We’ve got to check this out,” and goes to the Office of Legal Counsel and alerts them and gets their opinion. But for the existence of the White House Counsel, the Office of Legal Counsel would never have learned about the problem until it was too late. (Cutler interview, p. 4)

One other crucial part of the job where the legal overlaps with the policy and the political -- and which can spell disaster for Counsels who disregard this -- is knowing when to go to the Office of Legal Counsel for guidance on prevailing legal interpretations and opinions on the scope of presidential authority. It is then up to the White House Counsel to sift through these legal opinions, and to bring into play the operative policy and political considerations in order to offer the president his or her best recommendation on a course of presidential action. Lloyd Cutler described how this process works:

They [OLC staffers] are where the President has to go or the President’s counsel has to go to get an opinion on whether something may properly be done or not. For example, if you wish to invoke an executive privilege not to produce documents or something, the routine now is you go to the Office of Legal Counsel and you get their opinion that there is a valid basis for asserting executive privilege in this case. ...You’re able to say [to the judge who is going to examine these documents] the Office of Legal Counsel says we have a valid basis historically for asserting executive privilege here. (Cutler interview, p. 4)

C. Boyden Gray underscored the critical importance of OLC’s relationship to the Counsel’s Office: They [OLC] were the memory…We paid attention to what they did. [Vincent] Foster never conferred with them. When they [the Clinton Counsel’s Office] filed briefs on executive privilege, they had the criminal division, the civil division and some other division signing on the brief; OLC wasn’t on the brief… In some ways they [OLC] told us not to do things but that was helpful. They said no to us… I can give you a million examples. They would have said to Vince Foster, “Don’t go in and argue without thinking about it.” They would have prevented the whole healthcare debacle [referring to the Clinton Counsel’s Office’s position that Hillary Rodham Clinton was a government official for FACA purposes] …[T]he ripple effect of that one decision is hard to exaggerate: it’s hard to calculate. (Gray interview, pp. 18-19)

# 1NC

#### The plan’s external review hamstrings the president- ensures Obama cannot make effective decisions

WAXMAN 2013 - law professor at Columbia Law School, co-chairs the Roger Hertog Program on Law and National Security (Matthew Waxman, “The Constitutional Power to Threaten War,” August 27, 2013, http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2316777)

Because the importance for the United States of threatened force – to coerce or deter adversaries, and to reassure allies – in affecting war and peace grew so substantially after World War II, the constitutional decision-making about using force has been relegated in large degree to a mechanism for implementing grand strategy rather than setting it.192 As a superpower that plays a major role in sustaining global security, threatening war is in some respects a much more policy-significant constitutional power than the power to actually make war.

Moreover, assessing the functional benefits or dangers attendant to unilateral presidential discretion to use force or to formulas for ensuring congressional involvement cannot be separated from the means by which the United States pursues its desired geopolitical ends. Of course those merits are inextricably linked to substantive policy ends associated with its military capacity, such as whether the United States is pursuing an aggressively expansionist agenda, a territorially-defensive one, or something else. But it also depends on how it seeks to wield its military power – as much its potential for armed force as its engagement of the enemy with it – toward those ends.

B. Reframing “War Powers” Scholarship

One might object to the main point of this Article – that constitutional allocations of power to use force cannot meaningfully be assessed either descriptively or normatively in other than very formalistic ways without accounting for the way U.S. military power is used – that it falls victim to its own critique: if the American condition of war and peace is determined by more than just decisions to commence hostilities or resist actual force with force, why stop at threats of war and force? Why not extend the analysis even further, to include the many other presidential powers – like diplomatic communication and recognition, intelligence activities, negotiation, and so on – that could lead also to or affect the course of events in crises? 193

This Article has focused on the way presidents wield U.S. military might not because analysis of those powers can be neatly separated from other ones but to show how even widening the lens a little bit reveals a much more complex interaction of law and strategy then often assumed and opens up new avenues for analysis and possible reform. Military force is also an important place to start because it has always carried special political and diplomatic salience.194 Moreover, many types of non-military moves a President might take to communicate threats, such as imposing economic sanctions or freezing financial assets,195 rest on express statutory delegations from Congress.196

Military threats, by contrast, often rest primarily on the President’s independent constitutional powers, perhaps buttressed by implicit congressional assent, and therefore pose the most fundamental questions of constitutional structure and power allocation in relation to strategy.

A next step, though, would incorporate into this analysis other instruments of statecraft, such as covert intervention or economic and financial actions, recognizing that their legal regulation could similarly affect perceptions about U.S. power abroad as well as the political and institutional incentives a President has to rely on one tool versus another. Moreover, sometimes coercive strategies involve both carrots and sticks – threats as well as positive inducements197 – and Congress’s powers may be dominant with regard to the latter elements of that formula, perhaps in the form of spending on offered benefits or lifting of economic sanctions.198 Further study might focus on such strategies and the way they necessarily require inter-branch coordination, not only in carrying out those elements but in signaling credibly an intention to do so.

At this point, many legal scholars reading this (yet another) Article on constitutional war powers are bound to be disappointed that it proposes neither a specific doctrinal reformulation nor offers an account of optimal legal-power allocation to achieve desired results. One reason for that is that evidence surveyed in Part II is inconclusive with respect to some key questions. Another, however, is that the very quest for optimal allocation of these powers is generally mis-framed, because “optimal” only makes sense in reference to some assumptions about strategy, which are not themselves fixed. By tying notions of optimal legal allocations to strategy I do not simply mean the basic point that we need prior agreement on desired ends (in the same sense that economists talk about optimality by assuming goals of maximizing social welfare), but the linking of means to ends. As the Article tries to show throughout, even if one agrees that the desired ends are peace and security, there are many strategies to achieve it – isolation, preventive war, deterrence, and others – and variations among them, depending on prevailing geopolitical conditions.

A more productive mode of study, then, recognizes the interdependence of the allocation of war-related powers and the setting of grand strategy. Legal powers and institutions enable or constrain strategies, and they also provide the various actors in our constitutional system with levers for shaping those strategies. At the same time, some strategies either reinforce or destabilize legal designs.

C. Threats, Grand Strategy, and Future Executive-Congressional Balances

Having homed in here on threatened war or force, one might take from this analysis yet another observation about the expanding or constitutionally “imperial” power of the U.S. President. That is, beyond the President’s wide latitude to use military force abroad, he can take threatening steps that could provoke or prevent war and even alter unilateral the national interests at stake in a crisis by placing U.S. credibility on the line – the President’s powers of war and peace are therefore even more expansive than generally supposed

It is also important to see this analysis, however, as showing more complex dependency of presidential powers on Congress with respect to setting and sustaining American grand strategy. In that respect, Philip Bobbitt was quite correct when he decried lawyers’ undue emphasis on the Declare War clause and the commencement of armed hostilities as the critical legal events in thinking about constitutional allocations and U.S. security policy:

Wars rarely start as unexpected ambushes; they are usually the culmination of a long period of policy decisions. … If we think of the declaration of war as a commencing act – which it almost never is and which the Framers did not expect it to be – we will not scrutinize those steps that bring us to war, steps that are in the main statutory in nature. Moreover, we will be inclined to pretend … that Congress really has played no role in formulating and funding very specific foreign and security policies.199

Those foreign and security policies to which Bobbitt refers include coercive and deterrent strategies.

Indeed, it is important to remember that the heavy reliance on threatened force especially after World War II has itself been a strategic choice by the United States – not a predestined one – and one that could only be made and continued with sustained congressional support. Since the beginning of the Cold War period, the reliance on deterrence and coercive diplomacy became so deeply engrained in U.S. foreign policy that it is easy to forget that the United States had other strategic options open to it. One option was war: some senior policy-makers during the early phases of the Cold War believed that conflict with the Soviet Union was inevitable, so better to seize the initiative and strike while the United States held some advantages in the balance of strength.200

Another option was isolation: the United States could have retracted it security commitments to its own borders or hemisphere, as it did after World War I, ceding influence to the Soviet bloc or other political forces.201 These may have been very bad alternatives, but they were real ones and they were rejected in favor of a combination of standing threats of force and discrete threats of force – sometimes followed up with demonstrative uses of force – that was only possible with congressional buy-in. That buy-in came in the form of military funding for the standing forces and foreign deployments needed to maintain the credibility of U.S. threats, as well as in Senate support for defense pacts with allies.202 While a strategy of deterrent and coercive force has involved significant unilateral discretion as to how and when specifically to threaten military action in specific crises and incidents, the overall strategy rested on a foundation of executive-congressional collaboration and dialogue that played out over decades.

Looking to the future, the importance of threatened force relative to other foreign policy instruments will shift – and so, therefore, will the balance of powers between the President and Congress. United States grand strategy for the coming decades will be shaped by conditions of fiscal austerity, for example, which may mean cutting back on some security commitments or reorienting doctrine for defending them toward greater reliance on less-expensive means (perhaps such as a shift from large-scale military forces to smaller ones, or greater reliance on high-technology, or even revised doctrines of nuclear deterrence).203

One possible geostrategic outlook is that the United States will retain its singular military dominance, and that it will continue to play a global policing role. Another outlook, though, is that U.S. military dominance will be eclipsed by other rising powers and diminished U.S. resources and influence.204 The latter scenario might mean that international relations will be less influenced by credible threats of U.S. intervention, and perhaps more so by the actions of regional powers and political bodies, or by institutions of global governance like the UN Security Council.205 These possibilities could entail a practical rebalancing of powers wielded by each branch, including the power to threaten force and other foreign policy tools.

Were the United States to retreat from underwriting its allies’ security and some elements of global order with strong coercive and deterrent threats, one should expect different patterns of executive-congressional behavior with respect to threatening and using force, because wars and threats of wars will come about in different ways: less often as a breakdown of U.S. hegemonic commitments, for example. Reduced requirements of maintaining credible U.S. threats, and therefore reduced linkage between U.S. actions in one crisis and others, would also likely reduce pressure on the President to protect prerogatives to threaten force and to make good on those threats. A foreign policy strategy of more selective and reserved military engagement would likely be one more accommodating to case-by-case, joint executive-legislative deliberation as to the threat or use of U.S. military might, insofar as U.S. strategy would self-consciously avoid cultivating foreign reliance on U.S. power.

Besides shifting geostrategic visions, ranging from a global policing role to receding commitments, the set of tools available to Presidents for projecting power will evolve, too, as will the nature of security threats, and this will produce readjustments among the relative importance of constitutional powers and inter-branch relations. Transnational terrorist threats, for example, are sometimes thought to be impervious to deterrent threats, whether because they may hold nihilistic agendas or lack tangible assets that can be held at risk.206 Technologies like unmanned drones may make possible the application of military violence with fewer risks and less public visibility than in the past.207 While discussion of these developments as revolutionary is in vogue, they are more evolutionary and incremental; their purported effects are matters of degree. Such developments will, however, retune strategies for brandishing and exercising military capabilities and the politics of using them.

#### That would uniquely decimate Obama and the military’s ability to calm alliances and deter enemies ---- makes global nuclear war more likely

WAXMAN 2013 - law professor at Columbia Law School, co-chairs the Roger Hertog Program on Law and National Security (Matthew Waxman, “The Constitutional Power to Threaten War,” August 27, 2013, http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2316777)

As a prescriptive matter, Part II also shows that examination of threatened force and the credibility requirements for its effectiveness calls into question many orthodoxies of the policy advantages and risks attendant to various allocations of legal war powers, including the existing one and proposed reforms.23 Most functional arguments about war powers focus on fighting wars or hostile engagements, but that is not all – or even predominantly – what the United States does with its military power. Much of the time it seeks to avert such clashes while achieving its foreign policy objectives: to bargain, coerce, deter.24 The President’s flexibility to use force in turn affects decision-making about threatening it, with major implications for securing peace or dragging the United States into conflicts. Moreover, constitutional war power allocations affect potential conflicts not only because they may constrain U.S. actions but because they may send signals and shape other states’ (including adversaries’) expectations of U.S. actions.25 That is, most analysis of war-powers law is inward-looking, focused on audiences internal to the U.S. government and polity, but thinking about threatened force prompts us to look outward, at how war-powers law affects external perceptions among adversaries and allies. Here, extant political science and strategic studies offer few clear conclusions, but they point the way toward more sophisticated and realistic policy assessment of legal doctrine and proposed reform. More generally, as explained in Part III, analysis of threatened force and war powers exposes an under-appreciated relationship between constitutional doctrine and grand strategy. Instead of proposing a functionally optimal allocation of legal powers, as legal scholars are often tempted to do, this Article in the end denies the tenability of any such claim. Having identified new spaces of war and peace powers that legal scholars need to take account of in understanding how those powers are really exercised, this Article also highlights the extent to which any normative account of the proper distribution of authority over this area depends on many matters that cannot be predicted in advance or expected to remain constant.26 Instead of proposing a policy-optimal solution, this Article concludes that the allocation of constitutional war powers is – and should be –geopolitically and strategically contingent; the actual and effective balance between presidential and congressional powers over war and peace in practice necessarily depends on fundamental assumptions and shifting policy choices about how best to secure U.S. interests against potential threats.27 I. Constitutional War Powers and Threats of Force Decisions to go to war or to send military forces into hostilities are immensely consequential, so it is no surprise that debates about constitutional war powers occupy so much space. But one of the most common and important ways that the United States uses its military power is by threatening war or force – and the constitutional dimensions of that activity receive almost no scrutiny or even theoretical investigation. A. War Powers Doctrine and Debates The Constitution grants Congress the powers to create military forces and to “declare war,”28 which the Supreme Court early on made clear includes the power to authorize limited uses of force short of full-blown war.29 The Constitution then vests the President with executive power and designates him commander in chief of the armed forces,30 and it has been well-accepted since the Founding that these powers include unilateral authority to repel invasions if the United States is attacked.31 Although there is nearly universal acceptance of these basic starting points, there is little legal agreement about how the Constitution allocates responsibility for the vast bulk of cases in which the United States has actually resorted to force. The United States has declared war or been invaded only a handful of times in its history, but it has used force – sometimes large-scale force – hundreds of other times.32 Views split over questions like when, if ever, the President may use force to deal with aggression against third parties and how much unilateral discretion the President has to use limited force short of full-blown war. For many lawyers and legal scholars, at least one important methodological tool for resolving such questions is to look at historical practice, and especially the extent to which the political branches acquiesced in common practices.33 Interpretation of that historical practice for constitutional purposes again divides legal scholars, but most would agree at least descriptively on some basic parts of that history. In particular, most scholars assess that from the Founding era through World War II, Presidents and Congresses alike recognized through their behavior and statements that except in certain narrow types of contingencies, congressional authorization was required for large-scale military operations against other states and international actors, even as many Presidents pushed and sometimes crossed those boundaries.34 Whatever constitutional constraints on presidential use of force existed prior to World War II, however, most scholars also note that the President asserted much more extensive unilateral powers to use force during and after the Cold War, and many trace the turning point to the 1950 Korean War.35 Congress did not declare war in that instance, nor did it expressly authorize U.S. participation.36 From that point forward, presidents have asserted broad unilateral authority to use force to address threats to U.S. interests, including threats to U.S. allies, and that neither Congress nor courts pushed back much against this expanding power.37 Concerns about expansive presidential war-making authority spiked during the Vietnam War. In the wind-down of that conflict, Congress passed – over President Nixon’s veto – the War Powers Resolution,38 which stated its purpose as to ensure the constitutional Founders’ original vision that the “collective judgment of both the Congress and the President will apply to the introduction of United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, and to the continued use of such forces in hostilities or in such situations.”39 Since then, presidentialists have argued that the President still retains expansive authority to use force abroad to protect American interests,40 and congressionalists argue that this authority is tightly circumscribed.41 These constitutional debates have continued through the first decade of the 21st century. Constitutional scholars split, for example, over President Obama’s power to participate in coalition operations against Libya without congressional authorization in 2011, especially after the War Powers Resolution’s 60-day clock expired.42 Some argue that President Obama’s use of military force without specific congressional authorization in that case reflects the broad constitutional discretion presidents now have to protect American interests, at least short of full-blown “war”, while others argue that it is the latest in a long record of presidential violations of the Constitution and the War Powers Resolution.43 B. Threats of Force and Constitutional Powers These days it is usually taken for granted that – whether or not he can make war unilaterally – the President is constitutionally empowered to threaten the use of force, implicitly or explicitly, through diplomatic means or shows of force. It is never seriously contested whether the President may declare that United States is contemplating military options in response to a crisis, or whether the President may move substantial U.S. military forces to a crisis region or engage in military exercises there. To take the Libya example just mentioned, is there any constitutional limitation on the President’s authority to move U.S. military forces to the Mediterranean region and prepare them very visibly to strike?44 Or his authority to issue an ultimatum to Libyan leaders that they cease their brutal conduct or else face military action? Would it matter whether such threats were explicit versus implicit, whether they were open and public versus secret, or whether they were just a bluff? If not a constitutional obstacle, could it be argued that the War Powers Resolution’s reporting requirements and limits on operations were triggered by a President’s mere ultimatum or threatening military demonstration, insofar as those moves might constitute a “situation where imminent involvement in hostilities is clearly indicated by the circumstances”? These questions simply are not asked (at least not anymore).45 If anything, most lawyers would probably conclude that the President’s constitutional powers to threaten war are not just expansive but largely beyond Congress’s authority to regulate directly. From a constitutional standpoint, to the extent it is considered at all, the President’s power to threaten force is probably regarded to be at least as broad as his power to use it. One way to look at it is that the power to threaten force is a lesser included element of presidential war powers; the power to threaten to use force is simply a secondary question, the answer to which is bounded by the primary issue of the scope of presidential power to actually use it. If one interprets the President’s defensive war powers very broadly, to include dealing with aggression not only directed against U.S. territories but also against third parties,46 then it might seem easy to conclude that the President can also therefore take steps that stop short of actual armed intervention to deter or prevent such aggression. If, however, one interprets the President’s powers narrowly, for example, to include only limited unilateral authority to repel attacks against U.S. territory,47 then one might expect objections to arguably excessive presidential power to include his unilateral threats of armed intervention. Another way of looking at it is that in many cases, threats of war or force might fall within even quite narrow interpretations of the President’s inherent foreign relations powers to conduct diplomacy or his express commander in chief power to control U.S. military forces – or some combination of the two – depending on how a particular threat is communicated. A President’s verbal warning, ultimatum, or declared intention to use military force, for instance, could be seen as merely exercising his role as the “sole organ” of U.S. foreign diplomacy, conveying externally information about U.S. capabilities and intentions.48 A president’s movement of U.S. troops or warships to a crisis region or elevation of their alert level could be seen as merely exercising his dayto- day tactical control over forces under his command.49 Generally it is not seriously contested whether the exercise of these powers alone could so affect the likelihood of hostilities or war as to intrude on Congress’s powers over war and peace.50 We know from historical examples that such unilateral military moves, even those that are ostensibly pure defensive ones, can provoke wars – take, for example, President Polk’s movement of U.S. forces to the contested border with Mexico in 1846, and the resulting skirmishes that led Congress to declare war.51 Coming at the issue from Congress’s Article I powers rather than the President’s Article II powers, the very phrasing of the power “To declare War” puts most naturally all the emphasis on the present tense of U.S. military action, rather than its potentiality. Even as congressionalists advance interpretations of the clause to include not merely declarative authority but primary decision-making authority as to whether or not to wage war or use force abroad, their modern-day interpretations do not include a power to threaten war (except perhaps through the specific act of declaring it). None seriously argues – at least not any more – that the Declare War Clause precludes presidential threats of war. This was not always the case. During the early period of the Republic, there was a powerful view that beyond outright initiation of armed hostilities or declaration of war, more broadly the President also could not unilaterally take actions (putting aside actual military attacks) that would likely or directly risk war,52 provoke a war with another state,53 or change the condition of affairs or relations with another state along the continuum from peace to war.54 To do so, it was often argued, would usurp Congress’s prerogative to control the nation’s state of peace or war.55 During the Quasi-War with France at the end of the 18th century, for example, some members of Congress questioned whether the President, absent congressional authorization, could take actions that visibly signaled an intention to retaliate against French maritime harassment,56 and even some members of President Adams’ cabinet shared doubts.57 Some questions over the President’s power to threaten force arose (eventually) in relation to the Monroe Doctrine, announced in an 1823 presidential address to Congress and which in effect declared to European powers that the United States would oppose any efforts to colonize or reassert control in the Western Hemisphere.58 “Virtually no one questioned [Monroe’s proclamation] at the time. Yet it posed a constitutional difficulty of the first importance.”59 Of course, Monroe did not actually initiate any military hostilities, but his implied threat – without congressional action – risked provoking rather than deterring European aggression and by putting U.S. prestige and credibility on the line it limited Congress’s practical freedom of action if European powers chose to intervene.60 The United States would have had at the time to rely on British naval power to make good on that tacit threat, though a more assertive role for the President in wielding the potential for war or intervention during this period went hand in hand with a more sustained projection of U.S. power beyond its borders, especially in dealing with dangers emanating from Spanish-held Florida territory.61 Monroe’s successor, John Quincy Adams, faced complaints from opposition members of Congress that Monroe’s proclamation had exceeded his constitutional authority and had usurped Congress’s by committing the United States – even in a non-binding way – to resisting European meddling in the hemisphere.62 The question whether the President could unilaterally send militarily-threatening signals was in some respects a mirror image of the issues raised soon after the Constitution was ratified during the 1793 Neutrality Controversy: could President Washington unilaterally declare the United States to be neutral as to the war among European powers. Washington’s politically controversial proclamation declaring the nation “friendly and impartial” in the conflict between France and Great Britain (along with other European states) famously prompted a back-and-forth contest of public letters by Alexander Hamilton and James Madison, writing pseudonymously as “Pacificus” and “Helvidius”, about whether the President had such unilateral power or whether it belonged to Congress.63 Legal historian David Currie points out the irony that the neutrality proclamation was met with stronger and more immediate constitutional scrutiny and criticism than was Monroe’s threat. After all, Washington’s action accorded with the principle that only Congress, representing popular will, should be able to take the country from the baseline state of peace to war, whereas Monroe’s action seemed (at least superficially) to commit it to a war that Congress had not approved.64 Curiously (though for reasons offered below, perhaps not surprisingly) this issue – whether there are constitutional limits on the President’s power to threaten war – has almost vanished completely from legal discussion, and that evaporation occurred even before the dramatic post-war expansion in asserted presidential power to make war. Just prior to World War II, political scientist and presidential powers theorist Edward Corwin remarked that “[o]f course, it may be argued, and has in fact been argued many times, that the President is under constitutional obligation not to incur the risk of war in the prosecution of a diplomatic policy without first consulting Congress and getting its consent.”65 “Nevertheless,” he continued,66 “the supposed principle is clearly a maxim of policy rather than a generalization from consistent practice.” In his 1945 study World Policing and the Constitution, James Grafton Rogers noted: [E]xamples of demonstrations on land and sea made for a variety of purposes and under Presidents of varied temper and in different political climates will suffice to make the point. The Commander-in-Chief under the Constitution can display our military resources and threaten their use whenever he thinks best. The weakness in the diplomatic weapon is the possibility of dissidence at home which may cast doubt on our serious intent. The danger of the weapon is war.67 At least since then, however, the importance to U.S. foreign policy of threatened force has increased dramatically, while legal questions about it have receded further from discussion. In recent decades a few prominent legal scholars have addressed the President’s power to threaten force, though in only brief terms.

Taylor Reveley noted in his volume on war powers the importance of allocating constitutional responsibility not only for the actual use of force but also “[v]erbal or written threats or assurances about the circumstances in which the United States will take military action …, whether delivered by declarations of American policy, through formal agreements with foreign entities, by the demeanor or words of American officials, or by some other sign of national intent.”68 Beyond recognizing the critical importance of threats and other non-military actions in affecting war and peace, however, Reveley made little effort to address the issue in any detail. Among the few legal scholars attempting to define the limiting doctrinal contours of presidentially threatened force, Louis Henkin wrote in his monumental Foreign Affairs and the Constitution that: Unfortunately, the line between war and lesser uses of force is often elusive, sometimes illusory, and the use of force for foreign policy purposes can almost imperceptibly become a national commitment to war. Even when he does not use military force, the President can incite other nations or otherwise plunge or stumble this country into war, or force the hand of Congress to declare or to acquiesce and cooperate in war. As a matter of constitutional doctrine, however, one can declare with confidence that a President begins to exceed his authority if he willfully or recklessly moves the nation towards war…69 The implication seems to be that the President may not unilaterally threaten force in ways that are dramatically escalatory and could likely lead to war, or perhaps that the President may not unilaterally threaten the use of force that he does not have the authority to initiate unilaterally.70 Jefferson Powell, who generally takes a more expansive view than Henkin of the President’s war powers, argues by contrast that “[t]he ability to warn of, or threaten, the use of military force is an ordinary and essential element in the toolbox of that branch of government empowered to formulate and implement foreign policy.”71 For Powell, the President is constantly taking actions as part of everyday international relations that carry a risk of military escalation, and these are well-accepted as part of the President’s broader authority to manage, if not set, foreign policy. Such brief mentions are in recent times among the rare exceptions to otherwise barren constitutional discussion of presidential powers to threaten force. That the President’s authority to threaten force is so well-accepted these days as to seem self-evident is not just an academic phenomenon. It is also reflected in the legal debates among and inside all three branches of government. In 1989, Michael Reisman observed: Military maneuvers designed to convey commitment to allies or contingent threats to adversaries … are matters of presidential competence. Congress does not appear to view as within its bailiwick many low-profile contemporaneous expressions of gunboat diplomacy, i.e., the physical interposition of some U.S. war-making capacity as communication to an adversary of United States’ intentions and capacities to oppose it.72 This was and remains a correct description but understates the pattern of practice, insofar as even major and high-profile expressions of coercive diplomacy are regarded among all three branches of government as within presidential competence. In Dellums v. Bush – perhaps the most assertive judicial scrutiny of presidential power to use large-scale force abroad since the end of the Cold War – the district court dismissed on ripeness grounds congressmembers’ suit challenging President George H. W. Bush’s intended military operations against Iraq in 1991 and seeking to prevent him from initiating an offensive attack against Iraq without first securing explicit congressional authorization for such action.73 That at the time of the suit the President had openly threatened war – through ultimatums and deployment of several hundred thousand U.S. troops – but had not yet “committed to a definitive course of action” to carry out the threat meant there was no justiciable legal issue, held the court.74 The President’s threat of war did not seem to give the district court legal pause at all; quite the contrary, the mere threat of war was treated by the court as a non-issue entirely.75 There are several reasons why constitutional questions about threatened force have dropped out of legal discussions. First, the more politically salient debate about the President’s unilateral power to use force has probably swallowed up this seemingly secondary issue. As explained below, it is a mistake to view threats as secondary in importance to uses of force, but they do not command the same political attention and their impacts are harder to measure.76 Second, the expansion of American power after World War II, combined with the growth of peacetime military forces and a set of defense alliance commitments (developments that are elaborated below) make at least some threat of force much more common – in the case of defensive alliances and some deterrent policies, virtually constant – and difficult to distinguish from other forms of everyday diplomacy and security policy.77 Besides, for political and diplomatic reasons, presidents rarely threaten war or intervention without at least a little deliberate ambiguity. As historian Marc Trachtenberg puts it: “It often makes sense … to muddy the waters a bit and avoid direct threats.”78 Any legal lines one might try to draw (recall early attempts to restrict the President’s unilateral authority to alter the state of affairs along the peacetime-wartime continuum) have become blurrier and blurrier. In sum, if the constitutional power to threaten war ever posed a serious legal controversy, it does so no more. As the following section explains, however, threats of war and armed force have during most of our history become a greater and greater part of American grand strategy, defined here as long-term policies for using the country’s military and non-military power to achieve national goals. The prominent role of threatened force in U.S. strategy has become the focus of political scientists and other students of security strategy, crises, and responses – but constitutional study has not adjusted accordingly.79 C. Threats of Force and U.S. Grand Strategy While the Korean and Vietnam Wars were generating intense study among lawyers and legal scholars about constitutional authority to wage military actions abroad, during that same period many political scientists and strategists – economists, historians, statesmen, and others who studied international conflict – turned their focus to the role of threatened force as an instrument of foreign policy. The United States was building and sustaining a massive war-fighting apparatus, but its security policy was not oriented primarily around waging or winning wars but around deterring them and using the threat of war – including demonstrative military actions – to advance U.S. security interests. It was the potential of U.S. military might, not its direct application or engagement with the enemy, that would do much of the heavy lifting. U.S. military power would be used to deter the Soviet Union and other hostile states from taking aggressive action. It would be unsheathed to prompt them to back down over disputes. It would reassure allies that they could depend on U.S. help in defending themselves. All this required that U.S. willingness to go to war be credible in the eyes of adversaries and allies alike. Much of the early Cold War study of threatened force concerned nuclear strategy, and especially deterrence or escalation of nuclear war. Works by Albert Wohlstetter, Herman Kahn, and others not only studied but shaped the strategy of nuclear threats, as well as how to use limited applications of force or threats of force to pursue strategic interests in remote parts of the globe without sparking massive conflagrations.80 As the strategic analyst Bernard Brodie wrote in 1946, “Thus far the chief purpose of our military establishment has been to win wars. From now on its chief purpose must be to avert them.”81 Toward that end, U.S. government security and defense planners during this time focused heavily on preserving and improving the credibility of U.S. military threats – while the Soviet Union was doing likewise.82 The Truman administration developed a militarized version of containment strategy against the Soviet empire, emphasizing that stronger military capabilities were necessary to prevent the Soviets from seizing the initiative and to resist its aggressive probes: “it is clear,” according to NSC-68, the government document which encapsulated that strategy, “that a substantial and rapid building up of strength in the free world is necessary to support a firm policy intended to check and to roll back the Kremlin's drive for world domination.”83 The Eisenhower administration’s “New Look” policy and doctrine of “massive retaliation” emphasized making Western collective security both more effective and less costly by placing greater reliance on deterrent threats – including threatened escalation to general or nuclear war. As his Secretary of State John Foster Dulles explained, “[t]here is no local defense which alone will contain the mighty landpower of the Communist world. Local defenses must be reinforced by the further deterrent of massive retaliatory power.”84 As described in Evan Thomas’s recent book, Ike’s Bluff, Eisenhower managed to convince Soviet leaders that he was ready to use nuclear weapons to check their advance in Europe and elsewhere. In part due to concerns that threats of massive retaliation might be insufficiently credible in Soviet eyes (especially with respect to U.S. interests perceived as peripheral), the Kennedy administration in 1961 shifted toward a strategy of “flexible response,” which relied on the development of a wider spectrum of military options that could quickly and efficiently deliver varying degrees of force in response to foreign aggression.85 Throughout these periods, the President often resorted to discrete, limited uses of force to demonstrate U.S. willingness to escalate. For example, in 1961 the Kennedy administration (mostly successfully in the short-run) deployed intervention-ready military force immediately off the coast of the Dominican Republic to compel its government's ouster,86 and that same year it used military exercises and shows of force in ending the Berlin crisis;87 in 1964, the Johnson administration unsuccessfully used air strikes on North Vietnamese targets following the Tonkin Gulf incidents, failing to deter what it viewed as further North Vietnamese aggression.88 The point here is not the shifting details of U.S. strategy after World War II – during this era of dramatic expansion in asserted presidential war powers – but the central role of credible threats of war in it, as well as the interrelationship of plans for using force and credible threats to do so. Also during this period, the United States abandoned its long-standing aversion to “entangling alliances,”89 and committed to a network of mutual defense treaties with dependent allies. Besides the global collective security arrangement enshrined in the UN Charter, the United States committed soon after World War II to mutual defense pacts with, for example, groups of states in Western Europe (the North Atlantic Treaty Organization)90 and Asia (the Southeast Asia Treaty Organization,91 as well as a bilateral defense agreement with the Republic of Korea,92 Japan,93 and the Republic of China,94 among others). These alliance commitments were part of a U.S. effort to “extend” deterrence of Communist bloc aggression far beyond its own borders.95 “Extended deterrence” was also critical to reassuring these U.S. allies that their security needs would be met, in some instances to head off their own dangerous rearmament.96 Among the leading academic works on strategy of the 1960s and 70s were those of Thomas Schelling, who developed the theoretical structure of coercion theory, arguing that rational states routinely use the threat of military force – the manipulation of an adversary’s perceptions of future risks and costs with military threats – as a significant component of their diplomacy.97 Schelling distinguished between deterrence (the use of threats to dissuade an adversary from taking undesired action) and compellence (the use of threats to persuade an adversary to behave a certain way), and he distinguished both forms of coercion from brute force: “[B]rute force succeeds when it is used, whereas the power to hurt is most successful when held in reserve. It is the threat of damage to come that can make someone yield of comply. It is latent violence that can influence someone’s choice.”98 Alexander George, David Hall, and William Simons then led the way in taking a more empirical approach, reviewing case studies to draw insights about the success and failure of U.S. coercive threats, analyzing contextual variables and their effects on parties’ reactions to threats during crises. Among their goals was to generate lessons informed by history for successful strategies that combine diplomatic efforts with threats or demonstrations of force, recognizing that the United States was relying heavily on threatened force in addressing security crises. Coercive diplomacy – if successful – offered ways to do so with minimal actual application of military force.99 One of the most influential studies that followed was Force Without War: U.S. Armed Forces as a Political Instrument, a Brookings Institution study led by Barry Blechman and Stephen Kaplan and published in 1977.100 They studied “political uses of force”, defined as actions by U.S. military forces “as part of a deliberate attempt by the national authorities to influence, or to be prepared to influence, specific behavior of individuals in another nation without engaging in a continued contest of violence.”101 Blechman and Kaplan’s work, including their large data set and collected case studies, was important for showing the many ways that threatened force could support U.S. security policy. Besides deterrence and compellence, threats of force were used to assure allies (thereby, for example, avoiding their own drive toward militarization of policies or crises) and to induce third parties to behave certain ways (such as contributing to diplomatic resolution of crises). The record of success in relying on threatened force has been quite mixed, they showed. Blechman and Kaplan’s work, and that of others who built upon it through the end of the Cold War and the period that has followed,102 helped understand the factors that correlated with successful threats or demonstrations of force without resort or escalation to war, especially the importance of credible signals.103 After the Cold War, the United States continued to rely on coercive force – threatened force to deter or compel behavior by other actors – as a central pillar of its grand strategy. During the 1990s, the United States wielded coercive power with varied results against rogue actors in many cases that, without the overlay of superpower enmities, were considered secondary or peripheral, not vital, interests: Iraq, Somalia, Haiti, Bosnia, and elsewhere. For analysts of U.S. national security policy, a major puzzle was reconciling the fact that the United States possessed overwhelming military superiority in raw terms over any rivals with its difficult time during this era in compelling changes in their behavior.104 As Daniel Byman and I wrote about that decade in our study of threats of force and American foreign policy: U.S. conventional and nuclear forces dwarf those of any adversaries, and the U.S. economy remains the largest and most robust in the world. Because of these overwhelming advantages, the United States can threaten any conceivable adversary with little danger of a major defeat or even significant retaliation. Yet coercion remains difficult. Despite the United States’ lopsided edge in raw strength, regional foes persist in defying the threats and ultimatums brought by the United States and its allies. In confrontations with Somali militants, Serb nationalists, and an Iraqi dictator, the U.S. and allied record or coercion has been mixed over recent years…. Despite its mixed record of success, however, coercion will remain a critical element of U.S. foreign policy.105 One important factor that seemed to undermine the effectiveness of U.S. coercive threats during this period was that many adversaries perceived the United States as still afflicted with “Vietnam Syndrome,” unwilling to make good on its military threats and see military operations through.106 Since the turn of the 21st Century, major U.S. security challenges have included non-state terrorist threats, the proliferation of nuclear and other weapons of mass destruction (WMD), and rapidly changing power balances in East Asia, and the United States has accordingly been reorienting but retaining its strategic reliance on threatened force. The Bush Administration’s “preemption doctrine” was premised on the idea that some dangerous actors – including terrorist organizations and some states seeking WMD arsenals – are undeterrable, so the United States might have to strike them first rather than waiting to be struck.107 On one hand, this was a move away from reliance on threatened force: “[t]he inability to deter a potential attacker, the immediacy of today’s threats, and the magnitude of potential harm that could be caused by our adversaries’ choice of weapons, do not permit” a reactive posture.108 Yet the very enunciation of such a policy – that “[t]o forestall or prevent such hostile acts by our adversaries, the United States will, if necessary, act preemptively”109 – was intended to persuade those adversaries to alter their policies that the United States regarded as destabilizing and threatening. Although the Obama administration pulled back from this rhetoric and placed greater emphasis on international institutions, it has continued to rely on threatened force as a key pillar of its strategy with regard to deterring threats (such as aggressive Iranian moves), intervening in humanitarian crises (as in Libya), and reassuring allies.110 With regard to East Asia, for example, the credible threat of U.S. military force is a significant element of U.S. strategy for deterring Chinese and North Korean aggression as well as reassuring other Asian powers of U.S. protection, to avert a destabilizing arms race.111 D. The Disconnect Between Constitutional Discourse and Strategy There is a major disconnect between the decades of work by strategists and many political scientists on American security policy and practice since the Second World War and legal analysis and scholarship of constitutional war powers during that period. Lawyers and strategists have been relying on not only distinct languages but distinct logics of military force – in short, when it comes to using U.S. military power, lawyers think in terms of “going to war” while strategists focus on potential war and processes leading to it. These framings manifest in differing theoretical starting points for considering how exercises of U.S. military might affect war and peace, and they skew the empirical insights and normative prescriptions about Presidential power often drawn from their analyses. 1. Lawyers’ Misframing Lawyers’ focus on actual uses of force – especially engagements with enemy military forces – as constitutionally salient, rather than including threats of force in their understanding of modern presidential powers tilts analysis toward a one-dimensional strategic logic, rather than a more complex and multi-dimensional and dynamic logic in which the credible will to use force is as important as the capacity to do so. As discussed above, early American constitutional thinkers and practitioners generally wanted to slow down with institutional checks decisions to go to war, because they thought that would make war less likely. “To invoke a more contemporary image,” wrote John Hart Ely of their vision, “it takes more than one key to launch a missile: It should take quite a number to start a war.”112 They also viewed the exercise of military power as generally a ratchet of hostilities, whereby as the intensity of authorized or deployed force increased, so generally did the state of hostilities between the United States and other parties move along a continuum from peace to war.113 Echoes of this logic still reverberate in modern congressionalist legal scholarship: the more flexibly the President can use military force, the more likely it is that the United States will find itself in wars; better, therefore, to clog decisions to make war with legislative checks.114 Modern presidentialist legal scholars usually respond that rapid action is a virtue, not a vice, in exercising military force.115 Especially as a superpower with global interests and facing global threats, presidential discretion to take rapid military action – endowed with what Alexander Hamilton called “[d]ecision, activity, secrecy, and dispatch”116 – best protects American interests. In either case the emphasis tends overwhelmingly to be placed on actual military engagements with adversaries. Strategists and many political scientists, by contrast, view some of the most significant use of military power as starting well before armed forces clash – and including important cases in which they never actually do. Coercive diplomacy and strategies of threatened force, they recognize, often involve a set of moves and countermoves by opposing sides and third parties before or even without the violent engagement of opposing forces. It is often the parties’ perceptions of anticipated actions and costs, not the actual carrying through of violence, that have the greatest impact on the course of events and resolution or escalation of crises. Instead of a ratchet of escalating hostilities, the flexing of military muscle can increase as well as decrease actual hostilities, inflame as well as stabilize relations with rivals or enemies. Moreover, those effects are determined not just by U.S. moves but by the responses of other parties to them – or even to anticipated U.S. moves and countermoves.117 Indeed, as Schelling observed, strategies of brinkmanship sometimes operate by “the deliberate creation of a recognizable risk of war, a risk that one does not completely control.”118 This insight – that effective strategies of threatened force involve not only great uncertainty about the adversary’s responses but also sometimes involve intentionally creating risk of inadvertent escalation119 – poses a difficult challenge for any effort to cabin legally the President’s power to threaten force in terms of likelihood of war or some due standard of care.120 2. Lawyers’ Selection Problems Methodologically, a lawyerly focus on actual uses of force – a list of which would then commonly be used to consider which ones were or were not authorized by Congress – vastly undercounts the instances in which presidents wield U.S. military might. It is already recognized by some legal scholars that studying actual uses of force risks ignoring instances in which President contemplated force but refrained from using it, whether because of political, congressional, or other constraints.121 The point here is a different one: that some of the most significant (and, in many instances, successful) presidential decisions to threaten force do not show up in legal studies of presidential war powers that consider actual deployment or engagement of U.S. military forces as the relevant data set. Moreover, some actual uses of force, whether authorized by Congress or not, were preceded by threats of force; in some cases these threats may have failed on their own to resolve the crisis, and in other cases they may have precipitated escalation. To the extent that lawyers are interested in understanding from historical practice what war powers the political branches thought they had and how well that understanding worked, they are excluding important cases. Consider, as an illustration of this difference in methodological starting point, that for the period of 1946-1975 (during which the exercise of unilateral Presidential war powers had its most rapid expansion), the Congressional Research Service compilation of instances in which the United States has utilized military forces abroad in situations of military conflict or potential conflict to protect U.S. citizens or promote U.S. interests – which is often relied upon by legal scholars studying war powers – lists only about two dozen incidents.122 For the same time period, the Blechman and Kaplan study of political uses of force (usually threats) – which is often relied upon by political scientists studying U.S. security strategy – includes dozens more data-point incidents, because they divide up many military crises into several discrete policy decisions, because many crises were resolved with threat-backed diplomacy, and because many uses of force were preceded by overt or implicit threats of force.123 Among the most significant incidents studied by Blechman and Kaplan but not included in the Congressional Research Service compilation at all are the 1958-59 and 1961 crises over Berlin and the 1973 Middle East War, during which U.S. Presidents signaled threats of superpower war, and in the latter case signaled particularly a willingness to resort to nuclear weapons.124 Because the presidents did not in the end carry out these threats, these cases lack the sort of authoritative legal justifications or reactions that accompany actual uses of force. It is therefore difficult to assess how the executive branch and congress understood the scope of the President’s war powers in these cases, but historical inquiry would probably show the executive branch’s interpretation to be very broad, even to include full-scale war and even where the main U.S. interest at stake was the very credibility of U.S. defense commitments undergirding its grand strategy, not simply the interests specific to divided Germany and the Middle East region. Of course, one might argue that because the threatened military actions were never carried out in these cases, it is impossible to know if the President would have sought congressional authorization or how Congress would have reacted to the use of force; nonetheless, it is easy to see that in crises like these a threat by the President to use force, having put U.S. credibility on the line in addition to whatever other foreign policy stakes were at issues, would have put Congress in a bind. 3. Lawyers’ Mis-Assessment Empirically, analysis of and insights gleaned from any particular incident – which might then be used to evaluate the functional merits of presidential powers – looks very different if one focuses predominantly on the actual use of force instead of considering also the role of threatened force. Take for example, the Cuban Missile Crisis – perhaps the Cold War’s most dangerous event. To the rare extent that they consider domestic legal issues of this crisis at all, lawyers interested in the constitutionality of President Kennedy’s actions generally ask only whether he was empowered to initiate the naval quarantine of Cuba, because that is the concrete military action Kennedy took that was readily observable and that resulted in actual engagement with Soviet forces or vessels – as it happens, very minimal engagement.125 To strategists who study the crisis, however, the naval quarantine is not in itself the key presidential action; after all, as Kennedy and his advisers realized, a quarantine alone could not remove the missiles that were already in Cuba. The most consequential presidential actions were threats of military or even nuclear escalation, signaled through various means including putting U.S. strategic bombers on highest alert.126 The quarantine itself was significant not for its direct military effects but because of its communicative impact in showing U.S. resolve. If one is focused, as lawyers often are, on presidential military action that actually engaged the enemy in combat or nearly did, it is easy to dismiss this case as not very constitutionally significant. If one focuses on it, as strategists and political scientists often do, on nuclear brinkmanship, it is arguably the most significant historical exercise of unilateral presidential powers to affect war and peace.127 Considering again the 1991 Gulf War, most legal scholars would dismiss this instance as constitutionally a pretty uninteresting military conflict: the President claimed unilateral authority to use force, but he eventually sought and obtained congressional authorization for what was ultimately – at least in the short-run – a quite successful war. For the most part this case is therefore neither celebrated nor decried much by either side of legal war powers debates,128 though some congressionalist scholars highlight the correlation of congressional authorization for this war and a successful outcome.129 Political scientists look at the case differently, though. They often study this event not as a successful war but as failed coercive diplomacy, in that the United States first threatened war through a set of dramatically escalating steps that ultimately failed to persuade Saddam Hussein to withdraw from Kuwait.130 Some political scientists even see U.S. legal debate about military actions as an important part of this story, assessing that adversaries pay attention to congressional arguments and moves in evaluating U.S. resolve (an issue taken up in greater detail below) and that congressional opposition to Bush’s initial unilateralism in this case undermined the credibility of U.S. threats.131 Whether one sees the Gulf War as a case of (successful) war, as lawyers usually do, or (unsuccessful) threatened war, as political scientists usually do, colors how one evaluates the outcome and the credit one might attach to some factors such as vocal congressional opposition to initially-unilateral presidential moves. Notice also that legal analysis of Presidential authority to use force is sometimes thought to turn partly on the U.S. security interests at stake, as though those interests are purely contextual and exogenous to U.S. decision-making and grand strategy. In justifying President Obama’s 2011 use of force against the Libyan government, for example, the Justice Department’s Office of Legal Counsel concluded that the President had such legal authority “because he could reasonably determine that such use of force was in the national interest,” and it then went on to detail the U.S. security and foreign policy interests.132 The interests at stake in crises like these, however, are altered dramatically if the President threatens force: doing so puts the credibility of U.S. threats at stake, which is important not only with respect to resolving the crisis at hand but with respect to other potential adversaries watching U.S. actions.133 The President’s power to threaten force means that he may unilaterally alter the costs and benefits of actually using force through his prior actions.134 The U.S. security interests in carrying through on threats are partly endogenous to the strategy embarked upon to address crises (consider, for example, that once President George H.W. Bush placed hundred of thousands of U.S. troops in the Persian Gulf region and issued an ultimatum to Saddam Hussein in 1990, the credibility of U.S. threats and assurances to regional allies were put on the line).135 Moreover, interests at stake in any one crisis cannot simply be disaggregated from broader U.S. grand strategy: if the United States generally relies heavily on threats of force to shape the behavior of other actors, then its demonstrated willingness or unwillingness to carry out a threat and the outcomes of that action affect its credibility in the eyes of other adversaries and allies, too.136 It is remarkable, though in the end not surprising, that the executive branch does not generally cite these credibility interests in justifying its unilateral uses of force. It does cite when relevant the U.S. interest in sustaining the credibility of its formal alliance commitments or U.N. Security Council resolutions, as reasons supporting the President’s constitutional authority to use force.137 The executive branch generally refrains from citing the similar interests in sustaining the credibility of the President’s own threats of force, however, probably in part because doing so would so nakedly expose the degree to which the President’s prior unilateral strategic decisions would tie Congress’s hands on the matter. \* \* \* In sum, lawyers’ focus on actual uses of force – usually in terms of armed clashes with an enemy or the placement of troops into hostile environments – does not account for much vaster ways that President’s wield U.S. military power and it skews the claims legal scholars make about the allocation of war powers between the political branches. A more complete account of constitutional war powers should recognize the significant role of threatened force in American foreign policy. II. Democratic Checks on Threatened Force The previous Parts of this Article showed that, especially since the end of World War II, the United States has relied heavily on strategies of threatened force in wielding its military might – for which credible signals are a necessary element – and that the President is not very constrained legally in any formal sense in threatening war. Drawing on recent political science scholarship, this Part takes some of the major questions often asked by students of constitutional war powers with respect to the actual use of force and reframes them in terms of threatened force. First, as a descriptive matter, in the absence of formal legal checks on the President’s power to threaten war, is the President nevertheless informally but significantly constrained by democratic institutions and processes, and what role does Congress play in that constraint? Second, as a normative matter, what are the strategic merits and drawbacks of this arrangement of democratic institutions and constraints with regard to strategies of threatened force? Third, as a prescriptive matter, although it is not really plausible that Congress or courts would ever erect direct legal barriers to the President’s power to threaten war, how might legal reform proposals to more strongly and formally constrain the President’s power to use force indirectly impact his power to threaten it effectively? For reasons discussed below, I do not consider whether Congress could legislatively restrict directly the President’s power to threaten force or war; in short, I set that issue aside because assuming that were constitutionally permissible, even ardent congressionalists have exhibited no interest in doing so, and instead have focused on legally controlling the actual use of force. Political science insights that bear on these questions emerge from several directions. One is from studies of Congress’ influence on use of force decisions, which usually assume that Congress’s formal legislative powers play only a limited role in this area, and the effects of this influence on presidential decision-making about threatened force. Another is international relations literature on international bargaining138 as well as literature on the theory of democratic peace, the notion that democracies rarely, if ever, go to war with one another.139 In attempting to explain the near-absence of military conflicts between democracies, political scientists have examined how particular features of democratic governments – electoral accountability, the institutionalized mobilization of political opponents, and the diffusion of decision-making authority regarding the use of force among executive and legislative branches – affect decision-making about war.140 These and other studies, in turn, have led some political scientists (especially those with a rational choice theory orientation) to focus on how those features affect the credibility of signals about force that governments send to adversaries in crises.141 My purpose in addressing these questions is to begin painting a more complete and detailed picture of the way war powers operate, or could operate, than one sees when looking only at actual wars and use of force. This is not intended to be a comprehensive account but an effort to synthesize some strands of scholarship from other fields regarding threatened force to inform legal discourse about how war powers function in practice and the strategic implications of reform. The answers to these questions also bear on raging debates among legal scholars on the nature of American executive power and its constraint by law. Initially they seem to support the views of those legal scholars who have long believed that in practice law no longer seriously binds the President with respect to war-making.142 That view has been taken even further recently by Eric Posner and Adrian Vermeule, who argue that “[l]aw does little constraint the modern executive” at all, but also observe that “politics and public opinion” operate effectively to cabin executive powers.143 The arguments offered here, however, do more to support the position of those legal scholars who describe a more complex relationship between law and politics, including that law is constitutive of the processes of political struggle.144 That law helps constitute the processes of political struggles is true of any area of public policy, though, and what is special here is the added importance of foreign audiences – including adversaries and allies, alike – observing and reacting to those politics, too. Democratic Constraints on the Power to the Threaten Force Whereas most lawyers usually begin their analysis of the President’s and Congress’s war powers by focusing on their formal legal authorities, political scientists usually take for granted these days that the President is – in practice – the dominant branch with respect to military crises and that Congress wields its formal legislative powers in this area rarely or in only very limited ways. A major school of thought, however, is that congressional members nevertheless wield significant influence over decisions about force, and that this influence extends to threatened force, so that Presidents generally refrain from threats that would provoke strong congressional opposition. Even without any serious prospect for legislatively blocking the President’s threatened actions, Congress under certain conditions can loom large enough to force Presidents to adjust their policies; even when it cannot, congressional members can oblige the President expend lots of political capital. As Jon Pevehouse and William Howell explain: When members of Congress vocally oppose a use of force, they undermine the president’s ability to convince foreign states that he will see a fight through to the end. Sensing hesitation on the part of the United States, allies may be reluctant to contribute to a military campaign, and adversaries are likely to fight harder and longer when conflict erupts— thereby raising the costs of the military campaign, decreasing the president’s ability to negotiate a satisfactory resolution, and increasing the probability that American lives are lost along the way. Facing a limited band of allies willing to participate in a military venture and an enemy emboldened by domestic critics, presidents may choose to curtail, and even abandon, those military operations that do not involve vital strategic interests. 145 This statement also highlights the important point, alluded to earlier, that force and threatened force are not neatly separable categories. Often limited uses of force are intended as signals of resolve to escalate, and most conflicts involve bargaining in which the threat of future violence – rather than what Schelling calls “brute force”146 – is used to try to extract concessions. The formal participation of political opponents in legislative bodies provides them with a forum for registering dissent to presidential policies of force through such mechanisms floor statements, committee oversight hearings, resolution votes, and funding decisions.147 These official actions prevent the President “from monopolizing the nation’s political discourse” on decisions regarding military actions can thereby make it difficult for the President to depart too far from congressional preferences.148 Members of the political opposition in Congress also have access to resources for gathering policy relevant information from the government that informs their policy preferences. Their active participation in specialized legislative committees similarly gives opponent party members access to fact-finding resources and forums for registering informed dissent from decisions within the committee’s purview.149 As a result, legislative institutions within democracies can enable political opponents to have a more immediate and informed impact on executive’s decisions regarding force than can opponents among the general public. Moreover, studies suggest that Congress can actively shape media coverage and public support for a president’s foreign policy engagements.150 In short, these findings among political scientists suggest that, even without having to pass legislation or formally approve of actions, Congress often operates as an important check on threatened force by providing the president’s political opponents with a forum for registering dissent from the executive’s decisions regarding force in ways that attach domestic political costs to contemplated military actions or even the threats to use force. Under this logic, Presidents, anticipating dissent, will be more selective in issuing¶ threats in the first place, making only those commitments that would not incite¶ widespread political opposition should the threat be carried through.151 Political¶ opponents within a legislature also have few electoral incentives to collude in an¶ executive’s bluff, and they are capable of expressing opposition to a threatened use of¶ force in ways that could expose the bluff to a threatened adversary.152 This again narrows¶ the President’s range of viable policy options for brandishing military force. Counter-intuitively, given the President’s seemingly unlimited and unchallenged¶ constitutional power to threaten war, it may in some cases be easier for members of¶ Congress to influence presidential decisions to threaten military action than presidential¶ war decisions once U.S. forces are already engaged in hostilities. It is widely believed¶ that once U.S. armed forces are fighting, congress members’ hands are often tied: policy¶ opposition at that stage risks being portrayed as undermining our troops in the field.153¶ Perhaps, it could be argued, the President takes this phenomenon into account and¶ therefore discounts political opposition to threatened force; he can assume that such¶ opposition will dissipate if he carries it through. Even if that is true, before that point¶ occurs, however, members of Congress may have communicated messages domestically¶ and communicated signals abroad that the President will find difficult to counter.154 The bottom line is that a body of recent political science, while confirming the¶ President’s dominant position in setting policy in this area, also reveals that policymaking¶ with respect to threats of force is significantly shaped by domestic politics and¶ that Congress is institutionally positioned to play a powerful role in influencing those¶ politics, even without exercising its formal legislative powers. Given the centrality of¶ threatened force to U.S. foreign policy strategy and security crises, this suggests that the¶ practical war powers situation is not so imbalanced toward the President as many assume. B. Democratic Institutions and the Credibility of Threats A central question among constitutional war powers scholars is whether robust¶ checks – especially congressional ones – on presidential use of force lead to “sound”¶ policy decision-making. Congressionalists typically argue that legislative control over¶ war decisions promotes more thorough deliberation, including more accurate weighing of¶ consequences and gauging of political support of military action.155 Presidentialists¶ usually counter that the executive branch has better information and therefore better¶ ability to discern the dangers of action or inaction, and that quick and decisive military¶ moves are often required to deal with security crises.156 If we are interested in these sorts of functional arguments, then reframing the¶ inquiry to include threatened force prompts critical questions whether such checks also¶ contribute to or detract from effective deterrence and coercive diplomacy and therefore¶ positively or negatively affect the likelihood of achieving aims without resort to war.¶ Here, recent political science provides some reason for optimism, though the scholarship¶ in this area is neither yet well developed nor conclusive. To be sure, “soundness” of policy with respect to force is heavily laden with¶ normative assumptions about war and the appropriate role for the United States in the¶ broader international security system, so it is difficult to assess the merits and¶ disadvantages of constitutional allocations in the abstract. That said, whatever their¶ specific assumptions about appropriate uses of force in mind, constitutional war powers¶ scholars usually evaluate the policy advantages and dangers of decision-making¶ allocations narrowly in terms of the costs and outcomes of actual military engagements¶ with adversaries. The importance of credibility to strategies of threatened force adds important new¶ dimensions to this debate. On the one hand, one might intuitively expect that robust democratic checks would generally be ill-suited for coercive threats and negotiations –¶ that institutional centralization and secrecy of decision-making might better equip nondemocracies¶ to wield threats of force. As Quincy Wright speculated in 1944, autocracies¶ “can use war efficiently and threats of war even more efficiently” than democracies,157¶ especially the American democracy in which vocal public and congressional opposition¶ may undermine threats.158 Moreover, proponents of democratic checks on war powers¶ usually assume that careful deliberation is a virtue in preventing unnecessary wars, but¶ strategists of deterrence and coercion observe that perceived irrationality is sometimes¶ important in conveying threats: “don’t test me, because I might just be crazy enough to¶ do it!”159 On the other hand, some political scientists have recently called into question this¶ view and concluded that the institutionalization of political contestation and some¶ diffusion of decision-making power in democracies of the kind described in the previous¶ section make threats to use force rare but especially credible and effective in resolving¶ international crises without actual resort to armed conflict. In other words, recent¶ arguments in effect turn some old claims about the strategic disabilities of democracies¶ on their heads: whereas it used to be generally thought that democracies were ineffective¶ in wielding threats because they are poor at keeping secrets and their decision-making is¶ constrained by internal political pressures, a current wave of political science accepts this¶ basic description but argues that these democratic features are really strategic virtues.160 Rationalist models of crisis bargaining between states assume that because war is¶ risky and costly, states will be better off if they can resolve their disputes through¶ bargaining rather than by enduring the costs and uncertainties of armed conflict.161¶ Effective bargaining during such disputes – that which resolves the crisis without a resort¶ to force – depends largely on states’ perceptions of their adversary’s capacity to wage an¶ effective military campaign and its willingness to resort to force to obtain a favorable¶ outcome. A state targeted with a threat of force, for example, will be less willing to resist¶ the adversary’s demands if it believes that the adversary intends to wage and is capable of¶ waging an effective military campaign to achieve its ends. In other words, if a state¶ perceives that the threat from the adversary is credible, that state has less incentive to¶ resist such demands if doing so will escalate into armed conflict. The accuracy of such perceptions, however, is often compromised by¶ informational asymmetries that arise from private information about an adversary’s¶ relative military capabilities and resolve that prevents other states from correctly¶ assessing another states’ intentions, as well as by the incentives states have to¶ misrepresent their willingness to fight – that is, to bluff.162 Informational asymmetries¶ increase the potential for misperception and thereby make war more likely; war,¶ consequentially, can be thought of in these cases as a “bargaining failure.”163 Some political scientists have argued in recent decades – contrary to previously common wisdom – that features and constraints of democracies make them better suited than non-democracies to credibly signal their resolve when they threaten force. To bolster their bargaining position, states will seek to generate credible signals of their resolve by taking actions that can enhance the credibility of such threats, such as mobilizing military forces or making “hand-tying” commitments from which leaders cannot back down without suffering considerable political costs domestically.164 These domestic audience costs, according to some political scientists, are especially high for leaders in democratic states, where they may bear these costs at the polls.165 Given the potentially high domestic political and electoral repercussions democratic leaders face from backing down from a public threat, they have considerable incentives to refrain from bluffing. An adversary that understands these political vulnerabilities is thereby more likely to perceive the threats a democratic leader does issue as highly credible, in turn making it more likely that the adversary will yield.166 Other scholars have recently pointed to the special role of legislative bodies in signaling with regard to threatened force. This is especially interesting from the perspective of constitutional powers debates, because it posits a distinct role for Congress – and, again, one that does not necessarily rely on Congress’s ability to pass binding legislation that formally confines the President. Kenneth Schultz, for instance, argues that the open nature of competition within democratic societies ensures that the interplay of opposing parties in legislative bodies over the use of force is observable not just to their domestic publics but to foreign actors; this inherent transparency within democracies – magnified by legislative processes – provides more information to adversaries regarding the unity of domestic opponents around a government’s military and foreign policy decisions.167 Political opposition parties can undermine the credibility of some threats by the President to use force if they publicly voice their opposition in committee hearings, public statements, or through other institutional mechanisms. Furthermore, legislative processes – such as debates and hearings – make it difficult to conceal or misrepresent preferences about war and peace. Faced with such institutional constraints, Presidents will incline to be more selective about making such threats and avoid being undermined in that way.168 This restraining effect on the ability of governments to issue threats simultaneously makes those threats that the government issues more credible, if an observer assumes that the President would not be issuing it if he anticipated strong political opposition. Especially when members of the opposition party publicly support an executive’s threat to use force during a crisis, their visible support lends additional credibility to the government’s threat by demonstrating that political conditions domestically favor the use of force should it be necessary.169 In some cases, Congress may communicate greater willingness than the president to use force, for instance through non-binding resolutions.170 Such powerful signals of resolve should in theory make adversaries more likely to back down. The credibility-enhancing effects of legislative constraints on threats are subject to dispute. Some studies question the assumptions underpinning theories of audience costs – specifically the idea that democratic leaders suffer domestic political costs to failing to make good on their threats, and therefore that their threats are especially credible171 – and others question whether the empirical data supports claims that democracies have credibility advantages in making threats.172 Other scholars dispute the likelihood that leaders will really be punished politically for backing down, especially if the threat was not explicit and unambiguous or if they have good policy reasons for doing so.173 Additionally, even if transparency in democratic institutions allows domestic dissent from threats of force to be visible to foreign audiences, it is not clear that adversaries would interpret these mechanisms as political scientists expect in their models of strategic interaction, in light of various common problems of misperception in international relations.174 These disputes are not just between competing theoretical models but also over the links between any of the models and real-world political behavior by states. At this point there remains a dearth of good historical evidence as to how foreign leaders interpret political maneuvers within Congress regarding threatened force. Nevertheless, at the very least, strands of recent political science scholarship cast significant doubt on the intuition that democratic checks are inherently disadvantageous to strategies of threatened force. Quite the contrary, they suggest that legislative checks – or, indeed, even the signaling functions that Congress is institutionally situated to play with respect to foreign audiences interpreting U.S. government moves – can be harnessed in some circumstances to support such strategies. C. Legal Reform and Strategies of Threatened Force Among legal scholars of war powers, the ultimate prescriptive question is whether the President should be constrained more formally and strongly than he currently is by legislative checks, especially a more robust and effective mandatory requirement of congressional authorization to use force. Calls for reform usually take the form of narrowing and better enforcement (by all three branches of government) of purported constitutional requirements for congressional authorization of presidential uses of force or revising and enforcing the War Powers Resolutions or other framework legislation requiring express congressional authorization for such actions.175 As applied to strategies of threatened force, generally under these proposals the President would lack authority to make good on them unilaterally (except in whatever narrow circumstances for which he retains his own unilateral authority, such as deterring imminent attacks on the United States). Whereas legal scholars are consumed with the internal effects of war powers law, such as whether and when it constrains U.S. government decision-making, the analysis contained in the previous section shifts attention externally to whether and when U.S. law might influence decision-making by adversaries, allies, and other international actors. In prescriptive terms, if the President’s power to use force is linked to his ability to threaten it effectively, then any consideration of war powers reform on policy outcomes and longterm interests should include the important secondary effects on deterrent and coercive strategies – and how U.S. legal doctrine is perceived and understood abroad.176 Would stronger requirements for congressional authorization to use force reduce a president’s opportunities for bluffing, and if so would this improve U.S. coercive diplomacy by making ensuing threats more credible? Or would it undermine diplomacy by taking some threats off the table as viable policy options? Would stronger formal legislative powers with respect to force have significant marginal effects on the signaling effects of dissent within Congress, beyond those effects already resulting from open political discourse? These are difficult questions, but the analysis and evidence above helps generate some initial hypotheses and avenues for further research and analysis. One might ask at this point why, though, having exposed as a hole in war powers legal discourse the tendency to overlook threatened force, this Article does not take up whether Congress should assert some direct legislative control of threats – perhaps statutorily limiting the President’s authority to make them or establishing procedural conditions like presidential reporting requirements to Congress. This Article puts such a notion aside for several reasons. First, for reasons alluded to briefly above, such limits would be very constitutionally suspect and difficult to enforce.177 Second, even the most ardent war-power congressionalists do not contemplate such direct limits on the President’s power to threaten; they are not a realistic option for reform. Instead, this Article focuses on the more plausible – and much more discussed – possibility of strengthening Congress’s power over the ultimate decision whether to use force, but augments the usual debate over that question with appreciation for the importance of credible threats. A claim previously advanced from a presidentialist perspective is that stronger legislative checks on war powers is harmful to coercive and deterrent strategies, because it establishes easily-visible impediments to the President’s authority to follow through on threats. This was a common policy argument during the War Powers Resolution debates in the early 1970s. Eugene Rostow, an advocate inside and outside the government for executive primacy, remarked during consideration of legislative drafts that any serious restrictions on presidential use of force would mean in practice that “no President could make a credible threat to use force as an instrument of deterrent diplomacy, even to head off explosive confrontations.”178 He continued: In the tense and cautious diplomacy of our present relations with the Soviet Union, as they have developed over the last twenty-five years, the authority of the President to set clear and silent limits in advance is perhaps the *most* important of all the powers in our constitutional armory to prevent confrontations that could carry nuclear implications. … [I]t is the diplomatic power the President needs most under the circumstance of modern life—the power to make a credible threat to use force in order to prevent a confrontation which might escalate.179 In his veto statement on the War Powers Resolution, President Nixon echoed these concerns, arguing that the law would undermine the credibility of U.S. deterrent and coercive threats in the eyes of both adversaries and allies – they would know that presidential authority to use force would expire after 60 days, so absent strong congressional support they could assume U.S. withdrawal at that point.180 In short, those who oppose tying the president’s hands with mandatory congressional authorization requirements to use force sometimes argue that doing so incidentally and dangerously ties his hands in threatening it. A critical assumption here is that presidential flexibility, preserved in legal doctrine, enhances the credibility of presidential threats to escalate.

# 1NC

**The President of the United States should issue an executive order transferring lead executive authority for targeted killing outside zones of active hostilities from the Central Intelligence Agency to the Joint Special Operations Command. The President of the United States should disclose the results of targeted killings to Congress.**

**Transferring authority boosts transparency and intel without restricting strikes – solves the aff**

**Zenko 13**¸ Micah, Douglas Dillon fellow with the Center for Preventive Action at the Council on Foreign Relations, “Clip the Agency's Wings: Why Obama needs to take the drones away from the CIA,” April 16th, http://www.foreignpolicy.com/articles/2013/04/16/clip\_the\_agencys\_wings\_cia\_drones?utm\_source=feedly

Last month, Daniel Klaidman reported that three senior officials had told him that President Obama would gradually transfer targeted killings to the Pentagon during his second term. Other journalists report that this is not a certainty or that "it would most likely leave drone operations in Pakistan under the CIA," making any transition meaningless since over 80 percent of all U.S. targeted killings have occurred in Pakistan. But if Obama is serious about reforming targeted killing policies, as he has stated, then he needs to sign an executive order transferring lead executive authority for non-battlefield targeted killings from the CIA to the Defense Department. Doing this has three significant benefits for U.S. foreign policy. First, it would increase the transparency of targeted killings, including what methods are used to prevent civilian harm. Strikes by the CIA are classified as Title 50 "covert action," which under law are "activities of the United States Government...where it is intended that the role of the United States Government will not be apparent or acknowledged publicly, but does not include traditional...military activities." CIA operations purportedly allow for deniability about the U.S. role, though this rationale no longer applies to the highly-publicized drone campaign in Pakistan, which Obama personally acknowledged in January 2012. Beyond adjectives in public speeches ("methodical," "deliberate," "not willy-nilly"), the government does not, and cannot, describe the procedures and rules for CIA targeted killings. JSOC operations in Somalia and Yemen, on the other hand, fall under the Title 10 "armed forces" section of U.S. law, which the White House reports as "direct action" to Congress. The United States has also acknowledged clandestine military operations to the United Nations "against al-Qaida terrorist targets in Somalia in response to on-going threats to the United States." Moreover, JSOC operations are guided by military doctrine, available to the public in Joint Publication 3-60 (JP 3-60): Joint Targeting. (While the complete 2007 edition can be found online, only the executive summary of the most-recent version, released on January 31, is available. If the Joint Staff's J-7 Directorate for Joint Force Development posted this updated edition in its entirety -- or fulfilled my FOIA request [case number 13-F-0514] -- that would be appreciated.) JP 3-60 matters because it details each step in the targeting cycle, including the fundamentals, processes, responsibilities, legal considerations, and methods to reduce civilian casualties. This degree of transparency is impossible for CIA covert actions. Second, it would focus the finite resources and bandwidth of the CIA on its primary responsibilities of intelligence collection, analysis, and early warning. Last year, the President's Intelligence Advisory Board -- a semi-independent executive branch body, the findings of which rarely leak -- reportedly told Obama that "U.S. spy agencies were paying inadequate attention to China, the Middle East and other national security flash points because they had become too focused on military operations and drone strikes." This is not a new charge, since every few years an independent group or congressional report determines that "the CIA has been ignoring its core mission activities." But, as Mark Mazzetti shows in his indispensable CIA history, the agency has evolved from an organization once deeply divided at senior levels about using armed drones, to one that is a fully functioning paramilitary army. As former senior CIA official Ross Newland warns, the agency's armed drones program "ends up hurting the CIA. This just is not an intelligence mission." There is no longer any justification for the CIA to have its own redundant fleet of 30 to 35 armed drones. During White House debates of CIA requests in 2009, Gen. James Cartwright, the vice chairman of the Joint Chiefs of Staff, repeatedly asked: "Can you tell me why we are building a second Air Force?" Obama eventually granted every single request made by then-Director of Central Intelligence Leon Panetta, adding: "The CIA gets what it wants." With this year's proposed National Intelligence Program budget scheduled to fall by 8 percent, an open checkbook for Langley is not sustainable or strategically wise.

# 1NC

#### Winning War on Terror now

Ackerman, 13 -- Wired senior reporter

[Spencer, "Spy Chiefs Point to a Much, Much Weaker Al-Qaida," Wired, 3-13-13, www.wired.com/dangerroom/2013/03/spy-terrorism/, accessed 9-18-13, mss]

Don’t ever expect the heads of the U.S.’ 16-agency spy apparatus to say it outright. But the testimony they provided Tuesday morning to a Senate panel described al-Qaida, the scourge of the U.S. for 12 years, as a threat that’s on the verge of becoming a spent force, if they’re not already. James Clapper, the director of national intelligence, and his colleagues at the CIA, Defense Intelligence Agency, National Counterterrorism Center and State Department, never made that contention outright to the Senate Select Committee on Intelligence on Tuesday. But in their annual public briefing on the threats America faces, they focused on their budgets and on cyber attacks more than they did terrorism. Not only was that itself a big change in the annual exercise, what they said about the threat from al-Qaida was mostly cheerful news. Al-Qaida’s core in Pakistan is so degraded that it is “probably unable to carry out complex, large-scale attacks in the West,” Clapper testified. (.pdf) Its regional affiliates, in Iraq, Somalia and northern Africa, are focused on local attacks. Despite all the online propaganda seeking to radicalize American Muslim, homegrown jihadis will attempt “fewer than ten domestic plots per year.” Last year, the plots hit the single digits; no one died from them. Matt Olsen, the director of the National Counterterrorism Center, testified that those attempts are and are likely to remain “unsophisticated.” Those al-Qaida manages to inspire may be “wayward knuckleheads,” Olsen said, but they’ll remain a challenge for the spy apparatus to monitor and disrupt. The exception is al-Qaida in the Arabian Peninsula, the Yemen affiliate of the organization, which remains the one most inclined to attack the U.S. at home. FBI director Robert Mueller said the threat to U.S. airliners from that affiliate is “undiminished.” Attacking outside Yemen remains a priority for the organization. But Clapper said they’ll have to balance that agenda with both their aspirations in Yemen and the degree to which “they have individuals who can manage, train, and deploy operatives for U.S. operations.” To be clear, not a single spy chief said that al-Qaida is no longer a big deal. Not a single spy chief said that al-Qaida no longer threatens the United States. And not a single spy chief so much as hinted that it’s time for U.S. officials to consider the global war on terrorism finished. Ever since the Benghazi attack of September, those officials and their spy chiefs have stopped predicting that al-Qaida is on the verge of defeat. If anything, Clapper warned that the budget crunch he’s under might make it harder to spot and prevent the next al-Qaida attack. Yet the picture they presented of al-Qaida is no longer one of a determined global movement growing in strength; seeking the world’s deadliest weapons; and capable of pulling off complex, mass-casualty assaults. Benghazi, and the January attack on an Algerian oil field, look like models for the terrorist threats of the future: ones that occur far from U.S. soil, launched by unaffiliated groups that are primarily focused on a local agenda, yet sufficiently inspired by al-Qaida’s rhetoric or sympathetic to its worldview that unsecured western targets of opportunity are in its cross-hairs. Left unsaid and un-debated at the hearing: whether that diminished threat means it’s time to roll back the U.S. global wartime apparatus; or whether it’s only diminished because of an aggressive wartime apparatus that **needs to keep doing what it’s doing, lest the threat re-emerge**.

#### Geographic restrictions doom counter-terror- safe havens

Blank, 10 – Emory University School of Law International Humanitarian Law Clinic director

[Laurie, "Defining the Battlefield in Contemporary Conflict and Counterterrorism: Understanding the Parameters of the Zone of Combat," Georgia Journal of International and Comparative Law, Vol. 39, No. 1, 9-16-10, http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=1677965, accessed 8-19-13, mss]

The ramifications of including areas within the zone of combat, such as the accompanying authority to use lethal force as a first resort, raise a variety of policy considerations. The two primary considerations weigh directly against each other and perhaps, as a result, lend credence to the need for a middle ground in defining the zone of combat. First, some argue that creating geographic limits to the battlefield has the problematic effect of granting terrorists a safe haven. For example, a member of al Qaeda can be a legitimate target as a result of continuous participation in hostilities, thus losing any immunity from attack he might have had by dint of being a civilian.105 If the zone of combat is limited geographically to certain areas, then this member of al Qaeda can avoid being targeted—and thus regain civilian immunity, in essence—simply by crossing an international border even while remaining active in a terrorist organization engaged in a conflict with the U.S.106 Geographic limits designed to curtail the use of governmental military force thus effectively grant terrorists a safe haven and extend the conflict by enabling them to regroup and continue their attacks.

#### AUMF revisions crush counter-terror- crushes flexibility, announces our vulnerabilities, and snowballs

Corn, 13 Geoffrey, Professor of Law and Presidential Research Professor, Testimony at the Hearing of the Senate Armed Services Committee Subject: "The Law of Armed Conflict, the Use of Military Force, and the 2001 Authorization for Use of Military Force" May 16th, Federal News Service, Nexis

Because I do not believe there is inconsistency between the nature of U.S. operations to date and these inherent limitations, I do not believe it is necessary at this point in time to modify the AUMF. Instead, I believe that Congress should continue to engage in oversight to remain fully apprised of the strategic, operational, and at times tactical decisionmaking processes that result in the employment of U.S. combat power pursuant to the statute, enabling Congress to ensure that such use falls within the scope of an authorization targeted at al Qaeda, intended to protect the Nation from future terrorist attacks, and that these operations reflect unquestioned commitment to the principles of international law that regulate the use of military force during any armed conflict. I believe the AUMF effectively addresses the belligerent threat against the United States posed by terrorist groups. I emphasize the term ‘‘belligerent’’ for an important reason. It is obvious that the AUMF has granted authority to use the Nation’s military power against threats falling within its scope. Therefore, only those organizations that pose a risk of sufficient magnitude to justify invoking the authority associated with armed conflict should be included within that scope as a result of their affiliation with al Qaeda. Determining what groups properly fall within this scope is, therefore, both critical and challenging. The AUMF provides the President with the necessary flexibility to tailor U.S. operations to the evolving nature of this unconventional enemy, maximizing the efficacy of U.S. efforts to deny al Qaeda the freedom of action they possessed in Afghanistan prior to Operation Enduring Freedom. In reaction to this evolution, the United States has employed combat power against what the prior panel referred to as associated forces or co-belligerents of al Qaeda, belligerent groups assessed to adhere to the overall terrorist objectives of the organization and engage in hostilities alongside al Qaeda directed against the United States or its interests. The focused on shared ideology, tactics, and indicia of connection between high-level group leaders seems both logical and legitimate for including these offshoots of al Qaeda within the scope of the AUMF as co-belligerents, a determination that, based on publicly available information, has to date been limited to groups seeking the sanctuary of the Afghanistan-Pakistan border areas, Yemen, or Somalia. If Congress does, however, choose to revise the AUMF, I do not believe that the revision should incorporatean exclusive list of defined co-belligerent groups, a geographic scope limitation, or some external oversight of targeting decisions**,** all of which would undermine the efficacy of U.S. operations by signaling to the enemy limits on U.S. operational and tactical reach**.** It is an operational and tactical axiom that insurgent and non- state threats rarely seek the proverbial toe-to-toe confrontation with clearly superior military forces. Al Qaeda is no different. Indeed, their attempts to engage in such tactics in the initial phases of Operation Enduring Freedom proved disastrous. Incorporating such limitations into the AUMF would, therefore, be inconsistent with the operational objective of seizing and retaining the initiative against this unconventional enemy and the strategic objective of preventing future terrorist attacks against the United States. Finally, I believe to target decisionmaking during armed conflict is a quintessential command function and that the President, acting in his own capacity or through subordinate officers, should make these decisions. He and his subordinates bear an obligation to ensure compliance with the Law of Armed Conflict and other principles of international law when employing U.S. combat power. Every subordinate officer in the chain of command is sworn to uphold and defend the constitution which, by implication, also requires compliance with this law. I believe the level of commitment to ensuring such compliance in structure, process, education, training, and internal oversight is more significant today than at any time in our Nation’s history. As one familiar with all these aspects of the compliance process, I am discouraged by the common assertion that there is insufficient oversight for targeting decisions. Furthermore, I believe few people better understand the immense moral burden associated with a decision to order lethal attack than experienced military leaders who never take these decisions lightly. If our confidence in these leaders to make sound military decisions is sufficient to entrust to them the lives of our sons and daughters—and on this point, again I must admit my self-interest as my son is a second-year cadet in the U.S. Air Force Academy and my brother is a serving colonel in the United States Army—I believe it must be sufficient to judge when and how to employ lethal combat power against an enemy. These leaders spend their entire professional careers immersed in the operational, moral, ethical, and legal aspects of employing combat power. I just do not believe some external oversight mechanism or a Federal judge is more competent to make these extremely difficult and weighty judgments as the people that this Nation entrusts for that responsibility. Finally, I would like to make one comment on the very hotly discussed issue of associated forces and the scope of the AUMF. In my view, when the administration refers to an associated or affiliated force, it is referring to a process of mutation that this organization undergoes. Obviously, we are dealing with an enemy that is going to seek every asymmetrical tactic to avoid the capability of the United States to disrupt or disable its operations. Part of that tactic, I think is to recruit and grow affiliated organizations. I certainly understand the logic of wanting to include those organizations within the scope of a revised AUMF. My concern echoes that of Senator Inhofe, which is the risk is if you open that Pandora’s box, what other changes to this authority might be included in the statute which I believe could denigrate or limit the effectiveness of U.S. military operations. And so while I believe Congress absolutely has an important function to ensure that the use of force under the statute is consistent with the underlying principles that frame the enactment of the AUMF, which is to defeat al Qaeda as an entity in the corporate sense and protect the United States from future terrorist attacks, I do not believe at this point in time it is necessary to modify the statute.

#### Drones key- disruption, decapitation, and destroys safe havens, specialists, and training

Byman, 13 -- Georgetown University Security Studies professor

[Daniel, Brookings Institution Saban Center for Middle East Policy Senior Fellow, "Why Drones Work," Foreign Affairs, July/August 2013, http://www.brookings.edu/research/articles/2013/06/17-drones-obama-weapon-choice-us-counterterrorism-byman, accessed 8-28-13, mss]

Despite President Barack Obama’s recent call to reduce the United States’ reliance on drones, they will likely remain his administration’s weapon of choice. Whereas President George W. Bush oversaw fewer than 50 drone strikes during his tenure, Obama has signed off on over 400 of them in the last four years, making the program the centerpiece of U.S. counterterrorism strategy. The drones have done their job remarkably well: by killing key leaders and denying terrorists sanctuaries in Pakistan, Yemen, and, to a lesser degree, Somalia, drones have devastated al Qaeda and associated anti-American militant groups. And they have done so at little financial cost, at no risk to U.S. forces, and with fewer civilian casualties than many alternative methods would have caused. Critics, however, remain skeptical. They claim that drones kill thousands of innocent civilians, alienate allied governments, anger foreign publics, illegally target Americans, and set a dangerous precedent that irresponsible governments will abuse. Some of these criticisms are valid; others, less so. In the end, drone strikes remain a necessary instrument of counterterrorism. The United States simply cannot tolerate terrorist safe havens in remote parts of Pakistan and elsewhere, and drones offer a comparatively low-risk way of targeting these areas while minimizing collateral damage. So drone warfare is here to stay, and it is likely to expand in the years to come as other countries’ capabilities catch up with those of the United States. But Washington must continue to improve its drone policy, spelling out clearer rules for extrajudicial and extraterritorial killings so that tyrannical regimes will have a harder time pointing to the U.S. drone program to justify attacks against political opponents. At the same time, even as it solidifies the drone program, Washington must remain mindful of the built-in limits of low-cost, unmanned interventions, since the very convenience of drone warfare risks dragging the United States into conflicts it could otherwise avoid. NOBODY DOES IT BETTER The Obama administration relies on drones for one simple reason: they work. According to data compiled by the New America Foundation, since Obama has been in the White House, U.S. drones have killed an estimated 3,300 al Qaeda, Taliban, and other jihadist operatives in Pakistan and Yemen. That number includes over 50 senior leaders of al Qaeda and the Taliban -- top figures who are not easily replaced. In 2010, Osama bin Laden warned his chief aide, Atiyah Abd al-Rahman, who was later killed by a drone strike in the Waziristan region of Pakistan in 2011, that when experienced leaders are eliminated, the result is “the rise of lower leaders who are not as experienced as the former leaders” and who are prone to errors and miscalculations. And drones also hurt terrorist organizations when they eliminate operatives who are lower down on the food chain but who boast special skills: passport forgers, bomb makers, recruiters, and fundraisers. Drones have also undercut terrorists’ ability to communicate and to train new recruits. In order to avoid attracting drones, al Qaeda and Taliban operatives try to avoid using electronic devices or gathering in large numbers. A tip sheet found among jihadists in Mali advised militants to “maintain complete silence of all wireless contacts” and “avoid gathering in open areas.” Leaders, however, cannot give orders when they are incommunicado, and training on a large scale is nearly impossible when a drone strike could wipe out an entire group of new recruits. Drones have turned al Qaeda’s command and training structures into a liability, forcing the group to choose between having no leaders and risking dead leaders.

# Solvency

#### Obama can circumvent the plan- covert loopholes are inevitable

**Lohmann 1-28**-13 [Julia, director of the Harvard Law National Security Research Committee, BA in political science from the University of California, Berkeley, “Distinguishing CIA-Led from Military-Led Targeted Killings,” <http://www.lawfareblog.com/wiki/the-lawfare-wiki-document-library/targeted-killing/effects-of-particular-tactic-on-issues-related-to-targeted-killings/>]

The U.S. military—in particular, the Special Operations Command (SOCOM), and its subsidiary entity, the Joint Special Operations Command (JSOC)—is responsible for carrying out military-led targeted killings.¶ Military-led targeted killings are subject to various legal restrictions, including a complex web of statutes and executive orders. For example, because the Covert Action Statute does not distinguish among institutions undertaking covert actions, targeted killings conducted by the military that fall within the definition of “covert action” set forth in 50 U.S.C. § 413(b) are subject to the same statutory constraints as are CIA covert actions. 50 U.S.C. § 413b(e). However, as Robert Chesney explains, many military-led targeted killings may fall into one of the CAS exceptions—for instance, that for traditional military activities—so that the statute’s requirements will not always apply to military-led targetings. Such activities are exempted from the CAS’s presidential finding and authorization requirements, as well as its congressional reporting rules.¶ Because such unacknowledged military operations are, in many respects, indistinguishable from traditional covert actions conducted by the CIA, this exception may provide a “loophole” allowing the President to circumvent existing oversight mechanisms without substantively changing his operational decisions. However, at least some military-led targetings do not fall within the CAS exceptions, and are thus subject to that statute’s oversight requirements. For instance, Chesney and Kenneth Anderson explain, some believe that the traditional military activities exception to the CAS only applies in the context of overt hostilities, yet it is not clear that the world’s tacit awareness that targeted killing operations are conducted (albeit not officially acknowledged) by the U.S. military, such as the drone program in Pakistan, makes those operations sufficiently overt to place them within the traditional military activities exception, and thus outside the constraints of the CAS.¶ Chesney asserts, however, that despite the gaps in the CAS’s applicability to military-led targeted killings, those targetings are nevertheless subject to a web of oversight created by executive orders that, taken together, largely mirrors the presidential authorization requirements of the CAS. But, this process is not enshrined in statute or regulation and arguably could be changed or revoked by the President at any time. Moreover, this internal Executive Branch process does not involve Congress or the Judiciary in either ex ante or ex post oversight of military-led targeted killings, and thus, Philip Alston asserts, it may be insufficient to provide a meaningful check against arbitrary and overzealous Executive actions.

#### Plan can’t solve future president rollback

**Fournier 5-28**-13 [Ron Fournier is the Editorial Director of National Journal. Prior to joining National Journal, he worked at the Associated Press for 20 years, most recently as Washington Bureau Chief. Starting with a Little Rock posting, covering Bill Clinton's second term as governor, Fournier moved to Washington to report on the Clinton White House. He has won numerous awards for his work, including the Society of Professional Journalists' Sigma Delta Chi Award for coverage of the 2000 elections and a four-time winner of the prestigious White House Correspondents' Association Merriman Smith Memorial Award. His 2012 piece on the decline of U.S. institutions, "In Nothing We Trust," was awarded an honorable mention in David Brook’s essay contest, the Sidney Awards, “What If the Next President Is Even Worse?” <http://www.nationaljournal.com/politics/what-if-the-next-president-is-even-worse-20130528>]

George W. Bush in 2001 declared war on a tactic (terrorism), and empowered Big Brother to tap phones, launch drones, and indefinitely imprison people without due process.¶ Barack Obama in 2008 declared those Bush policies an overreach, and pledged to curb drone strikes, protect media freedoms, and close the prison at Guantanamo Bay. Instead, he escalated drone strikes and spied on the media. Gitmo is still open for its grim business.¶ These are facts. And yet, they are distorted by extreme and narrow-minded partisans, supporters of both Bush and Obama.¶ Conservatives contend that Bush single-handedly prevented a major terrorist strike after Sept. 11, 2001. They demagogue efforts to shift the pendulum back toward civil liberties. Last week, when Obama finally proposed a modest reassessment of the Bush doctrine, Sen. Saxby Chambliss, R-Ga., claimed the efforts "will be viewed by terrorists as a victory."¶ Liberals hypocritically gave Obama a pass for furthering the same policies they condemned in 2008. Criticism from the left was half-hearted and muted, compared with their Bush-era indignation. On Gitmo, left-wingers rightly blamed the GOP for blocking closure but didn't shame Obama into using his executive authority to shutter the pit.¶ Some progressives even tried to justify the Obama administration's efforts to criminalize the work of a Fox News reporter. Would they be so blase about a White House targeting MSNBC?¶ As Leonard Downie Jr. wrote in Sunday's Washington Post, "Hardly anything seems immune from constitutionally dangerous politicking in a polarized Washington."¶ But that's no excuse for missing the big picture, which is this: Bush and Obama shouldn't worry you nearly as much as the next president.¶ Or the one after that.¶ Think about it, liberals. What if there is a president in your lifetime who is more conservative than Bush? What if that commander in chief is empowered, as were Bush and Obama, by a national tragedy and a compliant Congress?¶ Your guy Obama has armed a president-turned-zealot with dangerous powers and precedents.¶ Think about it, conservatives. It may be maddening to listen to Obama tie himself into knots over the balance between liberty and freedom, but what if the next Democratic president sees no limit on a commander in chief's powers? What if he or she doesn't give a whit about offending the mainstream media? The IRS targeting conservatives is a scandal, but there is no evidence that it was directed by the White House. What if the next Democratic president publicly declared his or her political opponents a direct threat to national security, and openly deployed federal agents against them?¶ Before your eyes roll out of your heads, it is not unthinkable that a future president could make Bush and Obama look downright libertarian. We live in an age of rapid connectivity and hyper-celebrity, forces that create, destroy, and often resurrect public figures within the lifespan of a cicada. Does the name Justin Bieber ring a bell?¶ How about Sarah Palin? Our culture of celebrity coupled with the public's disaffection with Washington, could lead to the election of a true demagogue or reactionary. Put it this way: What if Huey Long had had access to the Internet? Or even Pat Buchanan? Don't be blinded by partisanship.

# Terror Adv

#### No Russian War

Weitz ‘11 (Richard, senior fellow at the Hudson Institute and a World Politics Review senior editor, “Global Insights: Putin not a Game-Changer for U.S.-Russia Ties,” <http://www.scribd.com/doc/66579517/Global-Insights-Putin-not-a-Game-Changer-for-U-S-Russia-Ties>, September 27, 2011)

Fifth, there will inevitably be areas of conflict between Russia and the United States regardless of who is in the Kremlin. Putin and his entourage can never be happy with having NATO be Europe's most powerful security institution, since Moscow is not a member and cannot become one. Similarly, the Russians will always object to NATO's missile defense efforts since they can neither match them nor join them in any meaningful way. In the case of Iran, Russian officials genuinely perceive less of a threat from Tehran than do most Americans, and Russia has more to lose from a cessation of economic ties with Iran -- as well as from an Iranian-Western reconciliation. On the other hand, these conflicts can be managed, since they will likely remain limited and compartmentalized. Russia and the West do not have fundamentally conflicting vital interests of the kind countries would go to war over. And as the Cold War demonstrated, nuclear weapons are a great pacifier under such conditions. Another novel development is that Russia is much more integrated into the international economy and global society than the Soviet Union was, and Putin's popularity depends heavily on his economic track record. Beyond that, there are objective criteria, such as the smaller size of the Russian population and economy as well as the difficulty of controlling modern means of social communication, that will constrain whoever is in charge of Russia

#### Backlash inevitable- low level terror inevitable

**Smith et al ’11** [Adam, Henry M. Jackson School of International Studies Task Force Advisor, along with Task Force members Alexander Bezovics Joseph Corigliano Gillian Frackelton Linn Gracey Jonathan Humphrey Joelle Jackson Alexander Jeffers Juliana Mendel Grasilda Mincin Peter Muller Arya Nazari Matthew Paulhus Vanja Radunovic Allison Stone Matthew Wright Kristen Zipperer, “Countering al-Qaeda’s Ideology: Re-Asessing U.S. Policy Ten Years After 9/11,” <https://digital.lib.washington.edu/researchworks/bitstream/handle/1773/16495/Task%20Force%20O%202011.pdf?sequence=1>]

The US is losing the message war in three ways. First, too many of its policies have not, and do not align with the message of cooperative coexistence, and al-Qaeda uses these discontinuities as fodder for propaganda. The term cooperative coexistence embodies the values outlined in the May 2010 National Security Strategy (NSS) and provides a concise term to evaluate U.S. policies. Second, the message of coexistence has not been effectively articulated to the Muslim world. Third, the U.S. has not adequately conveyed the violence al-Qaeda has perpetrated against Muslims. The U.S. needs to better show this destruction and violence in order to discredit alQaeda in the Muslim world. After September 11 th , the Bush administration pursued a message framed along ideological lines, wrapped within the term ―Global War on Terror.‖ 37 America‘s message was that al-Qaeda presents an existential threat to the world system and America‘s moral foundation. 38 However, the ideological rhetoric, the emphasis on preemptive strike, and associations made between Islam and terrorism alienated the greater Muslim population and fed into al-Qaeda‘s message. Furthermore, the broad policy decisions—unbalanced support for Israel and the inability to peacefully resolve the Israel-Palestine conflict, the Iraq invasion, and continued presence in Afghanistan—substantiated al-Qaeda‘s message and further discredited the U.S. The Iraq Invasion’s Impact on Muslim Perceptions The decision to invade Iraq corroded Muslim perception of the U.S. and fostered radicalization. The image of a Western power invading and occupying an Islamic nation substantiates the message that the U.S. is at war with Islam. As early as 2004, a Pew Global Attitudes Project survey found that a majority of Muslim nations, and a number of Western allies, believed the Iraq invasion undermined US efforts to combat al-Qaeda and fomented radicalization. 39 Prior to the troop surge in 2007, only twenty-nine percent of the global population felt that the U.S. was having a positive impact in the Muslim world despite a marked increase in US media saturation in the Middle East. 40,41 Furthermore, there was support among Muslim nations for attacks against U.S. forces in Iraq, Afghanistan, and the Persian Gulf. 42 The reasons for invasion— securing potential weapons of mass destruction and liberating an oppressed people—were not communicated properly and were not believed by the Muslim audience. Future policy decisions must weigh the immediate tactical importance of invasion with both the sharp reduction in positive attitude towards the U.S. and the use of military intervention as propaganda. Additionally, any military action must coincide with explanations of the reasons for intervention and be expressed through channels that will engage the target audience. Abu Ghraib and Mounting anti-American Propaganda The Abu Ghraib scandal fed into fears that the U.S. disregards Islamic culture, fueling anti-U.S. propaganda. A Senate Armed Services Committee Inquiry into the Treatment of Detainees in U.S. Custody found that ―treating detainees harshly only reinforces [the view that the U.S. is at war with Islam], increases resistance to cooperation, and creates new enemies.‖ 43 Further, the April 2006 National Intelligence Estimate cited pervasive anti-American sentiment as an ―underlying factor fueling the spread of the global jihadist movement.‖ 44 General Petraeus has called the incident a ―non-biodegradable‖ event, stating that ―the human terrain is the decisive terrain.‖ 45 While the incident is an aberration in the processing of detainees, and anything but official U.S. policy, oversight should be extended throughout the Department of Defense to ensure that U.S. values are consistently upheld. While a strategic communications plan which attempts to explain U.S. detainee policies may alleviate discord caused by such incidents, the result of this event cannot be rectified through U.S. messaging alone. The trust gap between U.S. messages and Muslim populations is too great. Regional allies must make it clear that an important aspect of the fight against the spread of al-Qaeda‘s ideology is incarceration/interrogation, and that Abu Ghraib is not representative of U.S. policies towards Muslims. The Ground Zero Mosque and Quran Burning: Muslim perception of American Attitudes Recently, two events have further strained Muslim perception of the U.S.—the debate over building a Muslim community center and mosque near Ground Zero, and the planned burning of Qurans on 11 September 2010, the 9 th anniversary of the World Trade Center attacks. Opponents of the mosque claim the center will be used as a source for domestic radicalization. 46 Such an argument sends the message that the U.S. is at odds with Islam, not al-Qaeda and its violent ideology. The opposing argument is weakened by the fact that Imam Rauf, the project‘s coordinator, has been sent on diplomatic missions by both Presidents Bush and Obama to spread pro-American sentiment. 47 The State Department distributes his book, What's Right with Islam: a New Vision for Muslims and the West, to promote American values abroad. 48 He is a vocal proponent of the U.S. to Muslim audiences. While President Obama initially provided tentative COUNTERING AL-QAEDA’S IDEOLOGY: RE-ASSESSING U.S. POLICY TEN YEARS AFTER 9/11 TASK FORCE 2011 21 support, stating that all citizens have ―the right to build a place of worship and a community center on private property in Lower Manhattan,‖ 49 the following day he retracted, stating, ―I was not commenting, and I will not comment, on the wisdom of making a decision to put a mosque there.‖ 50 This debate alienates a successful, pro-American, moderate Muslim voice—one which has championed American tolerance. Again, while not official U.S. policy, such events are a significant liability to U.S. image, and the commitment to U.S. values must be articulated in the official response. In remembrance of 9/11, Pastor Terry Jones, who preaches at the Dove World Outreach Center in Gainesville, Florida, decided to burn Qurans, a grievous offense to Muslims sure to incite antiAmerican violence. Muslim intellectual and fellow at the Brookings Institute M. A. Muqtedar Khan states ―Quran desecration represents the spiritual, emotional and psychological torture of all Muslims‖. 51 The official American response, in contrast to the debate over the Ground Zero Mosque, was quick to admonish Jones. General Petraeus warned that video of the incident would be used much the same way as Abu Ghraib, ―to incite violence and to enflame public opinion against [the US] and against [the] mission here in Afghanistan‖, 52 the Presidents of Pakistan and Indonesia also warned such an event would incite violence. 53 The Obama administration, fearing increased recruitment, provided a strong rebuttal of Jones. 54 The official response successfully discredited him, and the event was cancelled. In contrast to the mosque debate, the U.S. successfully conveyed coexistence. The confluence of official policy and the actions of a minority radical wing in the U.S. mirrors the position of al-Qaeda in the Middle East. Al-Qaeda is a minority presence and promotes a minority ideology. The message the U.S. sends must not only emphasize the distance between mainstream American perceptions of Islam and Reverend Jones, but emphasize, in similar terms, that the U.S. understands al-Qaeda to be a fringe element in the Islamic World. Additionally, U.S. media highlighting respect for Islam and the fringe-nature of al-Qaeda would provide a succinct counter-narrative to propaganda, which uses both the debate of building the mosque and the planned Quran burning to fuel anti-American sentiment.

Intel i/l is based off of EU alliance—that’s inevitable

Moravcsik 3 (Andrew, Professor of Government and Director of the European Union Program – Harvard University, July/August, Foreign Affairs, Lexis)

Transatlantic optimists are also right when they argue that the recent shifts need not lead inexorably to the collapse of NATO, the UN, or theEU. Historically, they note, transatlantic crises have been cyclical events, arising most often when conservative Republican presidents pursued assertive unilateral military policies. During the Vietnam era and the Reagan administration, as today, European polls recorded 80-95 percent opposition to U.S. intervention, millions of protesters flooded the streets, NATO was deeply split, and European politicians compared the United States to Nazi Germany. Washington went into "opposition" at the UN, where, since 1970, it has vetoed 34 Security Council resolutions on the Middle East alone, each time casting the lone dissent.In the recent crisis, a particularly radical American policy combined with a unique confluence of European domestic pressures -- German Chancellor Gerhard Schrsder's political vulnerability and French President Jacques Chirac's Gaullist skepticism of American power -- to trigger the crisis.Most Europeans -- like most Americans -- rejected the neoconservative claim that a preemptive war against Iraq without multilateral support was necessary or advisable. Sober policy analysis underlay the concerns of the doubters, who felt that the war in Iraq, unlike the one in Afghanistan, was not really connected to the "war on terrorism." Skeptics were also wary of the difficulties and costs likely to attend postwar reconstruction. No surprise, then, that most foreign governments sought to exhaust alternatives to war before moving forward and refused to set the dangerous precedent of authorizing an attack simply because the United States requested it. In spite of these doubts about the Bush administration's policies, however, underlying U.S. and European interests remainstrikingly convergent. It is a cliche but nonetheless accurate to assert that the Western relationship rests on shared values: democracy, human rights, open markets, and a measure of social justice. No countries are more likely to agree on basic policy, and to have the power to dosomething about it. Even regarding a sensitive area such as the Middle East, both sides recognize Israel's right to exist, advocate a Palestinian state, oppose tyrants such as Saddam Hussein, seek oil security, worry about radical Islamism, and fear terrorism and the proliferation of WMD.

#### No EU backlash to drones- they’re passive

**Dworkin ‘13** [Anthony, Anthony Dworkin is a senior policy fellow at the European Council on Foreign Relations, was previously the executive director of the Crimes of War Project, “Drones and Targeted Killing: Defining a European Position,” July, <http://ecfr.eu/page/-/ECFR84_DRONES_BRIEF.pdf>]

The US use of drones for targeted killing away from any ¶ battlefield has become the focus of increasing attention ¶ and concern in Europe. In a recent opinion poll, people ¶ in all European countries sampled were opposed to the ¶ use of drones to kill extremists outside the battlefield and ¶ a large majority of European legal scholars reject the legal ¶ justification offered for these attacks.2¶ But European leaders and officials have responded to the US campaign of drone strikes in a muted and largely passive way. Although some ¶ European officials have made their disagreement with ¶ the legal claims underlying US policies clear in closeddoor dialogues and bilateral meetings, EU member state representatives have said almost nothing in public about US drone strikes.3¶ The EU has so far failed to set out ¶ any vision of its own about when the use of lethal force ¶ against designated individuals is legitimate. Nor is there any indication that European states have made a serious effort to influence the development of US policy or to begin ¶ discussions on formulating common standards for the kinds ¶ of military operations that UAVs facilitate.

# Norms Adv

**No South China Sea or Senkaku conflict or escalation – their evidence is media exagerration** – empirical squabbling, costs too high, interdependence, loss of international credibility, U.S. military de-escalates incidents through cooperation and communication

**Kania 13** – The Harvard Political Review is a journal of politics and public policy published by the Institute of Politics, cites Andrew Ring, a former Weatherhead Center for International Affairs Fellow, and Peter Dutton, Director of the China Maritime Studies Institute at the U.S. Naval War College (Elsa, 01/11, “The South China Sea: Flashpoints and the U.S. Pivot,” http://harvardpolitics.com/world/the-south-china-sea-flashpoints-and-the-u-s-pivot/)

Equilibrium and Interdependence? One paradox at the heart of the South China Sea is the uneasy equilibrium that has largely been maintained. **Despite** the occasional confrontation and **frequent** diplomatic **squabbling, the situation has never escalated into full-blown physical conflict**. The main stabilizing factor has been that the countries involved have too much to lose from turmoil, and so much to gain from tranquility. Andrew Ring—former Weatherhead Center for International Affairs Fellow—emphasized that “With respect to the South China Sea, we all have the same goals” in terms of regional stability and development. With regional **trade flows and interdependence** critical to the region’s growing economies, conflict could be devastating. Even for China—the actor with by far the most to gain from such a dispute—taking unilateral action would **irreparably tarnish its image** in the eyes of the international community. With the predominant narrative of a “rising” and “assertive China”—referred to as a potential adversary by President Obama in the third presidential debate—China’s behavior in the South China Sea may be sometimes **exaggerated or sensationalized**. Dr. Auer, former Naval officer and currently Director of the Center for U.S.-Japan Studies and Cooperation at the Vanderbilt Institute for Public Policy Studies, told the HPR that “China has not indicated any willingness to negotiate multilaterally” and remains “very uncooperative.” Across its maritime territorial disputes—particularly through recent tensions with Japan in the East China Sea—Auer sees China as having taken a very aggressive stance, and he claims that “Chinese behavior is not understandable or clear.” Nonetheless, in recent incidents, such as a standoff between China and the Philippines over the Scarborough Shoal this past April, as Bonnie Glaser, Senior Adviser for Asia at the Center for Strategic and International Studies, emphasized, “this is not an either or.” Multiple parties are responsible for the tensions, yet the cycle of action and reaction is **often obscured**. Nonetheless, Glaser believes that “The Chinese have in every one of these cases overreacted—they have sought to take advantage of the missteps of other countries,” responding with disproportionate coercion. In addition, China has begun to use methods of “economic coercion” to assert its interests against trade partners. A Tipping Point? Has the dynamic in the South China Sea shifted recently? Perhaps not in a fundamental sense. But with the regional military buildup, governments have developed a greater capacity to pursue longstanding objectives. According to Peter Dutton, Director of the China Maritime Studies Institute at the U.S. Naval War College, “China’s recent behavior in the East China Sea and assertive policy in the South China Sea” is “a serious concern.” He believes that China’s willingness to resort to force in defense of its territorial claims has been increasing over time, partially as a consequence of its rising power. As such, Dutton sees the situation as reaching a “tipping point in which China is…no longer satisfied with shelving the dispute.” Is confrontation or resolution imminent? Worryingly, Dutton observes, “the international dynamic in the region is motivated largely by fear and anger.” However, **the use of unilateral military force would be a lose-lose for China**,” particularly in terms of its credibility, both among its neighbors and in the international community. The Pivot in the South China Sea From a U.S. perspective, a sustained American presence in the region has long been the underpinning of peace and stability. However, excessive U.S. intervention could disrupt the delicate balance that has been established. Although the U.S. has always sought to maintain a position of neutrality in territorial disputes, remarks by Secretary of State Hillary Clinton that referred to the South China Sea as the “West Philippine Sea” led China to challenge U.S. impartiality. If the U.S. engages with its regional allies without seeking enhanced engagement with China, then U.S. actions in the region may be perceived by China as efforts at containment. Moreover, as the U.S. strengthens ties to partners in the region, there is risk of entanglement if conflict were to break out. There has long been an undercurrent of tension between the Philippines and China—most recently displayed in the standoff over the Scarborough Shoal in May 2012. Shortly thereafter, in a visit to Washington D.C., President Aquino sought U.S. commitment to military support of the Philippines in the event of conflict with China on the basis of the 1952 Mutual Defense Treaty. However, despite providing further military and naval support, the U.S. has refrained from making concrete commitments. Although the U.S. would not necessarily be dragged into a dispute, if a confrontation did break out, it might feel compelled to respond militarily to maintain the credibility of commitments to allies and partners in the region. Strong ties to the U.S. and enhanced military capacity could also provoke more confrontational behavior from U.S. partners. Yet, Ring emphasizes that the U.S. navy and military are also unique in the “ability to facilitate military cooperation and communication among all of the claimants” and particularly to “be that bridge…uniquely situated to build some flows of communication” **that could facilitate a peaceful resolution to future incidents.**

#### No Turkey-Syria war – they are on the defensive- newest ev

Turkish Weekly September 21, 2013 “President: Turkey does not want waging war with Syria” http://www.turkishweekly.net/news/156556/president-turkey-does-not-want-waging-war-with-syria.html

Turkey does not want waging war with Syria, Turkish President Abdullah Gul said on Friday, TRT Haber TV channel reported.¶ According to him, Turkey's main task is to protect its borders against any aggression.¶ Gul added that the unresolved Syrian crisis led to the fact that radical extremist groups infiltrated in Syria.¶ "Ankara understands the danger of terror and we are against any terrorist activity in Syria," Gul added.¶ On September 16, Turkish Air Force aircrafts shot down a Syrian helicopter which violated the country's airspace. The MI-17 type helicopter over the border was shot down by missiles from an aircraft which took off at 14:25 from a military base in Malatya.

#### No Middle East war- leaders weak

Cook ‘7 (Steven, CFR senior fellow for Mid East Studies. BA in international studies from Vassar College, an MA in international relations from the Johns Hopkins School of Advanced International Studies, and both an MA and PhD in political science from the University of Pennsylvania, Ray Takeyh, CFR fellow, and Suzanne Maloney, Brookings fellow, Why the Iraq war won't engulf the Mideast, <http://www.iht.com/bin/print.php?id=6383265>, June 28, 2007)

Underlying this anxiety was a scenario in which Iraq's sectarian and ethnic violence spills over into neighboring countries, producing conflicts between the major Arab states and Iran as well as Turkey and the Kurdistan Regional Government. These wars then destabilize the entire region well beyond the current conflict zone, involving heavyweights like Egypt. This is scary stuff indeed, but with the exception of the conflict between Turkey and the Kurds, the scenario is far from an accurate reflection of the way Middle Eastern leaders view the situation in Iraq and calculate their interests there. It is abundantly clear that major outside powers like Saudi Arabia, Iran and Turkey are heavily involved in Iraq. These countries have so much at stake in the future of Iraq that it is natural they would seek to influence political developments in the country. Yet, the Saudis, Iranians, Jordanians, Syrians, and others are very unlikely to go to war either to protect their own sect or ethnic group or to prevent one country from gaining the upper hand in Iraq. The reasons are fairly straightforward. First, Middle Eastern leaders, like politicians everywhere, are primarily interested in one thing: self-preservation. Committing forces to Iraq is an inherently risky proposition, which, if the conflict went badly, could threaten domestic political stability. Moreover, most Arab armies are geared toward regime protection rather than projecting power and thus have little capability for sending troops to Iraq. Second, there is cause for concern about the so-called blowback scenario in which jihadis returning from Iraq destabilize their home countries, plunging the region into conflict. Middle Eastern leaders are preparing for this possibility. Unlike in the 1990s, when Arab fighters in the Afghan jihad against the Soviet Union returned to Algeria, Egypt and Saudi Arabia and became a source of instability, Arab security services are being vigilant about who is coming in and going from their countries. In the last month, the Saudi government has arrested approximately 200 people suspected of ties with militants. Riyadh is also building a 700 kilometer wall along part of its frontier with Iraq in order to keep militants out of the kingdom. Finally, there is no precedent for Arab leaders to commit forces to conflicts in which they are not directly involved. The Iraqis and the Saudis did send small contingents to fight the Israelis in 1948 and 1967, but they were either ineffective or never made it. In the 1970s and 1980s, Arab countries other than Syria, which had a compelling interest in establishing its hegemony over Lebanon, never committed forces either to protect the Lebanese from the Israelis or from other Lebanese. The civil war in Lebanon was regarded as someone else's fight. Indeed, this is the way many leaders view the current situation in Iraq. To Cairo, Amman and Riyadh, the situation in Iraq is worrisome, but in the end it is an Iraqi and American fight. As far as Iranian mullahs are concerned, they have long preferred to press their interests through proxies as opposed to direct engagement. At a time when Tehran has access and influence over powerful Shiite militias, a massive cross-border incursion is both unlikely and unnecessary. So Iraqis will remain locked in a sectarian and ethnic struggle that outside powers may abet, but will remain within the borders of Iraq. The Middle East is a region both prone and accustomed to civil wars. But given its experience with ambiguous conflicts, the region has also developed an intuitive ability to contain its civil strife and prevent local conflicts from enveloping the entire Middle East.

#### Prolif is inevitable, and no-one models US restraint

**Etzioni ‘13** [Amitai, professor of international relations at George Washington University, “The Great Drone Debate,” March-April, <http://usacac.army.mil/CAC2/MilitaryReview/Archives/English/MilitaryReview_20130430_art004.pdf>]

Other critics contend that by the United States using drones, it leads other countries into making and using them. For example, Medea Benjamin, the cofounder of the anti-war activist group CODEPINK and author of a book about drones argues that, “The proliferation of drones should evoke reﬂection on the precedent that the United States is setting by killing anyone it wants, anywhere it wants, on the basis of secret information. Other nations and non-state entities are watching—and are bound to start acting in a similar fashion.”60 Indeed scores of countries are now manufacturing or purchasing drones. There can be little doubt that the fact that drones have served the United States well has helped to popularize them. However, it does not follow that United States should not have employed drones in the hope that such a show of restraint would deter others. First of all, this would have meant that either the United States would have had to allow terrorists in hardto-reach places, say North Waziristan, to either roam and rest freely—or it would have had to use bombs that would have caused much greater collateral damage. Further, the record shows that even when the United States did not develop a particular weapon, others did. Thus, China has taken the lead in the development of anti-ship missiles and seemingly cyber weapons as well. One must keep in mind that the international environment is a hostile one. Countries—and especially non-state actors— most of the time do not play by some set of selfconstraining rules. Rather, they tend to employ whatever weapons they can obtain that will further their interests. The United States correctly does not assume that it can rely on some non-existent implicit gentleman’s agreements that call for the avoidance of new military technology by nation X or terrorist group Y—if the United States refrains from employing that technology.

#### Drone prolif doesn’t escalate or cause terrorism

**Singh ’12** [Joseph Singh is a researcher at the Center for a New American Security, an independent and non-partisan organization that focuses on researching and analyzing national security and defense policies, also a research assistant at the Institute for Near East and Gulf Military Analysis (INEGMA) North America, is a War and Peace Fellow at the Dickey Center, a global research organization, “Betting Against a Drone Arms Race,” 8-13-12, <http://nation.time.com/2012/08/13/betting-against-a-drone-arms-race/>]

Bold predictions of a coming drones arms race are all the rage since the uptake in their deployment under the Obama Administration. Noel Sharkey, for example, argues in an August 3 op-ed for the Guardian that rapidly developing drone technology — coupled with minimal military risk — portends an era in which states will become increasingly aggressive in their use of drones.¶ As drones develop the ability to fly completely autonomously, Sharkey predicts a proliferation of their use that will set dangerous precedents, seemingly inviting hostile nations to use drones against one another. Yet, the narrow applications of current drone technology coupled with what we know about state behavior in the international system lend no credence to these ominous warnings.¶ Indeed, critics seem overly-focused on the domestic implications of drone use.¶ In a June piece for the Financial Times, Michael Ignatieff writes that “virtual technologies make it easier for democracies to wage war because they eliminate the risk of blood sacrifice that once forced democratic peoples to be prudent.”¶ Significant public support for the Obama Administration’s increasing deployment of drones would also seem to legitimate this claim. Yet, there remain equally serious diplomatic and political costs that emanate from beyond a fickle electorate, which will prevent the likes of the increased drone aggression predicted by both Ignatieff and Sharkey.¶ Most recently, the serious diplomatic scuffle instigated by Syria’s downing a Turkish reconnaissance plane in June illustrated the very serious risks of operating any aircraft in foreign territory.¶ States launching drones must still weigh the diplomatic and political costs of their actions, which make the calculation surrounding their use no fundamentally different to any other aerial engagement.¶ This recent bout also illustrated a salient point regarding drone technology: most states maintain at least minimal air defenses that can quickly detect and take down drones, as the U.S. discovered when it employed drones at the onset of the Iraq invasion, while Saddam Hussein’s surface-to-air missiles were still active.¶ What the U.S. also learned, however, was that drones constitute an effective military tool in an extremely narrow strategic context. They are well-suited either in direct support of a broader military campaign, or to conduct targeted killing operations against a technologically unsophisticated enemy.¶ In a nutshell, then, the very contexts in which we have seen drones deployed. Northern Pakistan, along with a few other regions in the world, remain conducive to drone usage given a lack of air defenses, poor media coverage, and difficulties in accessing the region.¶ Non-state actors, on the other hand, have even more reasons to steer clear of drones:¶ – First, they are wildly expensive. At $15 million, the average weaponized drone is less costly than an F-16 fighter jet, yet much pricier than the significantly cheaper, yet equally damaging options terrorist groups could pursue.¶ – Those alternatives would also be relatively more difficult to trace back to an organization than an unmanned aerial vehicle, with all the technical and logistical planning its operation would pose.¶ – Weaponized drones are not easily deployable. Most require runways in order to be launched, which means that any non-state actor would likely require state sponsorship to operate a drone. Such sponsorship is unlikely given the political and diplomatic consequences the sponsoring state would certainly face.¶ – Finally, drones require an extensive team of on-the-ground experts to ensure their successful operation. According to the U.S. Air Force, 168 individuals are needed to operate a Predator drone, including a pilot, maintenance personnel and surveillance analysts.¶ In short, the doomsday drone scenario Ignatieff and Sharkey predict results from an excessive focus on rapidly-evolving military technology.¶ Instead, we must return to what we know about state behavior in an anarchistic international order. Nations will confront the same principles of deterrence, for example, when deciding to launch a targeted killing operation regardless of whether they conduct it through a drone or a covert amphibious assault team.¶ Drones may make waging war more domestically palatable, but they don’t change the very serious risks of retaliation for an attacking state. Any state otherwise deterred from using force abroad will not significantly increase its power projection on account of acquiring drones.¶ What’s more, the very states whose use of drones could threaten U.S. security – countries like China – are not democratic, which means that the possible political ramifications of the low risk of casualties resulting from drone use are irrelevant. For all their military benefits, putting drones into play requires an ability to meet the political and security risks associated with their use.¶ Despite these realities, there remain a host of defensible arguments one could employ to discredit the Obama drone strategy. The legal justification for targeted killings in areas not internationally recognized as war zones is uncertain at best.¶ Further, the short-term gains yielded by targeted killing operations in Pakistan, Somalia and Yemen, while debilitating to Al Qaeda leadership in the short-term, may serve to destroy already tenacious bilateral relations in the region and radicalize local populations.¶ Yet, the past decade’s experience with drones bears no evidence of impending instability in the global strategic landscape. Conflict may not be any less likely in the era of drones, but the nature of 21st Century warfare remains fundamentally unaltered despite their arrival in large numbers.

#### Drone prolif is slow and the impact is small

**Zenko ’13** [Micah, Douglas Dillon fellow in the Center for Preventive Action (CPA) at the Council on Foreign Relations (CFR). Previously, he worked for five years at the Harvard Kennedy School and in Washington, DC, at the Brookings Institution, Congressional Research Service, and State Department’s Office of Policy Planning, “Reforming U.S. Drone Strike Policies,” January, Council Special Report No. 65, online]

Based on current trends, it is unlikely that most states will have, within ten years, the complete system architecture required to carry out¶ distant drone strikes that would be harmful to U.S. national interests.¶ However, those candidates able to obtain this technology will most¶ likely be states with the financial resources to purchase or the industrial¶ base to manufacture tactical short-range armed drones with limited¶ firepower that lack the precision of U.S. laser-guided munitions; the¶ intelligence collection and military command-and-control capabilities needed to deploy drones via line-of-sight communications; and crossborder¶ adversaries who currently face attacks or the threat of attacks¶ by manned aircraft, such as Israel into Lebanon, Egypt, or Syria; Russia¶ into Georgia or Azerbaijan; Turkey into Iraq; and Saudi Arabia into¶ Yemen. When compared to distant U.S. drone strikes, these contingencies¶ do not require system-wide infrastructure and host-state support.¶ Given the costs to conduct manned-aircraft strikes with minimal threat¶ to pilots, it is questionable whether states will undertake the significant¶ investment required for armed drones in the near term.

**NATO won’t intervene—solves Turkey-Syria escalation**

**Jankowski 10/31** (Domink, expert analyst at the National Security Bureau of the Republic of Poland and is pursuing a doctorate at the Warsaw School of Economics, "A Post-Libya NATO Assessment," <http://nationalinterest.org/commentary/post-libya-nato-assessment-6016?page=1>)

From the NATO perspective, two worrisome trends have emerged. First, despite the political backing for operation “Unified Protector,” fewer than one-third of NATO allies actually participated in strike missions, and fewer than half contributed contingents. That raises a question: Why so few? Some countries, especially the more recent entrants, have been extensively engaged in other NATO operations (Afghanistan, Kosovo). They may believe a contribution to another mission would overstretch their capabilities. Others lack the necessary air and naval assets that would mesh operationally with those of their allies. Both situations reveal, however, another pan-European weakness: the decline in defense spending. The financial crisis has become the new normal. It changed the logic of international relations, ushering in a new era marked by intensifying “zero-sum” geopolitical rivalries. Thus, only four European countries are meeting the minimum threshold of 2 percent GDP expenditures on national defense. From the EU perspective, **the situation seems even worse**. One of the recent issues of the prestigious European magazine *Europe’s World* contained an eye-catching advertisement for NATO: “Question: Which organization adopted a new vision of its geopolitical role in Lisbon? Hint: It wasn’t the European Union!” The ad’s not so subtle jibe has been borne out by the Libyan crisis, which caught the EU by surprise. In fact, there is a growing sense of ambiguity about the real outcome of the EU’s crisis-management policy. Despite being the subject of occasional good news, it is hardly an unalloyed success. That is in part because of two main operational obstacles the EU continues to face. First and foremost, the EU still lacks adequate civilian and military capabilities. The second obstacle is inherent in the EU’s institutional structure and how it works. The bureaucracies responsible for foreign and security policy—including the European External Action Service, the EU’s diplomatic corps—are still essentially **under construction**.

# 2nc – solves modeling

**We’ll link turn the question of signal**

**Transparency’s a prerequisite to drone leadership**

**Ingersoll and Kelley 13**, Geoffrey, writes for Business Insider, Masters in Journalism from New York University, English Degree from Penn State, and Michael, writes for Business Insider, Master’s in Journalism from Medill, BA in Philosophy from Northwestern, “America Is Setting A Dangerous Precedent For The Drone Age,” January 9th, <http://www.businessinsider.com/america-is-setting-a-dangerous-precedent-for-the-drone-age-2013-1#ixzz2ZctC6wBI>

The decisions America makes today regarding drone policy could come back to haunt it sooner than later. Micah Zenko of the Council of Foreign Relations makes this argument in a new report: A major risk is that of proliferation. Over the next decade, the U.S. near-monopoly on drone strikes will erode as more countries develop and hone this capability. In this uncharted territory, U.S. policy provides a powerful precedent for other states and nonstate actors that will increasingly deploy drones with potentially dangerous ramifications. Jim Michaels of USA Today reports that 75 countries, including Iran and China, have developed or acquired drone technology in the wake of America's prolific program. The situation places the U.S. in a possibly very brief window of leadership — and transparency is the key first step to this leadership. U.S. policy is to consider "all military-age males in a strike zone as combatants ... unless there is explicit intelligence posthumously proving them innocent." America targets these individuals using a "disposition matrix" that serves to keep track of the ever-evolving procedures and legal justifications for placing suspects on the U.S. "kill list." And the Obama administration refuses to reveal its methods or justifications for bombing a target, indicated by a recent ruling to deny a FOIA request regarding the targeted killing of the 16-year-old American-born son of former Al-Qaeda propagandist Anwar al-Awlaki. From Judge Colleen McMahon's opinion: I find myself stuck in a paradoxical situation in which I cannot solve a problem because of contradictory constraints and rules - a veritable Catch-22. I can find no way around the thicket of laws and precedents that effectively allow the Executive Branch of our Government to proclaim as perfectly lawful certain actions that seem on their face incompatible with our Constitution and laws, while keeping the reasons for their conclusion a secret. So the U.S. has the benefit of the doubt, even when it carries out "signature strikes" in which the identities of those killed on the ground is unknown and the decision to strike hinges upon recognition of certain undisclosed behaviors and tendencies. That's a powerful precedent. Imagine China conducting strikes inside Japan, or its own borders (e.g. Tibet) while using the current administration's same opaque, one-size fits all statement that each strike only happens after "rigorous standards and process of review" — essentially, "nevermind the evidence, trust us." That wouldn't fly, but right now America is not in a very strong position to criticize such a situation. That's why, as Zenko argues, the U.S. must reform its policies or risk losing its moral and strategic advantage. A few months ago, the election spurred Obama to codify its rules and regulations regarding drone strikes because "there was concern that the levers might no longer be in our hands," one anonymous official told Scott Shane of the New York Times. Well that time is approaching, and it won't be a Mitt Romney or Marco Rubio in control. It'll be North Korea's Kim Jung Un, China's Hu Jintao, or Iran's Ahmed Ahmadinejad. Which means that it may be time to show the drone "playbook" so extrajudicial killings don't become a blindly accepted aspect of international foreign policy.

**it outweighs legal restrictions**

Roberts 13 (Kristin, When the Whole World Has Drones, National Journal, 21 March 2013, http://www.nationaljournal.com/magazine/when-the-whole-world-has-drones-20130321, da 8-1-13) PC

But even without raising standards, tightening up drone-specific restrictions in the standing control regime, or creating a new control agreement (which is never easy to pull off absent a bad-state actor threatening attack), just the process of lining up U.S. policy with U.S. practice would go a long way toward establishing the kind of precedent on use of this technology that America—in five, 10, or 15 years—might find helpful in arguing against another’s actions.¶ A not-insignificant faction of U.S. defense and intelligence experts, Dennis Blair among them, thinks norms play little to no role in global security. And they have evidence in support. The missile-technology regime, for example, might be credited with slowing some program development, but it certainly has not stopped non-signatories—North Korea and Iran—from buying, building, and selling missile systems. But norms established by technology-leading countries, even when not written into legal agreements among nations, have shown success in containing the use and spread of some weapons, including land mines, blinding lasers, and nuclear bombs.¶ Arguably more significant than spotty legal regimes, however, is the behavior of the United States. “History shows that how states adopt and use new military capabilities is often influenced by how other states have—or have not—used them in the past,” Zenko argued. Despite the legal and policy complexity of this issue, it is something the American people have, if slowly, come to care about. Given the attention that Rand Paul’s filibuster garnered, it is not inconceivable that public pressure on drone operations could force the kind of unforeseen change to U.S. policy that it did most recently on “enhanced interrogation” of terrorists.¶ The case against open, transparent rule-making is that it might only hamstring American options while doing little good elsewhere—as if other countries aren’t closely watching this debate and taking notes for their own future policymaking. But the White House’s refusal to answer questions about its drone use with anything but “no comment” ensures that the rest of the world is free to fill in the blanks where and when it chooses. And the United States will have already surrendered the moment in which it could have provided not just a technical operations manual for other nations but a legal and moral one as well.

**Transparency solves hearts and minds**

**Sennett 12**, Amy, recent graduate of Harvard Law School and a litigation associate at Arnold & Porter LLP in Washington, “Book Review: Confront and Conceal: Obama’s Secret Wars and Surprising Use of American Power by David E. Sanger,” September 30th, http://www.lawfareblog.com/2012/09/confront-and-conceal-obamas-secret-wars-and-surprising-use-of-american-power/

Perhaps most importantly, however, when Obama and his administration fail to discuss his policies, they **miss an opportunity to shape the hearts and minds of those around the world**. American officials in Afghanistan and Pakistan have been particularly frustrated by the refusal of the Obama administration to discuss the drone program, leaving it to local media to report, often falsely, on raids that eliminate dangerous terrorist cells. In addition, the failure to engage with the international legal community to establish the legitimate boundaries for the use of drones and cyberwarfare forgoes a means of ensuring that the same tools are not turned against the U.S. in the future. Both Sanger and Klaidman have been criticized for a lack of sources from the military in their narratives. But the challenge of 21st century American foreign policy seems to be less the ability of the U.S. military to achieve tactical goals and more about the ability of the U.S. legal and political system to adapt to changing realities. In a discussion with Sanger, Legal Adviser Koh posed the hypothetical question: “If someone sitting in a room in one country types something into a keyboard and something happens elsewhere, is it subject to the laws of armed conflict?” Answering his own question, he said, “To the extent that we have articulated principles, we have made it clear that we think that the laws of armed conflict in fact apply to cyber operations in war and we have to do a translation exercise of how they apply. But this translation exercise is really at a nascent stage.” For a president so concerned with crafting his own legacy, this lack of transparency is perhaps the most surprising element of his foreign policy. Obama did not want to inherit Bush policies and has been careful not to make certain of them his own, such as enhanced interrogation, while embracing and ramping up others, notably drone strikes. But he is also forward looking, weighing the power of his precedent in a new administration. In a 2009 meeting with advisers, Obama voiced concerns about what a future president may do with the power to indefinitely detain suspected terrorists. “You never know who is going to be president four years from now,” Obama said. “I have to think about how Mitt Romney would use that power.”

# 2nc – solves international backlash

**Transparency solves international backlash**

**Byman 13**, Daniel, Professor in the Security Studies Program of the School of Foreign Service at Georgetown University, “Why Drones Work: The Case for Washington's Weapon of Choice,” Foreign Affairs, July/August

The spread of drones cannot be stopped, but the United States can still influence how they are used. The coming proliferation means that Washington needs to set forth a clear policy now on extrajudicial and extraterritorial killings of terrorists—and stick to it. Fortunately, Obama has begun to discuss what constitutes a legitimate drone strike. But the definition remains murky, and this murkiness will undermine the president’s ability to denounce other countries’behavior should they start using drones or other means to hunt down enemies. By keeping its policy secret, Washington also makes it easier for critics to claim that the United States is wantonly slaughtering innocents. More transparency would make it harder for countries such as Pakistan to make outlandish claims about what the United States is doing. Drones actually protect many Pakistanis, and Washington should emphasize this fact. By being more open, the administration could also show that it carefully considers the law and the risks to civilians before ordering a strike. Washington needs to be especially open about its use of signature strikes. According to the Obama administration, signature strikes have eliminated not only low-level al Qaeda and Taliban figures but also a surprising number of higher-level officials whose presence at the scenes of the strikes was unexpected. Signature strikes are in keeping with traditional military practice; for the most part, U.S. soldiers have been trained to strike enemies at large, such as German soldiers or Vietcong guerrillas, and not specific individuals. The rise of unconventional warfare, however, has made this usual strategy more difficult because the battlefield is no longer clearly defined and enemies no longer wear identifiable uniforms, making combatants harder to distinguish from civilians. In the case of drones, where there is little on-the-ground knowledge of who is who, signature strikes raise legitimate concerns, especially because the Obama administration has not made clear what its rules and procedures for such strikes are. Washington should exercise particular care with regard to signature strikes because mistakes risk tarnishing the entire drone program. In the absence of other information, the argument that drones are wantonly killing innocents is gaining traction in the United States and abroad. More transparency could help calm these fears that Washington is acting recklessly.

# a/t: links to politics

**XO’s don’t spend political capital**

**Warshaw 6** (Shirley Anne Warshaw, MAD QUALZ! An authority on the American presidency, presidential elections, the president's Cabinet, and organizational decision structures for presidential policy making, Warshaw is a frequent speaker and commentator on network radio, television, and print media on presidential leadership and related topics, including CNN, BBC, CBS, NPR, The NewsHour with Jim Lehrer, Washington Post, New York Times, Reuters, Associated Press, Christian Science Monitor, USA Today, Wall Street Journal, and others. Warshaw has written several books on presidential decision-making, Gettysburg College, The Administrative Strategies of President George W. Bush, http://www.ou.edu/special/albertctr/extensions/spring2006/Warshaw.pdf

As presidents segue from the campaign into governance, they develop various strategies for moving their policy agenda forward. The most common strategy for presidents to secure their policy goals has been to submit their legislative proposals to Congress, building on the tools of public persuasion and party supremacy. When presidents capture public support, as President George W. Bush did with his tax cut proposal, Congress follows with legislative approval. However, in recent administrations, particularly since the Reagan administration, presidents have often bypassed Congress using administrative actions. They have opted for a strategy through administrative actions that is less time-consuming and **clearly less demanding of their political capital**. Using an array of both formal and informal executive powers, presidents have effectively directed the executive departments to implement policy without any requisite congressional authorization. In effect, presidents have been able to govern without Congress. The arsenal of administrative actions available to presidents includes the power of appointment, perhaps **the most important of the arsenal, executive orders**, executive agreements, proclamations, signing statements, and a host of national security directives. 1 More than any past president, George W. Bush has utilized administrative actions as his primary tool for governance.

## Terror DA

### OV

#### DA o/w and turns the case—nuclear attack leads to a nuclear winter

#### o/w on magnitude

### 2NC

#### AUMF revisions crush counter-terror-

#### 1. Freedom of action- revisions signal to the enemy limits of US tactical reach- tells terrorists where we can’t hit them back- that’s Corn.

#### 2. Precedent- AUMF is strong now- revisions snowball

Inhofe 13 [Senator James M. Inhofe is a senior United States senator from Oklahoma, ranking member of the United States Senate Committee on Environment and Public Works and was its chairman from 2003 to 2007, “HEARING TO RECEIVE TESTIMONY ON THE ¶ LAW OF ARMED CONFLICT, THE USE OF ¶ MILITARY FORCE, AND THE 2001 AUTHORIZATION FOR USE OF MILITARY FORCE,” 5-16-13, <http://www.armed-services.senate.gov/Transcripts/2013/05%20May/13-43%20-%205-16-13.pdf>]

Since the attacks on September 11, the Authorization of the Use ¶ of Military Force, commonly called the AUMF, has provided a ¶ strong legal basis for our counterterrorism efforts around the ¶ world. It has been used by the Supreme Court as a primary justification for its rulings, permitting the holding of detainees at ¶ Guantanamo Bay and the military detention of American citizens ¶ who have joined al Qaeda. There is also consensus among the three branches of Government ¶ that the AUMF continues to provide adequate authorization for ¶ military force against al Qaeda and its affiliates. After 10 years, a ¶ court battle is in rigorous debate. Here in Congress, I believe many ¶ would argue that AUMF has been and continues to be an effective ¶ tool in our efforts to keep America safe. ¶ As then general counsel of the Department of Defense, Jay Johnson said—now, this is just a year ago—quote, 10 years later, the ¶ AUMF remains on the books and is still a viable authorization ¶ today. I have no reason to disagree with him. That is why I am ¶ greatly concerned that changes to the AUMF could have significant, unintended consequences and undermine our ¶ counterterrorism efforts. ¶ As this committee has heard from our most distinguished military and civilian leaders in recent months, al Qaeda continues to ¶ prove resilient. They are expanding their areas of operation in ¶ places like north Africa and the Middle East where they remain intent on attacking Americans. ¶ I know there are members that feel the way that I do, that ¶ AUMF is an important resource and we need to at least maintain ¶ this baseline authority which underpins our ability to keep America safe, and because I know they value this resource, I look forward to hearing the arguments regarding this. ¶ And I say that—this is my view. This is one of the rare times ¶ in my career that I come to a hearing where I am not convinced ¶ on either side, and maybe we are doing the right thing right now. ¶ I do worry about the unintended consequences. I think once you ¶ open it up, there may be members that have their own agenda that ¶ we might not agree with and might not prove best for America that ¶ would take advantage of the fact that it has opened up. We have ¶ a saying in Oklahoma that ‘‘if it ain’t broke, don’t fix it.’’ Well, I ¶ do not think it is broke, but maybe we will find out today that it ¶ is.

#### 3. Rollback- implies congressional disapproval leads to judicial rollback

Barnes, 12 -- J.D. Candidate, Boston University School of Law

[Beau, “Reauthorizing the ‘War on Terror’: The Legal and Policy Implications of the AUMF’s Coming Obsolescence,” Military Law Review, Vol 211, 2012, http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2150874, accessed 8-21-13, mss]

**The scope of the AUMF is** also **important for** any future **judicial opinion** that might rely in part on Justice Jackson’s Steel Seizure concurrence.23 Support from Congress places the President’s actions in Jackson’s first zone, where executive power is at its zenith, because it “includes all that [the president]~~he~~ possesses in [their]~~his~~ own right plus all that Congress can delegate.”24 Express or **implied congressional disapproval, discernible by identifying the outer limits of** the **AUMF’s authorization, would place the President’s “power . . . at its lowest ebb**.”25 In this third zone, executive claims “must be scrutinized with caution, for what is at stake is the equilibrium established by our constitutional system.”26 Indeed, Jackson specifically rejected an overly powerful executive, observing that the Framers did not intend to fashion the President into an American monarch.27 Jackson’s concurrence has become the most significant guidepost in debates over the constitutionality of executive action in the realm of national security and foreign relations.28 Indeed, some have argued that it was given “the status of law”29 by then-Associate Justice William Rehnquist in Dames & Moore v. Regan.30 Speaking for the Court, Rehnquist applied Jackson’s tripartite framework to an executive order settling pending U.S. claims against Iran, noting that “[t]he parties and the lower courts . . . have all agreed that much relevant analysis is contained in [Youngstown].”31 More recently, Chief Justice John Roberts declared that “Justice Jackson’s familiar tripartite scheme provides the accepted framework for evaluating executive action in [the area of foreign relations law].”32 Should a future court adjudicate the nature or extent of the President’s authority to engage in military actions against terrorists, an applicable statute would confer upon such executive action “the strongest of presumptions and the widest latitude of judicial interpretation.”33 The AUMF therefore exercises a profound legal influence on the future of the United States’ struggle against terrorism, and its precise scope, authorization, and continuing vitality matter a great deal.

#### 4. Revisions create uncertainty

Stimson, 13 -- former Deputy Assistant Secretary of Defense for Detainee Affairs [Charles, "Law of Armed Conflict and the Use of Military Force," www.heritage.org/research/testimony/2013/05/the-law-of-armed-conflict, accessed 8-20-13, mss]

Fourth, Congress must build on the AUMF, not replace it. To replace the AUMF would be risky and unwise at this time, because doing so would cast uncertainty on the legal basis for so many aspects of our campaign against al Qaeda. Any modification to the core AUMF grant of authority is risky for that reason. Over time, the AUMF will obsolete itself, as al Qaeda and the Taliban fade into oblivion, and when that process is finally complete, the AUMF will no longer have any purpose or meaning. We are not yet at that day, however. Therefore Congress may need to build on the AUMF, expanding its authority to reach new threats, rather than altering it at this time.

#### Collapses counter-terror

Barnes, 12 -- J.D. Candidate, Boston University School of Law

[Beau, “Reauthorizing the ‘War on Terror’: The Legal and Policy Implications of the AUMF’s Coming Obsolescence,” Military Law Review, Vol 211, 2012, http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2150874, accessed 8-23-13, mss]

Any approach to reauthorizing the AUMF should identify which specific “incidents of warfare” it contemplates.200 **Uncertainty regarding the extent of authority diminishes the potential for military success**; those charged with fighting the global armed conflict against terrorist groups should know precisely what is authorized. Moreover, policy clarity is a virtue in a democracy, allowing the citizenry to more effectively monitor the actions of its military. The reauthorized AUMF should specifically include authorization for both detention and the lethal use of force, as well as clear standards for both. These standards, discussing, for example, how targeting decisions are made, should be public and describe the differences in their application to U.S. citizens and noncitizens. 201 The government need not disclose the specific weaponry employed or tactics used, but it should indicate when lethal force will be used against a threat that is not strictly imminent. To monitor potential abuses, internal executive branch oversight should be intensified, empowering either an independent board or inspector general to investigate abuses of targeting authority. In the detention context, meaningful review should be available for those detained; the word of the Executive Branch alone should not be sufficient to render an individual detainable.

### 2NC

#### Extend Blank 10—encourages to safe heavens

#### Geographic restrictions doom counter-terror- safe havens

Majidyar, 13 -- American Enterprise Institute senior research associate

[Ahmad, “We Need Military Authorization Until Al-Qaida Is No Longer a Threat,” June 17th, http://www.usnews.com/debate-club/should-the-authorization-for-use-of-military-force-be-repealed/we-need-military-authorization-until-al-qaida-is-no-longer-a-threat]

It is therefore premature and dangerous to repeal or significantly restrict the AUMF at this point, since it would undercut the effectiveness of U.S. counterterrorism efforts to deal with al-Qaida-related emerging threats worldwide. Suggestions to incorporate temporal and geographical limitations into the AUMF are also ill-advised. Confining the law to a specific number of countries or terrorist groups would give the enemy more freedom of action and allow it to create new fronts and sanctuaries in areas immune from U.S. counterterrorism operations. In his counterterrorism policy speech three weeks ago, President Obama promised to continue a "series of persistent, targeted efforts to dismantle specific networks of violent extremists that threaten America." In the absence of the AUMF, such actions would become untenable and devoid of a legal basis. At present, the AUMF provides the administration with adequate authorities to pursue the war. Until al-Qaida and associated forces are degraded to a level where they pose no substantial national security threat to the United States, the law should not be repealed or replaced.

#### Safe havens key to global operations

CRT, 6 [Country Reports on Terrorism, annual report published by the U.S. Department of State, "Chapter 3 -- Terrorist Safe Havens," 4-28-6, www.state.gov/j/ct/rls/crt/2005/, accessed 8-19-13, mss]

Physical safe havens provide security for many senior terrorist leaders, allowing them to plan and to inspire acts of terrorism around the world. The presence of terrorist safe havens in a nation or region is not necessarily related to state sponsorship of terrorism. In most instances cited in this chapter, areas or communities serve as terrorist safe havens despite the government’s best efforts to prevent this. Denying terrorists safe haven plays a major role in undermining terrorists’ capacity to operate effectively, and thus forms a key element of U.S. counterterrorism strategy as well as the cornerstone of UN Security Council Resolution 1373 that was adopted in September 2001. UNSCR 1373 specifically targets terrorists’ ability to move across international borders and find safe haven, to solicit and move funds, and to acquire weapons; it also calls on states that do not have laws criminalizing terrorist activity and support to enact such laws.

## Solvency

### 2NC OV

#### Obama will circumvent Congress and the courts

**Kumar 3-19**-13 [Anita, White House correspondent for McClatchy Newspapers, former writer for The Washington Post, covering Virginia politics and government, and spent a decade at the St. Petersburg Times, writing about local, state and federal government both in Florida and Washington, “Obama turning to executive power to get what he wants,” <http://www.mcclatchydc.com/2013/03/19/186309/obama-turning-to-executive-power.html#.Ue18CdK1FSE>]

“The expectation is that they all do this,” said Ken Mayer, a political science professor at the University of Wisconsin-Madison who wrote “With the Stroke of a Pen: Executive Orders and Presidential Power.” “That is the typical way of doing things.”¶ But, experts say, Obama’s actions are more noticeable because as a candidate he was critical of Bush’s use of power. In particular, he singled out his predecessor’s use of signing statements, documents issued when a president signs a bill that clarifies his understanding of the law.¶ “These last few years we’ve seen an unacceptable abuse of power at home,” Obama said in an October 2007 speech.. “We’ve paid a heavy price for having a president whose priority is expanding his own power.”¶ Yet Obama’s use of power echoes that of his predecessors. For example, he signed 145 executive orders in his first term, putting him on track to issue as many as the 291 that Bush did in two terms.¶ John Yoo, who wrote the legal opinions that supported an expansion of presidential power after the 2001 terrorist attacks, including harsh interrogation methods that some called torture, said he thought that executive orders were sometimes appropriate – when conducting internal management and implementing power given to the president by Congress or the Constitution – but he thinks that Obama has gone too far.¶ “I think President Obama has been as equally aggressive as President Bush, and in fact he has sometimes used the very same language to suggest that he would not obey congressional laws that intrude on his commander-in-chief power,” said Yoo, who’s now a law professor at the University of California at Berkeley. “This is utterly hypocritical, both when compared to his campaign stances and the position of his supporters in Congress, who have suddenly discovered the virtues of silence.”¶ Most of Obama’s actions are written statements aimed at federal agencies that are published everywhere from the White House website to the Federal Register. Some are classified and hidden from public view.¶ “It seems to be more calculated to prod Congress,” said Phillip J. Cooper, the author of “By Order of the President: The Use and Abuse of Executive Direct Action.” “I can’t remember a president being that consistent, direct and public.”¶ Bush was criticized for many of his actions on surveillance and interrogation techniques, but attention has focused on Obama’s use of actions mostly about domestic issues.¶ In his first two years in the White House, when fellow Democrats controlled Capitol Hill, Obama largely worked through the regular legislative process to try to achieve his domestic agenda. His biggest achievements – including a federal health care overhaul and a stimulus package designed to boost the economy –came about with little or no Republican support.¶ But Republicans took control of the House of Representatives in 2010, making the task of passing legislation all the more difficult for a man with a detached personality who doesn’t relish schmoozing with lawmakers. By the next year, Obama wasn’t shy about his reasons for flexing his presidential power.¶ In fall 2011, he launched the “We Can’t Wait” campaign, unveiling dozens of policies through executive orders – creating jobs for veterans, adopting fuel efficiency standards and stopping drug shortages – that came straight from his jobs bills that faltered in Congress.¶ “We’re not waiting for Congress,” Obama said in Denver that year when he announced a plan to reduce college costs. “I intend to do everything in my power right now to act on behalf of the American people, with or without Congress. We can’t wait for Congress to do its job. So where they won’t act, I will.”¶ When Congress killed legislation aimed at curbing the emissions that cause global warming, Obama directed the Environmental Protection Agency to write regulations on its own incorporating some parts of the bill.¶ When Congress defeated pro-union legislation, he had the National Labor Relations Board and the Labor Department issue rules incorporating some parts of the bill.¶ “The president looks more and more like a king that the Constitution was designed to replace,” Sen. Charles Grassley, R-Iowa, said on the Senate floor last year.¶ While Republicans complain that Obama’s actions cross a line, experts say some of them are less aggressive than they appear.¶ After the mass shooting in Newtown, Conn., in December, the White House boasted of implementing 23 executive actions to curb gun control. In reality, Obama issued a trio of modest directives that instructed federal agencies to trace guns and send information for background checks to a database.¶ In his State of the Union address last month, Obama instructed businesses to improve the security of computers to help prevent hacking. But he doesn’t have the legal authority to force private companies to act.¶ “The executive order can be a useful tool but there are only certain things he can do,” said Melanie Teplinsky, an American University law professor who’s spoken extensively on cyber-law.¶ Executive actions often are fleeting. They generally don’t settle a political debate, and the next president, Congress or a court may overturn them.¶ Consider the so-called Mexico City policy. With it, Reagan banned federal money from going to international family-planning groups that provide abortions. Clinton rescinded the policy. George W. Bush reinstated it, and Obama reversed course again.¶ But congressional and legal action are rare. In 1952, the Supreme Court threw out Harry Truman’s order authorizing the seizure of steel mills during a series of strikes. In 1996, the District of Columbia Court of Appeals dismissed an order by Clinton that banned the government from contracting with companies that hire workers despite an ongoing strike.¶ Obama has seen some pushback.¶ Congress prohibited him from spending money to move inmates from the Guantanamo Bay U.S. naval base in Cuba after he signed an order that said it would close. A Chinese company sued Obama for killing its wind farm projects by executive order after he said they were too close to a military training site. A federal appeals court recently ruled that he’d exceeded his constitutional powers when he named several people to the National Labor Relations Board while the Senate was in recess.¶ But Obama appears to be undaunted.¶ “If Congress won’t act soon to protect future generations,” he told Congress last month, “I will.”

## Norms

### 2NC- No modeling/inevitable

#### Social science proves no modeling- US signals are dismissed

Zenko ‘13 [Micah, Council on Foreign Relations Center for Preventive Action Douglas Dillon fellow, "The Signal and the Noise," Foreign Policy, 2-2-13, www.foreignpolicy.com/articles/2013/02/20/the\_signal\_and\_the\_noise, accessed 6-12-13, mss]

Later, Gen. Austin observed of cutting forces from the Middle East: "Once you reduce the presence in the region, you could very well signal the wrong things to our adversaries." Sen. Kelly Ayotte echoed his observation, claiming that President Obama's plan to withdraw 34,000 thousand U.S. troops from Afghanistan within one year "leaves us dangerously low on military personnel...it's going to send a clear signal that America's commitment to Afghanistan is going wobbly." Similarly, during a separate House Armed Services Committee hearing, Deputy Secretary of Defense Ashton Carter ominously warned of the possibility of sequestration: "Perhaps most important, the world is watching. Our friends and allies are watching, potential foes -- all over the world." These routine and unchallenged assertions highlight what is perhaps the most widely agreed-upon conventional wisdom in U.S. foreign and national security policymaking: the inherent power of signaling. This psychological capability rests on two core assumptions: All relevant international audiences can or will accurately interpret the signals conveyed, and upon correctly comprehending this signal, these audiences will act as intended by U.S. policymakers. Many policymakers and pundits fundamentally believe that the Pentagon is an omni-directional radar that uniformly transmits signals via presidential declarations, defense spending levels, visits with defense ministers, or troop deployments to receptive antennas. A bit of digging, however, exposes cracks in the premises underlying signaling theories. There is a half-century of social science research demonstrating the cultural and cognitive biases that make communication difficult between two humans. Why would this be any different between two states, or between a state and non-state actor? Unlike foreign policy signaling in the context of disputes or escalating crises -- of which there is an extensive body of research into types and effectiveness -- policymakers' claims about signaling are merely made in a peacetime vacuum. These signals are never articulated with a precision that could be tested or falsified, and thus policymakers cannot be judged misleading or wrong. Paired with the faith in signaling is the assumption that policymakers can read the minds of potential or actual friends and adversaries. During the cycle of congressional hearings this spring, you can rest assured that elected representatives and expert witnesses will claim to know what the Iranian supreme leader thinks, how "the Taliban" perceives White House pronouncements about Afghanistan, or how allies in East Asia will react to sequestration. This self-assuredness is referred to as the illusion of transparency by psychologists, or how "people overestimate others' ability to know them, and...also overestimate their ability to know others." Policymakers also conceive of signaling as a one-way transmission: something that the United States does and others absorb. You rarely read or hear critical thinking from U.S. policymakers about how to interpret the signals from others states. Moreover, since U.S. officials correctly downplay the attention-seeking actions of adversaries -- such as Iran's near-weekly pronouncement of inventing a new drone or missile -- wouldn't it be safer to assume that the majority of U.S. signals are similarly dismissed? During my encounters with foreign officials, few take U.S. government pronouncements seriously, and instead assume they are made to appease domestic audiences.

### 2NC- No impact

#### Prolif doesn’t cause wars- restraint wins out

**Goure ’12** [ Daniel Goure, PhD in international relations and Russian studies from the Johns Hopkins University, is a vice president of the Lexington Institute, was a member of the Defense Department’s Transition Team, served as director of the Office of Strategic Competitiveness for the Secretary of Defense and was a senior analyst with the Center for Naval Analyses, Science Applications International Corporation, SRS Technologies, R&D Associates and System Planning Corporation, has been a consultant for the Departments of State, Defense, and Energy, has been an adjunct professor in graduate programs at the Center for Peace and Security Studies at Georgetown University, and an adjunct professor at National Defense University, “Drones and the Changing Nature of Warfare: Hold the Presses!” <http://www.cato-unbound.org/2012/01/13/daniel-goure/drones-changing-nature-warfare-hold-presses>]

Despite the proliferation of drones, particularly by the United States, at best it can be argued that the proliferation of unmanned aerial systems (UASs) is changing tactics, particularly with respect to operations on land. The predominant mission of drones today is to collect information, primarily electro-optical data in the form of pictures and full motion video. The overwhelming majority of drone flying hours are conducted by systems such as Aerovironment’s Wasp, Puma, and Raven; Insitu’s ScanEagle; and Textron’s Shadow for the purpose of providing overwatch for maneuvering Army and Marine Corps units. Even the vaunted Predator, a variant of which, the MQ-9 Reaper, is the platform employed for armed strikes, is predominantly employed for intelligence, surveillance, and reconnaissance missions. The larger systems such as Northrop Grumman’s Global Hawk and Lockheed Martin’s stealthy RQ-170 Sentinel are intended solely to gather intelligence.¶ Armed drones serve a niche function. They are useful in situations where real-time tactical intelligence is required in order to launch a weapon and the operating environment is extremely benign. Because they can loiter in the area of a suspected target, waiting for positive identification and the proper time to strike with the least possibility of inflicting collateral damage, they are far less lethal than any other aerial weapons system.¶ Attempts to connect an increased tendency to use force are supported neither by the evidence nor by logic. The frequency and intensity of conflicts has declined even as the ability to conduct remote combat has increased exponentially. There were only a handful of drones available to the U.S. military when Operations Enduring Freedom and Iraqi Freedom began. The lack of unmanned systems appears to have posed no obstacle to the decision to initiate either operation.¶ It is difficult to accord any serious influence over the conduct of air operations in past or current conflicts to the presence of armed drones. In the era before drones, the U.S. imposed ten year long no-fly zones over northern and southern Iraq. In addition, the number of drone sorties in total is but a tiny fraction of all aerial sorties. Armed drone sorties constitute only a small fraction of total drone missions. Cortright notes that since 2009 there have been 239 drone strikes into Pakistan. However, for the month of January 2011, Coalition forces in Afghanistan flew 387 sorties in which guns were fired or munitions expended.[2] These statistics suggest a clear preference on the part of the military for manned aerial systems and not drones in the conduct of tactical air operations. Cortright also reports that 145 drone strikes were conducted during Operation Odyssey Dawn—the liberation of Libya. Actually this is an incorrect statement. While drones were used over Libya, these were not armed flights, hence they were sorties and not strikes. But this is good example of the breathless quality of much of the analysis today of the implications of drones for warfare. Look at the numbers. The U.S. alone conducted some 3,500 sorties during Operation Odyssey Dawn. So drones amounted to 4% of the total. By the way, the United States and United Kingdom also launched 228 Tomahawk cruise missiles during this operation, 112 on the first night of the conflict. If we are to accord to weapon systems influence over the decision to use force, then in the case of Libya, precedence must be given based simply on the number of sorties conducted to cruise missiles, aerial refueling tankers, tactical fighters, and even cargo planes before we come to the little-used drone.¶ The availability of unmanned aerial systems in no way makes conflict more likely or more brutal. Quite the opposite, in fact, seems to be the case. The presumption that were it not for the availability of drones, the U.S. would refrain from conducting military operations against terrorists based in Pakistan is highly dubious. We have an example of an alternative military option: Operation Enduring Freedom. As Joshua Goldstein pointed out in a recent article, the use of armed drones in Pakistan may have prevented the use of far bloodier means. “Armed drones now attack targets that in the past would have required an invasion with thousands of heavily armed troops, displacing huge numbers of civilians and destroying valuable property along the way.”[3] According to Robert Woodward’s reporting on President Obama’s decision to deploy additional forces to Afghanistan in 2009, a number of senior advisors proposed a lower-cost, smaller deployment based on increased use of special operations forces and unmanned aerial vehicles.

### Turkey/ME War

#### No Turkey-Syria war – they are on the defensive- newest ev

Turkish Weekly September 21, 2013 “President: Turkey does not want waging war with Syria” http://www.turkishweekly.net/news/156556/president-turkey-does-not-want-waging-war-with-syria.html

Turkey does not want waging war with Syria, Turkish President Abdullah Gul said on Friday, TRT Haber TV channel reported.¶ According to him, Turkey's main task is to protect its borders against any aggression.¶ Gul added that the unresolved Syrian crisis led to the fact that radical extremist groups infiltrated in Syria.¶ "Ankara understands the danger of terror and we are against any terrorist activity in Syria," Gul added.¶ On September 16, Turkish Air Force aircrafts shot down a Syrian helicopter which violated the country's airspace. The MI-17 type helicopter over the border was shot down by missiles from an aircraft which took off at 14:25 from a military base in Malatya.

#### No war

Boston Herald September 2, 2013 “Erdogan adviser: Syria unlikely to attack Turkey” http://bostonherald.com/news\_opinion/international/europe/2013/09/erdogan\_adviser\_syria\_unlikely\_to\_attack\_turkey

Turkish Prime Minister Recep Tayyip Erdogan's chief adviser is brushing aside concerns that a U.S. strike against Syria could provoke Damascus to attack Turkey.¶ Yalcin Akdogan says that is unlikely because the consequence of attacking a more powerful neighbor would be too great.¶ In a report published Monday, the Turkish daily Aksam quoted Akdogan as saying that an attack on Turkey "would be madness and suicide."¶ He added: "That would amount to an attack on a NATO country and things would take a different turn."

#### No Middle East war- leaders weak, no capability or interest

Cook ‘7

Empirically denied

Yglesisas 7 (Matthew, Associate Editor – Atlantic Monthly, “Containing Iraq”, The Atlantic, 9-12,

http://matthewyglesias.theatlantic.com/archives/2007/09/containing\_iraq.php)

Kevin Drum tries to [throw some water](http://www.washingtonmonthly.com/archives/individual/2007_09/012050.php) on the "Middle East in Flames" theory holding that American withdrawal from Iraq will lead not only to a short-term intensification of fighting in Iraq, but also to some kind of broader regional conflagration. Ivo Daalder and James Lindsay, as usual sensible but several clicks to my right, also [make this point briefly](http://www.democracyjournal.org/article.php?ID=6555) in Democracy: "Talk that Iraq’s troubles will trigger a regional war is overblown; **none of the half-dozen civil wars the Middle East has witnessed over the past half-century led to a regional conflagration**." Also worth mentioning in this context is the basic point that **the Iranian and Syrian militaries just aren't able to conduct meaningful offensive military operations. The Saudi, Kuwait, and Jordanian militaries are even worse. The IDF has plenty of Arabs to fight closer to home**. What you're looking at, realistically, is that our allies in Kurdistan might provide safe harbor to PKK guerillas, thus prompting our allies in Turkey to mount some cross-border military strikes against the PKK or possibly retaliatory ones against other Kurdish targets. This is a real problem, but it's obviously not a problem that's mitigated by having the US Army try to act as the Baghdad Police Department or sending US Marines to wander around the desert hunting a [possibly mythical](http://www.washingtonmonthly.com/features/2007/0710.tilghman.html) terrorist organization.

### SCS/Senkaku

**Kania 13**

#### China creates stability

Carlson ’13 (Allen Carlson is an Associate Professor in Cornell University’s Government Department. He was granted his PhD from Yale University’s Political Science Department. His undergraduate degree is from Colby College. In 2005 his Unifying China, Integrating with the World: Securing Chinese Sovereignty in the Reform Era was published by Stanford University Press. He has also written articles that appeared in the Journal of Contemporary China, Pacific Affairs, Asia Policy, and Nations and Nationalism. In addition, he has published monographs for the National Committee on U.S.-China Relations and the East-West Center Washington. Carlson was a Fulbright-Hays scholar at Peking University during the 2004-2005 academic year. In 2005 he was chosen to participate in the National Committee’s Public Intellectuals Program, and he currently serves as an adviser to Cornell’s China Asia Pacific Studies program and its East Asia Program. Carlson is currently working on a project exploring the issue of nontraditional security in China’s emerging relationship with the rest of the international system. His most recent publications are the co-edited Contemporary Chinese Politics: New Sources, Methods and Field Strategies (Cambridge University Press, 2010) and New Frontiers in China’s Foreign Relations (Lexington, 2011). China Keeps the Peace at Sea China Keeps the Peace at Sea Why the Dragon Doesn't Want War Allen Carlson February 21, 2013)

At times in the past few months, China and Japan have appeared almost ready to do battle over the Senkaku (Diaoyu) Islands --which are administered by Tokyo but claimed by both countries -- and to ignite a war that could be bigger than any since World War II. Although Tokyo and Beijing have been shadowboxing over the territory for years, the standoff reached a new low in the fall, when the Japanese government nationalized some of the islands by purchasing them from a private owner. The decision set off a wave of violent anti-Japanese demonstrations across China. In the wake of these events, the conflict quickly reached what political scientists call a state of equivalent retaliation -- a situation in which both countries believe that it is imperative to respond in kind to any and all perceived slights. As a result, it may have seemed that armed engagement was imminent. Yet, months later, nothing has happened. And despite their aggressive posturing in the disputed territory, both sides now show glimmers of willingness to dial down hostilities and to reestablish stability. Some analysts have cited North Korea's recent nuclear test as a factor in the countries' reluctance to engage in military conflict. They argue that the detonation, and Kim Jong Un's belligerence, brought China and Japan together, unsettling them and placing their differences in a scarier context. Rory Medcalf, a senior fellow at the Brookings Institution, explained that "the nuclear test gives the leadership in both Beijing and Tokyo a chance to focus on a foreign and security policy challenge where their interests are not diametrically at odds." The nuclear test, though, is a red herring in terms of the conflict over the disputed islands. In truth, the roots of the conflict -- and the reasons it has not yet exploded -- are much deeper. Put simply, China cannot afford military conflict with any of its Asian neighbors. It is not that China believes it would lose such a spat; the country increasingly enjoys strategic superiority over the entire region, and it is difficult to imagine that its forces would be beaten in a direct engagement over the islands, in the South China Sea or in the disputed regions along the Sino-Indian border. However, Chinese officials see that even the most pronounced victory would be outweighed by the collateral damage that such a use of force would cause to Beijing's two most fundamental national interests -- economic growth and preventing the escalation of radical nationalist sentiment at home. These constraints, rather than any external deterrent, will keep Xi Jinping, China's new leader, from authorizing the use of deadly force in the Diaoyu Islands theater. For over three decades, Beijing has promoted peace and stability in Asia to facilitate conditions amenable to China's economic development. The origins of the policy can be traced back to the late 1970s, when Deng Xiaoping repeatedly contended that to move beyond the economically debilitating Maoist period, China would have to seek a common ground with its neighbors. Promoting cooperation in the region would allow China to spend less on military preparedness, focus on making the country a more welcoming destination for foreign investment, and foster better trade relations. All of this would strengthen the Chinese economy. Deng was right. Today, China's economy is second only to that of the United States. The fundamentals of Deng's grand economic strategy are still revered in Beijing. But any war in the region would erode the hard-won, and precariously held, political capital that China has gained in the last several decades. It would also disrupt trade relations, complicate efforts to promote the yuan as an international currency, and send shock waves through the country's economic system at a time when it can ill afford them. There is thus little reason to think that China is readying for war with Japan. At the same time, the specter of rising Chinese nationalism, although often seen as a promoter of conflict, further limits the prospects for armed engagement. This is because Beijing will try to discourage nationalism if it fears it may lose control or be forced by popular sentiment to take an action it deems unwise. Ever since the Tiananmen Square massacre put questions about the Chinese Communist Party's right to govern before the population, successive generations of Chinese leaders have carefully negotiated a balance between promoting nationalist sentiment and preventing it from boiling over. In the process, they cemented the legitimacy of their rule. A war with Japan could easily upset that balance by inflaming nationalism that could blow back against China's leaders. Consider a hypothetical scenario in which a uniformed Chinese military member is killed during a firefight with Japanese soldiers. Regardless of the specific circumstances, the casualty would create a new martyr in China and, almost as quickly, catalyze popular protests against Japan. Demonstrators would call for blood, and if the government (fearing economic instability) did not extract enough, citizens would agitate against Beijing itself. Those in Zhongnanhai, the Chinese leadership compound in Beijing, would find themselves between a rock and a hard place. It is possible that Xi lost track of these basic facts during the fanfare of his rise to power and in the face of renewed Japanese assertiveness. It is also possible that the Chinese state is more rotten at the core than is understood. That is, party elites believe that a diversionary war is the only way to hold on to power -- damn the economic and social consequences. But Xi does not seem blind to the principles that have served Beijing so well over the last few decades. Indeed, although he recently warned unnamed others about infringing upon China's "national core interests" during a foreign policy speech to members of the Politburo, he also underscored China's commitment to "never pursue development at the cost of sacrificing other country's interests" and to never "benefit ourselves at others' expense or do harm to any neighbor." Of course, wars do happen -- and still could in the East China Sea. Should either side draw first blood through accident or an unexpected move, Sino-Japanese relations would be pushed into terrain that has not been charted since the middle of the last century. However, understanding that war would be a no-win situation, China has avoided rushing over the brink. This relative restraint seems to have surprised everyone. But it shouldn't. Beijing will continue to disagree with Tokyo over the sovereign status of the islands, and will not budge in its negotiating position over disputed territory. However, it cannot take the risk of going to war over a few rocks in the sea. On the contrary, in the coming months it will quietly seek a way to shelve the dispute in return for securing regional stability, facilitating economic development, and keeping a lid on the Pandora's box of rising nationalist sentiment. The ensuing peace, while unlikely to be deep, or especially conducive to improving Sino-Japanese relations, will be enduring.

## Terrorism

### Global Cred

**Smith et al**

### No EU Backlash

**Smith et al**

#### Europe won’t fight over US drones- hypocrisy fears

**Dworkin ‘13** [Anthony, Anthony Dworkin is a senior policy fellow at the European Council on Foreign Relations, was previously the executive director of the Crimes of War Project, “Drones and Targeted Killing: Defining a European Position,” July, <http://ecfr.eu/page/-/ECFR84_DRONES_BRIEF.pdf>]

Meanwhile, European governments are increasingly ¶ acquiring armed drones for their own military forces and, ¶ in some cases, encountering strong public or political ¶ opposition. German Defence Minister Thomas de Maizière’s ¶ announcement of his wish to purchase armed UAVs for the ¶ Bundeswehr prompted campaigning groups to launch an ¶ appeal entitled “No Combat Drones” and provoked criticism ¶ from opposition parties. In the UK, the shift of control of ¶ British drones from Nevada to a Royal Air Force base in ¶ Lincolnshire led to a demonstration of several hundred ¶ people. Italy, the Netherlands, and Poland are among other ¶ EU member states that are seeking or considering the ¶ purchase of armed drones, and European defence consortia ¶ are exploring the possibility of manufacturing both ¶ surveillance and armed UAVs in Europe. To defuse public ¶ suspicion of drones in Europe, EU governments have an ¶ interest in reducing the controversy provoked by US actions ¶ and developing a clearer European line about when lethal ¶ strikes against individuals are permissible.

### EU Alliance

Intel i/l is based off of EU alliance—that’s inevitable

Moravcsik 3 (Andrew, Professor of Government and Director of the European Union Program – Harvard University, July/August, Foreign Affairs, Lexis)

Transatlantic optimists are also right when they argue that the recent shifts need not lead inexorably to the collapse of NATO, the UN, or theEU. Historically, they note, transatlantic crises have been cyclical events, arising most often when conservative Republican presidents pursued assertive unilateral military policies. During the Vietnam era and the Reagan administration, as today, European polls recorded 80-95 percent opposition to U.S. intervention, millions of protesters flooded the streets, NATO was deeply split, and European politicians compared the United States to Nazi Germany. Washington went into "opposition" at the UN, where, since 1970, it has vetoed 34 Security Council resolutions on the Middle East alone, each time casting the lone dissent.In the recent crisis, a particularly radical American policy combined with a unique confluence of European domestic pressures -- German Chancellor Gerhard Schrsder's political vulnerability and French President Jacques Chirac's Gaullist skepticism of American power -- to trigger the crisis.Most Europeans -- like most Americans -- rejected the neoconservative claim that a preemptive war against Iraq without multilateral support was necessary or advisable. Sober policy analysis underlay the concerns of the doubters, who felt that the war in Iraq, unlike the one in Afghanistan, was not really connected to the "war on terrorism." Skeptics were also wary of the difficulties and costs likely to attend postwar reconstruction. No surprise, then, that most foreign governments sought to exhaust alternatives to war before moving forward and refused to set the dangerous precedent of authorizing an attack simply because the United States requested it. In spite of these doubts about the Bush administration's policies, however, underlying U.S. and European interests remainstrikingly convergent. It is a cliche but nonetheless accurate to assert that the Western relationship rests on shared values: democracy, human rights, open markets, and a measure of social justice. No countries are more likely to agree on basic policy, and to have the power to dosomething about it. Even regarding a sensitive area such as the Middle East, both sides recognize Israel's right to exist, advocate a Palestinian state, oppose tyrants such as Saddam Hussein, seek oil security, worry about radical Islamism, and fear terrorism and the proliferation of WMD.

**.**

# syria

#### It won’t derail debt ceiling

Drum 9/17, Kevin, writer for mother jones, “Syria Is a Very Minor Blip in the Course of US Foreign Policy,” 9/17, <http://www.motherjones.com/kevin-drum/2013/09/syria-minor-blip-obama-foreign-policy>

I don't think anyone is really much interested in yet another tedious thumbsucker about What Syria Means, but the tone of the commentary over the past few days has simply gotten insane. I know I'll get laughed at for writing a typical Kevin Drum post that tells everyone to calm down a bit, but for God's sake. Can we all calm down a bit? Some quick bullet points: Yes, Obama's handling of Syria was initially pretty fubared. He didn't understand how much support he could count on for air strikes; he was taken by surprise over the intensity of the opposition; and he ended up hurting his own cause with some pretty silly statements. At the same time, can we talk? The question of whether to bomb Syria for a few days is pretty trivial as these things go. This is no Iraq and it's no Vietnam. Hell, it's not even a Suez crisis. American credibility has barely been scratched. Our foreign policy is intact; the rest of the world is pretty clear on what it is; and our reluctance to engage in military action one time out of dozens of opportunities simply doesn't change anyone's view of American power. If a congressional repudiation of a president happened over and over, that would change some views. But once? Please. Obama's leadership chops have likewise barely been scratched. They were pretty low to begin with, and Syria hasn't changed that much. And while we're talking about that: being willing to change course isn't a sign of vacillation or weakness. It's simply nuts to think this. The Russian proposal for UN inspections represented a pretty good opportunity to salvage a decent outcome from the congressional mutiny; it was a chance to nudge Vladimir Putin in a constructive direction; and it doesn't preclude future military action in any way. Only someone with near-clinical insecurity issues would reject this opportunity simply because it represented a change of course. Nor is the latest round of diplomacy a triumph for Putin or Bashar al-Assad or Iran. Russia continues to be yoked to a crumbling pariah regime; Syria actually is a crumbling pariah regime; and Iran has gotten nothing out of this. See Dan Drezner for more straight talk on this score. Syria will have precisely zero effect on domestic fights over the budget and the debt ceiling. The whole idea is preposterous, and I think everyone knows it. The Republican gridlock freight train has been on track for months and it hasn't budged an inch since spring. Syria hasn't had the slightest impact on this. As Anthony Weiner would say, chillax, people. This whole affair is a pretty minor foreign policy barnacle, and its long-term effect on both American power and Obama's ability to get things done is tiny. How about if we all tone down the apocalyptic language?

#### Diplomacy solved it

Dorning and Runningen 9/15 Mike and Roger, white house correspondents at Bloomberg news, “Syria Chemical Arms Deal May Let Obama Focus on Domestic Issues,” 9/15, <http://www.bloomberg.com/news/2013-09-14/syrian-diplomatic-deal-may-let-obama-focus-on-domestic-politics.html>

The agreement between the U.S. and Russia to eliminate Syria’s chemical weapons hands President Barack Obama a diplomatic achievement without U.S. armed forces firing a shot. If the deal survives political and practical hurdles, it could also wind down a drama that has put the Democratic president and his threat to attack Syria at odds with most of the U.S. public and many of his supporters. After losing the first two weeks of September to the crisis, the Obama administration may now be able to address domestic priorities such as a budget agreement, raising the debt ceiling, and nomination of a Federal Reserve chairman. “The most important political effect of the agreement is to knock the issue down a few pegs on the political agenda,” said John Pitney, a political science professor at Claremont McKenna College, in Claremont, California. Obama welcomed the deal as “an important, concrete step toward the goal of moving Syria’s chemical weapons under international control,” even as he said in a statement that the U.S. “remains prepared to act” if diplomacy fails. “The Syria problem appears to be off to the side now,” said Steve Elmendorf, a lobbyist and former Democratic congressional aide with close ties to the administration. Domestic Priorities “Now they have the time” to nominate a Federal Reserve Board chairman, a post for which former Obama National Economic Council director Lawrence Summers and Fed Vice Chairman Janet Yellen are top candidates, Elmendorf said. “My guess is they’ll do it pretty soon.” Obama has scheduled a speech tomorrow at the White House to mark the five-year anniversary of the collapse of Lehman Brothers Holdings Inc., which helped trigger the financial crisis. He’ll also talk about economic gains since then, according to a White House statement. While critics will portray Obama’s maneuvering on Syria as a series of vacillations, the public will see the outcome as a victory, so long as the poison gas attacks there end, said Andrew Kohut, founding director of the Pew Research Center in Washington. “No more chemical attacks would equal achievement,” he said. “And vice versa.” “It’s the bottom line, not so much how you got there, for typical voters,” said Kohut, who has been involved in polling and public opinion research for more than 20 years. ‘Strengthens’ Obama The public is likely to give Obama credit simply because he was able to avert, at least for the time being, U.S. military involvement, he said. “For now, the agreement strengthens Obama, with a public opposed to force,” Kohut said.

#### Fallout from Syria won’t hurt Obama on issues – unconventional party lines obscures backlash

Bloomberg News 9/12/13 (Lisa Lerer, "Obama Syria Reversal Sets Stage for Fights with Congress")

The White House and its allies argue that the debate over Syria won’t hurt Obama on other issues, simply because the fight didn’t break along traditional party lines and is unlikely to resonate in the 2014 congressional elections. A coalition of small-government Republicans wary of U.S. involvement overseas and Democrats who warned of the risk of entering another Middle Eastern war lined up against Obama’s Syria plan, likely killing its chances of passage if there had been a vote in the House.

# at: repub backlash inev/compart

#### The first part of this card takes out the syria thumper- says there was no effect on debt ceiling

Obama’s pc is the filter for whether he can leverage republicans to get on board debt ceiling- your evidence is uber-generic about what policies they would block

#### GOP disunity now makes obama’s agenda fine

Allen 9/19/13 (Jonathan, POLITICO, "GOP Battles Boost President Obama")

There’s a simple reason President Barack Obama is using his bully pulpit to focus the nation’s attention on the battle over the budget: In this fight, he’s watching Republicans take swings at each other.¶ And that GOP fight is a lifeline for an administration that had been scrambling to gain control its message after battling congressional Democrats on the potential use of military force in Syria and the possible nomination of Larry Summers to run the Federal Reserve.¶ If House Republicans and Obama can’t cut even a short-term deal for a continuing resolution, the government’s authority to spend money will run out on Oct. 1. Within weeks, the nation will default on its debt if an agreement isn’t reached to raise the federal debt limit.¶ ([PHOTOS: 25 unforgettable Obamacare quotes](http://href.li/?http://www.politico.com/gallery/2013/07/25-unforgettable-obamacare-quotes/001172-016561.html))¶ For some Republicans, those deadlines represent a leverage point that can be used to force Obama to slash his health care law. For others, they’re a zero hour at which the party will implode if it doesn’t cut a deal.¶ Meanwhile, “on the looming fiscal issues, Democrats — both liberal and conservative, executive and congressional — are virtually 100 percent united,” said Sen. Charles Schumer (D-N.Y.).¶ Just a few days ago, all that Obama and his aides could talk about were Syria and Summers. Now, they’re bringing their party together and shining a white hot light on Republican disunity over whether to shut down the government and plunge the nation into default in a vain effort to stop Obamacare from going into effect.

#### The debt ceiling will be raised now – but a strong Obama is critical to dismiss GOP riders

Taylor 9/18/13 (Andrew, Associated Press Staff Writer, "House GOP Plans To Link Debt Limit Increase To Its Own Wish List")

House GOP leaders Wednesday announced that they will move quickly to raise the government's borrowing cap by attaching a wish list of GOP priorities like blocking "Obamacare," forcing construction of the Keystone XL pipeline and setting the stage for reforming the loophole-cluttered tax code.¶ They also, as expected, promised tea party lawmakers a chance to first use a routine temporary government funding bill to try to muscle the Democratic-controlled Senate into derailing President Barack Obama's health care law.¶ "That fight will continue as we negotiate the debt limit with the president and the Senate," said House Majority Leader Eric Cantor, R-Va.¶ Obama said again that he won't knuckle under to the GOP's demands¶ The GOP strategy appears to assume that the Senate will strip out the "defund 'Obamacare'" provision and send it back. The House would then face a choice: pass the measure without the health care provision or continue the battle and risk a partial government shutdown when the new budget year begins Oct. 1.¶ Speaking to CEOs of the Business Roundtable Wednesday, Obama called on the corporate leaders to use their influence to avoid a potentially damaging showdown over the debt ceiling. He reiterated his promise to not negotiate over the need to raise the nation's borrowing limit, which the government is expected to hit as early as next month.¶ He blamed "a faction" of the Republican Party for budget brinkmanship designed to undo his three-year-old health care law.¶ "You have never seen in the history of the United States the debt ceiling or the threat of not raising the debt ceiling being used to extort a president or a governing party and trying to force issues that have nothing to do with the budget and have nothing to do with the debt," Obama said.¶ "So I'm happy to negotiate with them around the budget, just as I've done in the past," he added. "What I will not do is to create a habit, a pattern, whereby the full faith and credit of the United States ends up being a bargaining chip to set policy. It's irresponsible. The last time we did this, in 2011, we had negative growth at a time when the recovery was just trying to take off."¶ GOP leaders telegraphed that they would likely concede to the Senate's demand for a stopgap spending bill shorn of the Obamacare provision -- but that they would carry on with the fight on legislation to increase the government's borrowing cap.

#### Political capital is key to get a compromise on the debt ceiling

Capehart 9/16/13 (Jonathan, Post Partisan, The Washington Post, "Obamacare, The Debt Ceiling and GOP Instanity")

Now, here’s the scary part. The venerable Bipartisan Policy Center estimates that the Treasury will run out of that $50 billion sometime between Oct. 18 and Nov. 5. That’s the [“X date.”](http://bipartisanpolicy.org/library/staff-paper/debt-limit) If we reach that point, all hell will break loose. The president would be in the [politically perilous position](http://www.washingtonpost.com/blogs/post-partisan/wp/2013/09/10/on-the-road-to-default/) of choosing who gets paid on time and who doesn’t.¶ “It’s time for the president’s party to show the courage to work with us to solve this problem,” Boehner told reporters on Thursday. It is long past time for the speaker to show the courage to stand up to the [crazy](http://maddowblog.msnbc.com/_news/2013/09/13/20477384-congress-on-crazy-pills) wing of his own party. Destroying the full faith and credit of the United States while on a fool’s errand to defund Obamacare, the president’s signature legislative achievement, which was upheld by the Supreme Court, is not leadership. It’s surrender.

#### It’s empirical – Obama’s use of the bully pulpit flipped the 2011 debt debates

Sargent 9/13/13 (Greg, The Washington Post, "The Morning Plu: Delusions and Lies About Obamacare Come Back to Haunt GOP Leaders")

Of course, public opinion always tilts against the debt limit — that didn’t stop Republicans from caving on it earlier this year — and as the [NBC write-up](http://firstread.nbcnews.com/_news/2013/09/13/.UjL___5RkKc.twitter) notes, Obama has the bully-pulpit, which ultimately flipped opinion on it last time. But for conservatives looking for ways to rally the shock troops for the coming confrontation, this poll could boost their case that the GOP must hold firm in its demand to block or delay Obamacare, probably in the debt ceiling fight, where GOP leaders say they will make their stand against the law. Some are already [pointing to it](https://twitter.com/conncarroll/status/378490225816649729) as proof of leverage.

# at: econ d

#### Economic decline causes protectionism and war – their defense doesn’t assume accompanying shifts in global power

Royal 10 – Jedediah Royal, Director of Cooperative Threat Reduction at the U.S. Department of Defense, 2010, “Economic Integration, Economic Signaling and the Problem of Economic Crises,” in Economics of War and Peace: Economic, Legal and Political Perspectives, ed. Goldsmith and Brauer, p. 213-215

Less intuitive is how periods of economic decline may increase the likelihood of extern conflict. Political science literature has contributed a moderate degree of attention to the impact of economic decline and the security and defense behavior of interdependent states. Research in this vein has been considered at systemic, dyadic and national levels. Several notable contributions follow. First, on the systemic level, Pollins (2008) advances Modelski and Thompson’s (1996) work on leadership cycle theory, finding that rhythms in the global economy are associated with the rise and fall of a pre-eminent power and the often bloody transition from one pre-eminent leader to the next. As such, exogenous shocks such as economic crisis could usher in a redistribution of relative power (see also Gilpin, 1981) that leads to uncertainty about power balances, increasing the risk of **miscalculation** (Fearon, 1995). Alternatively, even a relatively certain redistribution of power could lead to a permissive environment for conflict as a rising power may seek to challenge a declining power (Werner, 1999). Seperately, Pollins (1996) also shows that global economic cycles combined with parallel leadership cycles impact the likelihood of conflict among major, medium and small powers, although he suggests that the causes and connections between global economic conditions and security conditions remain unknown. Second, on a dyadic level, Copeland’s (1996, 2000) theory of trade expectations suggests that ‘future expectation of trade’ is a significant variable in understanding economic conditions and security behavious of states. He argues that interdependent states are likely to gain pacific benefits from trade so long as they have an optimistic view of future trade relations, However, if the expectations of future trade decline, particularly for difficult to replace items such as energy resources, the likelihood for conflict increases, as states will be inclined to use force to gain access to those resources. **Crisis could potentially be the trigger for decreased trade expectations** either on its own or because it triggers protectionist moves by interdependent states. Third, others have considered the link between economic decline and external armed conflict at a national level. Blomberg and Hess (2002) find a strong correlation between internal conflict and external conflict, particularly during periods of economic downturn. They write, The linkages between internal and external conflict and prosperity are strong and mutually reinforcing. Economic conflict tends to spawn internal conflict, which in turn returns the favor. Moreover, the presence of a recession tends to amplify the extent to which international and external conflict self-reinforce each other. (Blomberg & Hess, 2002. P. 89) Economic decline has been linked with an increase in the likelihood of terrorism (Blomberg, Hess, & Weerapana, 2004), which has the capacity to spill across borders and lead to external tensions. Furthermore, crises generally reduce the popularity of a sitting government. ‘Diversionary theory’ suggests that, when facing unpopularity arising from economic decline, sitting governments have increase incentives to fabricate external military conflicts to create a ‘rally around the flag’ effect. Wang (1996), DeRouen (1995), and Blomberg, Hess, and Thacker (2006) find supporting evidence showing that economic decline and use of force are at least indirectly correlated. Gelpi (1997), Miller (1999), and Kisangani and Pickering (2009) suggest that the tendency towards diversionary tactics are greater for democratic states than autocratic states, due to the fact that democratic leaders are generally more susceptible to being removed from office due to lack of domestic support. DeRouen (2000) has provided evidence showing that periods of weak economic performance in the United States, and thus weak Presidential popularity, are statistically linked to an increase in the use of force. In summary, recent economic scholarship positively correlated economic integration with an increase in the frequency of economic crises, whereas political science scholarship links economic decline with external conflict at systemic, dyadic and national levels. This implied connection between integration, crisis and armed conflict has not featured prominently in the economic-security debate and deserves more attention.

#### **Balance of historical examples proves our argument**

Ferguson 9 (Niall, Laurence A. Tisch Professor of History at Harvard University, “The Axis of Upheaval,” Foreign Policy, February 16th, http://www.foreignpolicy.com/articles/2009/02/16/the\_axis\_of\_upheaval)

The Bush years have of course revealed the perils of drawing facile parallels between the challenges of the present day and the great catastrophes of the 20th century. Nevertheless, there is reason to fear that the biggest financial crisis since the Great Depression could have comparable consequences for the international system. For more than a decade, I pondered the question of why the 20th century was characterized by so much brutal upheaval. I pored over primary and secondary literature. I wrote more than 800 pages on the subject. And ultimately I concluded, in The War of the World, that three factors made the location and timing of lethal organized violence more or less predictable in the last century. The first factor was ethnic disintegration: Violence was worst in areas of mounting ethnic tension. The second factor was economic volatility: The greater the magnitude of economic shocks, the more likely conflict was. And the third factor was empires in decline: When structures of imperial rule crumbled, battles for political power were most bloody. In at least one of the world’s regions—the greater Middle East—two of these three factors have been present for some time: Ethnic conflict has been rife there for decades, and following the difficulties and disappointments in Iraq and Afghanistan, the United States already seems likely to begin winding down its quasi-imperial presence in the region. It likely still will. Now the third variable, economic volatility, has returned with a vengeance. U.S. Federal Reserve Chairman Ben Bernanke’s “Great Moderation”—the supposed decline of economic volatility that he hailed in a 2004 lecture—has been obliterated by a financial chain reaction, beginning in the U.S. subprime mortgage market, spreading through the banking system, reaching into the “shadow” system of credit based on securitization, and now triggering collapses in asset prices and economic activity around the world. After nearly a decade of unprecedented growth, the global economy will almost certainly sputter along in 2009, though probably not as much as it did in the early 1930s, because governments worldwide are frantically trying to repress this new depression. But no matter how low interest rates go or how high deficits rise, there will be a substantial increase in unemployment in most economies this year and a painful decline in incomes. Such economic pain nearly always has geopolitical consequences. Indeed, we can already see the first symptoms of the coming upheaval. In the essays that follow, Jeffrey Gettleman describes Somalia’s endless anarchy, Arkady Ostrovsky analyzes Russia’s new brand of aggression, and Sam Quinones explores Mexico’s drug-war-fueled misery. These, however, are just three case studies out of a possible nine or more. In Gaza, Israel has engaged in a bloody effort to weaken Hamas. But whatever was achieved militarily must be set against the damage Israel did to its international image by killing innocent civilians that Hamas fighters use as human shields. Perhaps more importantly, social and economic conditions in Gaza, which were already bad enough, are now abysmal. This situation is hardly likely to strengthen the forces of moderation among Palestinians. Worst of all, events in Gaza have fanned the flames of Islamist radicalism throughout the region—not least in Egypt. From Cairo to Riyadh, governments will now think twice before committing themselves to any new Middle East peace initiative. Iran, meanwhile, continues to support both Hamas and its Shiite counterpart in Lebanon, Hezbollah, and to pursue an alleged nuclear weapons program that Israelis legitimately see as a threat to their very existence. No one can say for sure what will happen next within Tehran’s complex political system, but it is likely that the radical faction around President Mahmoud Ahmadinejad will be strengthened by the Israeli onslaught in Gaza. Economically, however, Iran is in a hole that will only deepen as oil prices fall further. Strategically, the country risks disaster by proceeding with its nuclear program, because even a purely Israeli air offensive would be hugely disruptive. All this risk ought to point in the direction of conciliation, even accommodation, with the United States. But with presidential elections in June, Ahmadinejad has little incentive to be moderate. On Iran’s eastern border, in Afghanistan, upheaval remains the disorder of the day. Fresh from the success of the “surge” in Iraq, Gen. David Petraeus, the new head of U.S. Central Command, is now grappling with the much more difficult problem of pacifying Afghanistan. The task is made especially difficult by the anarchy that prevails in neighboring Pakistan. India, meanwhile, accuses some in Pakistan of having had a hand in the Mumbai terrorist attacks of last November, spurring yet another South Asian war scare. Remember: The sabers they are rattling have nuclear tips. The democratic governments in Kabul and Islamabad are two of the weakest anywhere. Among the biggest risks the world faces this year is that one or both will break down amid escalating violence. Once again, the economic crisis is playing a crucial role. Pakistan’s small but politically powerful middle class has been slammed by the collapse of the country’s stock market. Meanwhile, a rising proportion of the country’s huge population of young men are staring unemployment in the face. It is not a recipe for political stability. This club is anything but exclusive. Candidate members include Indonesia, Thailand, and Turkey, where there are already signs that the economic crisis is exacerbating domestic political conflicts. And let us not forget the plague of piracy in Somalia, the renewed civil war in the Democratic Republic of the Congo, the continuing violence in Sudan’s Darfur region, and the heart of darkness that is Zimbabwe under President Robert Mugabe. The axis of upheaval has many members. And it’s a fairly safe bet that the roster will grow even longer this year. The problem is that, as in the 1930s, most countries are looking inward, grappling with the domestic consequences of the economic crisis and paying little attention to the wider world crisis. This is true even of the United States, which is now so preoccupied with its own economic problems that countering global upheaval looks like an expensive luxury. With the U.S. rate of GDP growth set to contract between 2 and 3 percentage points this year, and with the official unemployment rate likely to approach 10 percent, all attention in Washington will remain focused on a nearly $1 trillion stimulus package. Caution has been thrown to the wind by both the Federal Reserve and the Treasury. The projected deficit for 2009 is already soaring above the trillion-dollar mark, more than 8 percent of GDP. Few commentators are asking what all this means for U.S. foreign policy. The answer is obvious: The resources available for policing the world are certain to be reduced for the foreseeable future. That will be especially true if foreign investors start demanding higher yields on the bonds they buy from the United States or simply begin dumping dollars in exchange for other currencies. Economic volatility, plus ethnic disintegration, plus an empire in decline: That combination is about the most lethal in geopolitics. We now have all three. The age of upheaval starts now.

# uniqueness

#### -- Detroit News evidence says that Republicans will fold on the debt ceiling but Obama’s leadership is necessary to ensure a deal

#### Prefer our evidence—it’s future predictive and speaks to momentum

#### -- Obama is pushing

Feldmann 9/18/13 (Linda, Christian Science Monitor, "Government shutdown coming? Boehner raises stakes on defunding Obamacare")

As for Obama, even before Boehner’s capitulation to the tea party wing of his caucus, efforts to woo the Republicans into a budget deal have born no fruit, and so he has opted for verbal slaps. On Monday, the president took to a [White House](http://www.csmonitor.com/tags/topic/The+White+House) stage to mark the five-year anniversary of the 2008 financial crisis, and he spewed vitriol at his most ardent opponents – even though a mass shooting had just taken place a few miles from the White House.¶ "I cannot remember a time when one faction of one party promises economic chaos if it doesn't get 100 percent of what it wants," Obama said.¶ At Wednesday’s briefing, White House press secretary [Jay Carney](http://www.csmonitor.com/tags/topic/Jay+Carney) suggested that the president’s past charm offensive with Republicans – including taking some out to dinner at an expensive restaurant (on his dime) – hadn’t completely failed.¶ “What we discovered is that there is a sincere desire by Republican lawmakers, some of them, anyway ... to make budget policy that ... reduces the deficit responsibly, but invests responsibly as well,” Mr. Carney said.¶ And, he said, the president will still try “all manner of ways to get to yes with Republican leaders.”

#### - Obama has the momentum

Easley 9/18/13 (Jason, "Obama's Genius Labeling of GOP Demands Extortion Has Already Won the Debt Ceiling Fight")

President Obama effectively ended any Republican hopes of getting a political victory on the debt ceiling when he called their demands extortion. Nobody likes being extorted. The American people don’t like feeling like they are being shaken down. The White House knows this, which is why they are using such strong language to criticize the Republicans. Obama is doing the same thing to House Republicans that he has been doing to the entire party for the last few years. The president is defining them before they can define themselves.¶ Obama is taking the same tactics that he used to define Mitt Romney in the summer of 2012 and applying them to John Boehner and his House Republicans. While Republicans are fighting among themselves and gearing up for another pointless run at defunding Obamacare, the president is already winning the political battle over the debt ceiling. His comments today were a masterstroke of strategy that will pay political dividends now and in the future. If the president is successful anytime a Republican talks about defunding Obamacare, the American people will think extortion. Republicans keep insisting on unconstitutional plots to kill Obamacare, and the [president is calling them out on it.](http://www.politicususa.com/2013/09/15/obama-turns-tables-tells-republicans-debt-ceiling-demands-unconstitutional.html) Republicans haven’t realized it yet, but while they are chasing the fool’s gold of defunding Obamacare they have already lost on the debt ceiling. By caving to the lunatic fringe in his party, John Boehner may have [handed control of the House of Representatives back to Democrats on a silver platter.](http://www.politicususa.com/2013/09/17/wall-street-journal-warns-gop-government-shutdown-give-democrats-house.html) While Republicans posture on Obamacare, Obama is routing them on the debt ceiling.

#### -- Democrats are confident that the House will raise the debt ceiling now – high level statements prove

Bolton 9/14/13 (Alexander, Writer for the Hill, "Confident Democrats Want Separate Showdowns on Shutdown and Debt Limit")

¶ Senate Democrats want to have separate fights with the House GOP over a potential government shutdown and raising the nation’s debt limit, confident they will win showdowns on both issues. [[WATCH VIDEO](http://thehill.com/video/senate/322259-house-gop-prepares-for-last-fight-against-obamacare)]  Some House Republicans want to bundle the question of setting federal funding levels and raising the debt limit into one vote but a senior Senate Democrat has rejected that possibility. ¶ Senate Democratic Whip Dick Durbin (D-Ill.) said repeatedly raising the debt limit in small increments wreaks havoc on government operations.¶ “The longer you extend the debt limit, the more thoughtless it is,” he said.¶ Durbin predicted Congress would tackle the debt limit question in mid October instead of pushing the debate until shortly before Christmas.¶ “October 15, mark your calendar,” he said. “I’m told that come October 15 we better start getting serious about it.”¶ Durbin said he wants extend the nation’s borrowing limit for as long as possible in one increment. He cited a year as a reasonable extension.¶ “We’re not going to be in the situation where you’re lurching from crisis to crisis and putting the full faith and credit [of the government] at the hands of a Republican caucus that can’t get it’s act together,” said a senior Senate Democratic aide. “Doing a longer term clean debt-limit extension will prevent that from happening.” Some House Republicans want to maximize their leverage by bundling the debt limit and stopgap measure funding government. They could accomplish this by extending government funding until mid-December and bumping up the debt limit just enough to delay a medium-term solution until year’s end.¶ Democrats, however, want to force the GOP to debate these issues successively.¶ “We’re not negotiating on the debt ceiling. We think we have the high ground in both of those fights,” said a senior Senate Democratic aide.¶ The Senate Democratic strategy over the next several weeks will be to stand pat and refuse to make any significant concessions in exchange for funding the government or raising the debt ceiling.  “If push comes to shove on debt ceiling, I’m virtually certain they’ll blink,” said Sen. Charles Schumer (N.Y.), the third-ranking member of the Senate Democratic leadership. “They know they shouldn’t be playing havoc with the markets.”¶

#### -- Republicans will cave now

The Economist 9/21/13 (Print Edition of the Economist, "Once More to the Brink")

Strangely, the improving economics of the debt have done little for the rotten politics. Both the president and Republican leaders in Congress are anxious to avoid a repeat of their standoff in August 2011, when they brought America close to an unnecessary and catastrophic default by refusing to agree on the terms under which the debt ceiling should be raised.¶ In this section¶ [Style and substance](http://www.economist.com/news/united-states/21586553-it-may-not-look-it-barack-obamas-presidency-tied-syria-style-and-substance)¶ Once more to the brink¶ [Tokers’ delight](http://www.economist.com/news/united-states/21586584-sensible-drug-policy-decision-federal-government-once-tokers-delight)¶ [Mass shootings are up; gun murders down](http://www.economist.com/news/united-states/21586585-mass-shootings-are-up-gun-murders-down)¶ [Of trolls and mistrials](http://www.economist.com/news/united-states/21586543-idiotic-comments-derail-big-civil-rights-case-trolls-and-mistrials)¶ [The risk of rabid raccoons](http://www.economist.com/news/united-states/21586542-using-marshmallow-treats-fight-deadly-disease-risk-rabid-raccoons)¶ [The American Dream, RIP?](http://www.economist.com/news/united-states/21586581-economist-asks-provocative-questions-about-future-social-mobility-american)¶ [Reprints](http://www.economist.com/rights)¶ The “debt ceiling” is the legal limit to federal borrowing. Since the Treasury borrows 19 cents of every dollar it spends, Congress has to keep raising the debt ceiling or Uncle Sam will not be able to pay his bills. When Republicans and Democrats played chicken with the full faith and credit of the United States, it undermined confidence in the economy and dented the squabbling lawmakers’ approval ratings. Yet they seem poised to do it all again.¶ On October 1st much of the federal government will shut down unless Congress votes to fund the roughly 35% of the budget that requires annual authorisation. Then, around mid-October, the Treasury will hit the debt ceiling. Unless Congress votes to raise it, Treasury will have to stop paying bills such as salaries, pensions, and in the extreme, interest on the national debt, which would trigger a cataclysmic default.¶ In theory, a deal should be within grasp. Mr Obama would like to replace the so-called “sequester”—across-the-board spending cuts that resulted from that last showdown, in 2011—with more targeted spending cuts and higher taxes. But with no leverage to force the Republicans to agree, he would almost certainly sign a budget that kept funding at the sequester’s levels. He also wants the debt ceiling raised with no strings attached. Since Republicans did that last January, they should be prepared to do so again.¶ But several dozen conservative Republican congressmen are blocking the way. They want to use the budget and the debt ceiling to gut Mr Obama’s healthcare plan, the main provisions of which are scheduled to take effect by January. So far, 74 of the 233 House Republicans have sponsored a bill that would wipe out any funds for implementing Obamacare next year, while funding the rest of the government.¶ Mr Obama, however, has vowed not to delay Obamacare or negotiate over the debt ceiling. This has saddled Republican leaders with a dilemma: how to satisfy their members’ Quixotic longing to kill Obamacare without committing political suicide by shutting down the government or causing a default. Last week John Boehner, the Speaker of the House of Representatives, and Eric Cantor, the Majority Leader, proposed passing two bills, one that defunded Obamacare, and another that funded the government. The Senate could reject the first and pass the second.

# AT: No PC

#### Obama’s capital is high – debt ceiling

Liasson 9/21/13 (Mara, "Have Obama's Troubles Weakened Him for Fall's Fiscal Fights?")

Despite the setbacks of the spring and summer, the Obama team is counting on the latent power of the presidency — one of the most resilient institutions in American life.¶ Unlike on Syria, Obama seems to have a budget strategy. He's hanging tough on his two red lines: no negotiations on the debt ceiling and no changes to Obamacare.¶ The president is willing for now to let the Republicans flirt with the unpopular and dangerous possibilities of a government shutdown and a debt default. It's a high-stakes game of chicken, and one where the White House feels confident it has the upper hand.

#### Framing issue- Obama still doing better than congress

The Globe and Mail 9/16/13 (Paul Koring, The Globe and Mail, "Obama Faces Fall Showdown With Congress")

But even as Mr. Obama’s approval ratings have dropped sharply, they still remain well above the abysmal levels recorded by Congress.¶ Karlyn Bowman, a senior fellow at the American Enterprise Institute, said Mr. Obama added to the public disaffection with Washington with his handling of Syria. “Nobody in Washington,” she added, “looks very good these days.”