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**Iran is looking to compromise on its nuclear program – Obama’s perceived flexibility is key**

Benen, writer for MSNBC and producer of the Rachel Maddow show, 9/20/2013

(Steve, “When crises become opportunities,” http://maddowblog.msnbc.com/\_news/2013/09/20/20599445-when-crises-become-opportunities?lite)

When it comes to the Middle East, progress has never moved in a straight line. There are fits and starts, ebbs and flows. There are heartening breakthroughs and crushing disappointments, occasionally at the same time.¶ That said, while the domestic political establishment's attention seems focused elsewhere, there's reason to believe new opportunities are materializing in the region in ways that were hard to even imagine up until very recently.¶ This morning, for example, the Organization for the Prohibition of Chemical Weapons (OPCW) announced that Syria has taken its first steps towards detailing its stockpiles. Michael Luhan, a spokesperson for the Hague-based chemical weapons regulator, said in a statement, "The OPCW has received an initial disclosure from the Syrian Government of its chemical weapons programme, which is now being examined by the Technical Secretariat of the Organisation."¶ Meanwhile, Iranian President Hasan Rouhani has a new op-ed in the Washington Post arguing that the United States and the rest of the world "must work together to end the unhealthy rivalries and interferences that fuel violence and drive us apart" through a policy of "constructive engagement."¶ The New York Times added that Iranian leaders, "seizing on perceived flexibility in a private letter from President Obama, have decided to gamble on forging a swift agreement over their nuclear program with the goal of ending crippling sanctions."¶ David Sanger summarized the bigger picture nicely.¶ Only two weeks after Washington and the nation were debating a unilateral military strike on Syria that was also intended as a forceful warning to Iran about its nuclear program, President Obama finds himself at the opening stages of two unexpected diplomatic initiatives with America's biggest adversaries in the Middle East, each fraught with opportunity and danger.¶ Without much warning, diplomacy is suddenly alive again after a decade of debilitating war in the region. After years of increasing tension with Iran, there is talk of finding a way for it to maintain a face-saving capacity to produce a very limited amount of nuclear fuel while allaying fears in the United States and Israel that it could race for a bomb.¶ The surprising progress has come so suddenly that a senior American diplomat described this week's developments as "head spinning."¶ So what happens next?¶ The consensus among many foreign policy observers is that developments in Syria and Iran are linked in ways that may or may not be helpful to the United States. Max Fisher explained well yesterday that President Obama's pragmatism "has sent exactly the right signals to Iran, particularly at this very sensitive moment."¶ Obama has been consistently clear, even if some members of his administration were not, that his big overriding goal is for Syrian leader Bashar al-Assad to stop using chemical weapons. First he was going to do that with strikes, meant to coerce Assad. Then, in response to the Russian proposal, Obama signaled he would back off the strikes if Assad gave up his chemical weapons, which is exactly what Obama has always said he wants. He's been consistent as well as flexible, which gave Assad big incentives to cooperate when he might have otherwise dug in his heels.¶ There are some awfully significant -- and promising -- parallels here with the U.S. standoff with Iran. Obama has been clear that he wants Iran to give up its rogue uranium-enrichment program and submit to the kind of rigorous inspections that would guarantee that its nuclear program is peaceful. He's also been clear that the United States is using severe economic sanctions to coerce Tehran to cooperate and that it would use military force if necessary. The implicit (and sometimes explicit) message to Iran has been: If you abandon your enrichment program, we'll make it worth your while by easing off.¶ Here's where the parallel with Syria is really important: Iranian leaders distrust the United States deeply and fear that Obama would betray them by not holding up his end of the bargain. That's been a major hurdle to any U.S.-Iran nuclear deal. But seeing Assad's deal with Obama work out (so far) sends the message to Iran that it can trust the United States. It also sends the message that making concessions to the United States can pay off. Iran's supreme leader has been talking a lot lately about flexibility and diplomacy toward the West. So it's an ideal moment for Obama to be demonstrating flexibility and diplomacy toward the Middle East.

**The plan undermines Obama’s war power credibility—that kills negotiations**

Matthew Waxman, professor of law at Columbia Law School and an adjunct senior fellow at the Council on Foreign Relations. He previously served as principal deputy director of policy planning (2005–7) and acting director of policy planning (2007) at the US Department of State, 1/28/13, Executive-Congressional Relations and National Security, www.advancingafreesociety.org/the-briefing/executive-congressional-relations-and-national-security/

The last four years should have been a good period for executive-congressional relations in the areas of national security and foreign affairs. The president, vice president, and secretary of state were former Senators. They all viewed President George W. Bush as too inclined to bypass or ignore Congress and they promised to do better. And the Obama administration started with Democratic majorities in the House and Senate.¶ It is thus surprising that the past four years have been notable for inter-branch clashes and paralysis on some major national security agenda items, with the administration failing to engage Congress or operating in a slowly reactive mode, while many congressional Republicans remain in an obstructionist mode. In the second term, the Obama administration will need to pick its legislative priorities more deliberately, engage with allies and opponents in Congress more actively, and be willing to negotiate compromises or wage aggressive campaigns on key issues.¶ Congress has repeatedly stifled the president’s signature counterterrorism promise to close the Guantanamo Bay detention facility. Congress’s opposition has been more than political. Beginning with legislation in 2010 when Democrats controlled both houses of Congress, Congress has consistently placed legal barriers on the president’s ability to transfer Guantanamo detainees or to try them in civilian courts in the United States. After hinting in his speech at the National Archives in 2009 that he would work with Congress on these issues, Obama has put forward no proposal of his own, nor has his administration been willing to explore possible compromises on long-term Guantanamo policies, instead playing defense against moves by congressional blocs with their own Guantanamo agendas. That defensive strategy has included a series of veto threats, which were always abandoned in the end and now carry little credibility.¶ With regard to war powers, the administration barely escaped a significant congressional rebuke after it failed to obtain congressional authorization for the operations in Libya in 2011 or at least to advance a convincing account for why such authorization was not needed. The administration conducted international diplomacy effectively, and obtained UN Security Council and Arab League endorsement of military operations to protect Libyan civilians from slaughter. However, on the domestic front it alienated even congressional supporters of its policy with poor early consultation on the Hill. In the end, Senate Majority Leader Harry Reid prevented the Senate from taking up a resolution passed by the Foreign Relations Committee that would have authorized the operation but rejected the administration’s strained interpretation of the War Powers Resolution. Throughout the Libya crisis, the administration’s approach toward Congress was passive and tentative. It was fortunate for the administration that Congress was splintered and few members were willing to defend its institutional prerogatives, at least within the limited timeframe of the intervention. But Obama might not be so lucky the next time.¶ As to treaties, the administration garnered super-majority Senate advice and consent on a record-low number of agreements in its first term. Despite a strong effort by Secretary of State Hillary Clinton and the Navy leadership, the administration failed to get the UN Convention on the Law of the Sea out of the Senate Foreign Relations Committee. Once again, part of the explanation for failure was the administration’s poorly timed and coordinated engagement of the Senate on the issue. In the face of Senate Republican portrayals of other global treaties as threats to US sovereignty, the White House failed to throw its full weight behind its valid arguments that the Law of the Sea Convention would strengthen the US position with respect, for example, to crisis hotspots in Asia and in commercial spheres.¶ To be clear, the Obama administration has scored successes, too. For example, putting aside the policy merits, it worked reasonably well with Congress on the completed wind-down of the Iraq war. It will need to do the same with respect to the planned wind-down of the Afghanistan war and in developing a long-term strategy for Afghanistan and Pakistan. Much of the blame for policy incoherence on many national security issues such as cybersecurity lies with Congress, which is infected by political polarization and dysfunction as much in international affairs as it is in domestic affairs.¶ Going forward, the Obama administration will need to bring the same kind of sustained attention and hard-nosed strategic thinking to its legislative agenda on national security issues as it has on some major domestic policy issues. First, it will need to be selective in its legislative agenda and then wage aggressive campaigns on matters it labels national security priorities. It did so early in the first term with respect to the New START Treaty, which was in danger of collapse until the administration went all out for it. Obama’s team enlisted influential allies from previous Republican administrations, engaged in a serious communications campaign at the highest levels, and negotiated as necessary to get the key votes in favor of the treaty.¶ On some issues, the administration will need to decide on a coherent policy internally and then more actively engage both its allies and opponents on Capitol Hill. One area where this will be important is the legal architecture of counterterrorism policy. It is widely understood that continuing to rely on the September 2001 congressional Authorization for Use of Military Force as the basis for detention and targeting operations is increasingly problematic as al Qaeda splinters apart and as the United States winds down combat operations in Afghanistan. The Obama administration also maintains publicly a commitment to closing Guantanamo. Yet it has not come forward with proposed legislative frameworks for dealing with these issues. Even though the president has said repeatedly that he wants to work with Congress on a more durable legal architecture for counterterrorism operations, the administration has been reactive and appears to be undecided about what, if anything, it wants from Congress.¶ Another area in which executive-congressional relations will feature heavily is Iran’s nuclear build-up, surely one of the most delicate and complex international crises the administration will face this year. After engaging seriously only at the last minute, it has had to swallow several times congressionally-mandated sanctions that it regards as counterproductive. As the administration tries to ramp up pressure, it will need to convince skeptical members of Congress that it is applying tough diplomatic pressure on other UN Security Council members and on Iran’s trading partners. If—under the most optimistic scenarios—it reaches a satisfactory negotiated solution (or establishes a process toward one) with Iran, it will need Congress onboard; otherwise it will find its freedom to maneuver and deliver on assurances severely constrained.

**Iran proliferation causes nuclear war**

Edelman, distinguished fellow – Center for Strategic and Budgetary Assessments, ‘11

(Eric S, “The Dangers of a Nuclear Iran,” *Foreign Affairs*, January/February)

The reports of the Congressional Commission on the Strategic Posture of the United States and the Commission on the Prevention Of Weapons of Mass Destruction Proliferation and Terrorism, as well as other analyses, have highlighted the risk that a nuclear-armed Iran could trigger additional nuclear proliferation in the Middle East, even if Israel does not declare its own nuclear arsenal. Notably, Algeria, Bahrain, Egypt, Jordan, Saudi Arabia,Turkey, and the United Arab Emirates— all signatories to the Nuclear Nonproliferation Treaty (npt)—have recently announced or initiated nuclear energy programs. Although some of these states have legitimate economic rationales for pursuing nuclear power and although the low-enriched fuel used for power reactors cannot be used in nuclear weapons, these moves have been widely interpreted as hedges against a nuclear-armed Iran. The npt does not bar states from developing the sensitive technology required to produce nuclear fuel on their own, that is, the capability to enrich natural uranium and separate plutonium from spent nuclear fuel. Yet enrichment and reprocessing can also be used to accumulate weapons-grade enriched uranium and plutonium—the very loophole that Iran has apparently exploited in pursuing a nuclear weapons capability. Developing nuclear weapons remains a slow, expensive, and di⁄cult process, even for states with considerable economic resources, and especially if other nations try to constrain aspiring nuclear states’ access to critical materials and technology. Without external support, it is unlikely that any of these aspirants could develop a nuclear weapons capability within a decade.

There is, however, at least one state that could receive significant outside support: Saudi Arabia. And if it did, proliferation could accelerate throughout the region. Iran and Saudi Arabia have long been geopolitical and ideological rivals. Riyadh would face tremendous pressure to respond in some form to a nuclear-armed Iran, not only to deter Iranian coercion and subversion but also to preserve its sense that Saudi Arabia is the leading nation in the Muslim world. The Saudi government is already pursuing a nuclear power capability, which could be the first step along a slow road to nuclear weapons development. And concerns persist that it might be able to accelerate its progress by exploiting its close ties to Pakistan. During the 1980s, in response to the use of missiles during the Iran-Iraq War and their growing proliferation throughout the region, Saudi Arabia acquired several dozen css-2 intermediate-range ballistic missiles from China. The Pakistani government reportedly brokered the deal, and it may have also oªered to sell Saudi Arabia nuclear warheads for the css-2s, which are not accurate enough to deliver conventional warheads eªectively. There are still rumors that Riyadh and Islamabad have had discussions involving nuclear weapons, nuclear technology, or security guarantees. This “Islamabad option” could develop in one of several diªerent ways. Pakistan could sell operational nuclear weapons and delivery systems to Saudi Arabia, or it could provide the Saudis with the infrastructure, material, and technical support they need to produce nuclear weapons themselves within a matter of years, as opposed to a decade or longer. Not only has Pakistan provided such support in the past, but it is currently building two more heavy-water reactors for plutonium production and a second chemical reprocessing facility to extract plutonium from spent nuclear fuel. In other words, it might accumulate more fissile material than it needs to maintain even a substantially expanded arsenal of its own. Alternatively, Pakistan might oªer an extended deterrent guarantee to Saudi Arabia and deploy nuclear weapons, delivery systems, and troops on Saudi territory, a practice that the United States has employed for decades with its allies. This arrangement could be particularly appealing to both Saudi Arabia and Pakistan. It would allow the Saudis to argue that they are not violating the npt since they would not be acquiring their own nuclear weapons. And an extended deterrent from Pakistan might be preferable to one from the United States because stationing foreign Muslim forces on Saudi territory would not trigger the kind of popular opposition that would accompany the deployment of U.S. troops. Pakistan, for its part, would gain financial benefits and international clout by deploying nuclear weapons in Saudi Arabia, as well as strategic depth against its chief rival, India. The Islamabad option raises a host of difficult issues, perhaps the most worrisome being how India would respond. Would it target Pakistan’s weapons in Saudi Arabia with its own conventional or nuclear weapons? How would this expanded nuclear competition influence stability during a crisis in either the Middle East or South Asia? Regardless of India’s reaction, any decision by the Saudi government to seek out nuclear weapons, by whatever means, would be highly destabilizing. It would increase the incentives of other nations in the Middle East to pursue nuclear weapons of their own. And it could increase their ability to do so by eroding the remaining barriers to nuclear proliferation: each additional state that acquires nuclear weapons weakens the nonproliferation regime, even if its particular method of acquisition only circumvents, rather than violates, the NPT.

n-player competition

Were Saudi Arabia to acquire nuclear weapons, the Middle East would count three nuclear-armed states, and perhaps more before long. It is unclear how such an n-player competition would unfold because most analyses of nuclear deterrence are based on the U.S.- Soviet rivalry during the Cold War. It seems likely, however, that the interaction among three or more nuclear-armed powers would be more prone to miscalculation and escalation than a bipolar competition. During the Cold War, the United States and the Soviet Union only needed to concern themselves with an attack from the other. Multipolar systems are generally considered to be less stable than bipolar systems because coalitions can shift quickly, upsetting the balance of power and creating incentives for an attack. More important, emerging nuclear powers in the Middle East might not take the costly steps necessary to preserve regional stability and avoid a nuclear exchange. For nuclear-armed states, the bedrock of deterrence is the knowledge that each side has a secure second-strike capability, so that no state can launch an attack with the expectation that it can wipe out its opponents’ forces and avoid a devastating retaliation. However, emerging nuclear powers might not invest in expensive but survivable capabilities such as hardened missile silos or submarinebased nuclear forces. Given this likely vulnerability, the close proximity of states in the Middle East, and the very short flight times of ballistic missiles in the region, any new nuclear powers might be compelled to “launch on warning” of an attack or even, during a crisis, to use their nuclear forces preemptively. Their governments might also delegate launch authority to lower-level commanders, heightening the possibility of miscalculation and escalation. Moreover, if early warning systems were not integrated into robust command-and-control systems, the risk of an unauthorized or accidental launch would increase further still. And without sophisticated early warning systems, a nuclear attack might be unattributable or attributed incorrectly. That is, assuming that the leadership of a targeted state survived a first strike, it might not be able to accurately determine which nation was responsible. And this uncertainty, when combined with the pressure to respond quickly,would create a significant risk that it would retaliate against the wrong party, potentially triggering a regional nuclear war.

### 2

#### The President of the United States should request his Counsel and the Office of Legal Counsel for coordination over his war powers authority. The President should not initiate warfare without prior authorization from Congress, unless acting to repel armed attacks against the United States.

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

Trevor Morrison 11, Professor of Law at Columbia Law School, “LIBYA, ‘HOSTILITIES,’ THE OFFICE OF LEGAL COUNSEL, AND THE PROCESS OF EXECUTIVE BRANCH LEGAL INTERPRETATION,” Harvard Law Review Forum Vol.124:42, http://www.harvardlawreview.org/media/pdf/vol124\_forum\_morrison.pdf

Deeply rooted traditions treat the Justice Department’s Office of Legal Counsel (OLC) as the most important source of legal advice wit h- in the executive branch. A number of important norms guide the provision and handling of that advice. OLC bases its answers on its best view of the law, not merely its sense of what is plausible or arguable. 6 To ensure that it takes adequate account of competing perspectives within the executive branch, it typically requests and fully considers the views of other affected agencies before answering the questions put to it. Critically, once OLC arrives at an answer, it is treated as binding within the executive branch unless overruled by the Attorney General or the President. That power to overrule, moreover, is wielded extremely rarely — virtually never. As a result of these and related norms, and in spite of episodes like the notorious “torture memos,” OLC has earned a well-deserved reputation for providing credible, authoritative, thorough and objective legal analysis. The White House is one of the main beneficiaries of that reputation. When OLC concludes that a government action is lawful, its conclusion carries a legitimacy that other executive offices cannot so readily provide. That legitimacy is a function of OLC’s deep traditions and unique place within the executive branch. Other executive offices — be they agency general counsels or the White House Counsel’s Office — do not have decades-long traditions of providing legal advice based on their best view of the law after fully considering the competing positions; they have not generated bodies of authoritative precedents to inform and constrain their work; and they do not issue legal opinions that, whether or not they favor the President , are treated as presumptively binding within the executive branch. (Nor should those other offices mimic OLC; that is not their job.) Because the value of a favorable legal opinion from OLC is tied inextricably to these aspects of its work, each successive presidential administration has a strong incentive to respect and preserve them.

### 3

**Obama’s pressuring the GOP with a strong display of Presidential strength and staying on message – the GOP will blink**

**Dovere, 10/1/13** (Edward, Politico, “Government shutdown: President Obama holds the line”

<http://www.politico.com/story/2013/10/government-shutdown-president-obama-holds-the-line-97646.html?hp=f3>)

President Barack Obama started September in an agonizing, extended display of how little sway he had in Congress. He ended the month with a display of resolve and strength that could redefine his presidency. All it took was a government shutdown. This was less a White House strategy than simply staying in the corner the House GOP had painted them into — to the White House’s surprise, Obama was forced to do what he so rarely has as president: he said no, and he didn’t stop saying no. For two weeks ahead of Monday night’s deadline, Obama and aides rebuffed the efforts to kill Obamacare with the kind of firm, narrow sales pitch they struggled with in three years of trying to convince people the law should exist in the first place. There was no litany of doomsday scenarios that didn’t quite come true, like in the run-up to the fiscal cliff and the sequester. No leaked plans or musings in front of the cameras about Democratic priorities he might sacrifice to score a deal. After five years of what’s often seen as Obama’s desperation to negotiate — to the fury of his liberal base and the frustration of party leaders who argue that he negotiates against himself. Even his signature health care law came with significant compromises in Congress. Instead, over and over and over again, Obama delivered the simple line: Republicans want to repeal a law that was passed and upheld by the Supreme Court — to give people health insurance — or they’ll do something that everyone outside the GOP caucus meetings, including Wall Street bankers, seems to agree would be a ridiculous risk. “If we lock these Americans out of affordable health care for one more year,” Obama said Monday afternoon as he listed examples of people who would enjoy better treatment under Obamacare, “if we sacrifice the health care of millions of Americans — then they’ll fund the government for a couple more months. Does anybody truly believe that we won’t have this fight again in a couple more months? Even at Christmas?” The president and his advisers weren’t expecting this level of Republican melee, a White House official said. Only during Sen. Ted Cruz’s (R-Texas) 21-hour floor speech last week did the realization roll through the West Wing that they wouldn’t be negotiating because they couldn’t figure out anymore whom to negotiate with. And even then, they didn’t believe the shutdown was really going to happen until Saturday night, when the House voted again to strip Obamacare funding. This wasn’t a credible position, Obama said again Monday afternoon, but rather, bowing to “extraneous and controversial demands” which are “all to save face after making some impossible promises to the extreme right wing of their political party.” Obama and aides have said repeatedly that they’re not thinking about the shutdown in terms of political gain, but the situation’s is taking shape for them. Congress’s approval on dealing with the shutdown was at 10 percent even before the shutters started coming down on Monday according to a new CNN/ORC poll, with 69 percent of people saying the House Republicans are acting like “spoiled children.” “The Republicans are making themselves so radioactive that the president and Democrats can win this debate in the court of public opinion” by waiting them out, said Jim Manley, a Democratic strategist and former aide to Senate Majority Leader Harry Reid who has previously been critical of Obama’s tactics. Democratic pollster Stan Greenberg said the Obama White House learned from the 2011 debt ceiling standoff, when it demoralized fellow Democrats, deflated Obama’s approval ratings and got nothing substantive from the negotiations. “They didn’t gain anything from that approach,” Greenberg said. “I think that there’s a lot they learned from what happened the last time they ran up against the debt ceiling.” While the Republicans have been at war with each other, the White House has proceeded calmly — a breakthrough phone call with Iranian President Hassan Rouhani Friday that showed him getting things done (with the conveniently implied juxtaposition that Tehran is easier to negotiate with than the GOP conference), his regular golf game Saturday and a cordial meeting Monday with his old sparring partner Israeli Prime Minister Benjamin Netanyahu. White House press secretary Jay Carney said Monday that the shutdown wasn’t really affecting much of anything. “It’s busy, but it’s always busy here,” Carney said. “It’s busy for most of you covering this White House, any White House. We’re very much focused on making sure that the implementation of the Affordable Care Act continues.” Obama called all four congressional leaders Monday evening — including Boehner, whose staff spent Friday needling reporters to point out that the president hadn’t called for a week. According to both the White House and Boehner’s office, the call was an exchange of well-worn talking points, and changed nothing. Manley advised Obama to make sure people continue to see Boehner and the House Republicans as the problem and not rush into any more negotiations until public outrage forces them to bend. “He may want to do a little outreach, but not until the House drives the country over the cliff,” Manley said Monday, before the shutdown. “Once the House has driven the country over the cliff and failed to fund the government, then it might be time to make a move.” The White House believes Obama will take less than half the blame for a shutdown – with the rest heaped on congressional Republicans. The divide is clear in a Gallup poll also out Monday: over 70 percent of self-identifying Republicans and Democrats each say their guys are the ones acting responsibly, while just 9 percent for both say the other side is. If Obama is able to turn public opinion against Republicans, the GOP won’t be able to turn the blame back on Obama, Greenberg said. “Things only get worse once things begin to move in a particular direction,” he said. “They don’t suddenly start going the other way as people rethink this.”

#### Detention policies are massively controversial – bipartisan opposition and it gets wrapped into larger debates about national security

Kliegman 8/2/13 (Julie, Writer for Polifacts, "New Developmments But Congressional Opposition Remains" PoliFacts)

A genuine ‘closure' of Guantanamo would have to accept the possibility of letting someone out who could still be dangerous,” he said.¶ And a July 24 congressional subcommittee hearing on closing Guantanamo didn't make the outlook for Obama seem more promising. Republicans showed apprehension about moving prisoners to Marion, Ill. or any other U.S. location. "I would note we have had multiple instances of individuals in federal prisons engaging in terrorism,” said Sen. Ted Cruz, R-Texas.¶ Republican opposition to national or international detainee transfers leaves Democrats unsure of how they can proceed. Sen. Dianne Feinstein, D-Calif., who chairs the Intelligence Committee, poked at that larger issue by asking, "If there is no alternative prosecution in a federal court, they remain without charge or trial until the end of time?” There's nothing Congress can do with prisoners who can't be tried, short of setting them free.¶ Matthew Waxman, who chairs the Columbia Law School's national security program and has previously worked for the State and Defense departments, said for Obama to close Guantanamo is "[probably impossible](http://www.lawfareblog.com/2013/07/closing-guantanamo-would-still-leave-some-toughest-decisions-for-the-next-president/),” given the political barriers.¶ Even if Obama could close the prison before leaving office, Waxman noted that he is bound to leave his successor with a host of legal battles. Closing Guantanamo would bring up many more debates about armed conflict with al-Qaida and when the war on terror should be declared over.¶

**That takes Obama off-message – it undermines his constant pressure on the GOP**

**Milbank, 9/27/13** – Washington Post Opinion Writer (Dana, “Obama should pivot to Dubya’s playbook” Washington Post, <http://www.washingtonpost.com/opinions/dana-milbank-obama-should-try-pivoting-to-george-bushs-playbook/2013/09/27/c72469f0-278a-11e3-ad0d-b7c8d2a594b9_story.html>)

If President Obama can stick to his guns, he will win his October standoff with Republicans. That’s an awfully big “if.” This president has been consistently inconsistent, predictably unpredictable and reliably erratic. Consider the events of Thursday morning: Obama gave a rousing speech in suburban Washington, in defense of Obamacare, on the eve of its implementation. “We’re now only five days away from finishing the job,” he told the crowd. But before he had even left the room, his administration let slip that it was delaying by a month the sign-up for the health-care exchanges for small businesses. It wasn’t a huge deal, but it was enough to trample on the message the president had just delivered. Throughout his presidency, Obama has had great difficulty delivering a consistent message. Supporters plead for him to take a position — any position — and stick with it. His shifting policy on confronting Syria was the most prominent of his vacillations, but his allies have seen a similar approach to the Guantanamo Bay prison, counterterrorism and climate change. Even on issues such as gun control and immigration where his views have been consistent, Obama has been inconsistent in promoting his message. Allies are reluctant to take risky stands, because they fear that Obama will change his mind and leave them standing alone. Now come the budget showdowns, which could define the rest of his presidency. Republican leaders are trying to shift the party’s emphasis from the fight over a government shutdown to the fight over the debt-limit increase, where they have more support. A new Bloomberg poll found that Americans, by a 2-to-1 margin, disagree with Obama’s view that Congress should raise the debt limit without any conditions. But Obama has a path to victory. That poll also found that Americans think lawmakers should stop trying to repeal Obamacare. And that was before House Republicans dramatically overplayed their hand by suggesting that they’ll allow the nation to default if Obama doesn’t agree to their laundry list of demands, including suspending Obamacare, repealing banking reforms, building a new oil pipeline, easing environmental regulations, limiting malpractice lawsuits and restricting access to Medicare. To beat the Republicans, Obama might follow the example of a Republican, George W. Bush. Whatever you think of what he did, he knew how to get it done: by simplifying his message and repeating it, ad nauseam, until he got the result he was after. Obama instead tends to give a speech and move along to the next topic. This is why he is forever making “pivots” back to the economy, or to health care. But the way to pressure Congress is to be President One Note. In the debt-limit fight, Obama already has his note: He will not negotiate over the full faith and credit of the United States. That’s as good a theme as any; it matters less what the message is than that he delivers it consistently. The idea, White House officials explained to me, is to avoid getting into a back-and-forth over taxes, spending and entitlement programs. “We’re right on the merits, but I don’t think we want to argue on the merits,” one said. “Our argument is not that our argument is better than theirs; it’s that theirs is stupid.” This is a clean message: Republicans are threatening to tank the economy — through a shutdown or, more likely, through a default on the debt — and Obama isn’t going to negotiate with these hostage-takers. Happily for Obama, Republicans are helping him to make the case by being publicly belligerent. After this week’s 21-hour speech on the Senate floor by Sen. Ted Cruz (R-Tex.), the publicity-seeking Texan and Sen. Mike Lee (R-Utah) objected to a bipartisan request to move a vote from Friday to Thursday to give House Republicans more time to craft legislation avoiding a shutdown. On the Senate floor, Sen. Bob Corker (R-Tenn.) accused them of objecting because they had sent out e-mails encouraging their supporters to tune in to the vote on Friday. The Post’s Ed O’Keefe caught Cruz “appearing to snicker” as his colleague spoke — more smug teenager than legislator. Even if his opponents are making things easier for him, Obama still needs to stick to his message. As in Syria, the president has drawn a “red line” by saying he won’t negotiate with those who would put the United States into default. If he retreats, he will embolden his opponents and demoralize his supporters.

**Collapses the economy**

Adam Davidson 9/10/13, economy columnist for The New York Times, co-founder of Planet Money, NPR’s team of economics reporters, “Our Debt to Society,” NYT, http://www.nytimes.com/2013/09/15/magazine/our-debt-to-society.html?pagewanted=all&\_r=0

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

**Decline goes nuclear**

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Facing the worst economic crisis since the Great Depression, analysts at the World Bank and the US Central Intelligence Agency are just beginning to contemplate the ramifications for international stability if there is not a recovery in the next year. For the most part, the focus has been on fragile states such as some in Eastern Europe. However, the Great Depression taught us that a downward global economic spiral can even have jarring impacts on great powers. It is no mere coincidence that the last great global economic downturn was followed by the most destructive war in human history. In the 1930s, economic desperation helped fuel autocratic regimes and protectionism in a downward economic-security death spiral that engulfed the world in conflict. This spiral was aided by the preoccupation of the United States and other leading nations with economic troubles at home and insufficient attention to working with other powers to maintain stability abroad. Today's challenges are different, yet 1933's London Economic Conference, which failed to stop the drift toward deeper depression and world war, should be a cautionary tale for leaders heading to next month's London Group of 20 (G-20) meeting. There is no question the US must urgently act to address banking issues and to restart its economy. But the lessons of the past suggest that we will also have to keep an eye on those fragile threads in the international system that could begin to unravel if the financial crisis is not reversed early in the Barack Obama administration and realize that economics and security are intertwined in most of the critical challenges we face. A disillusioned rising power? Four areas in Asia merit particular attention, although so far the current financial crisis has not changed Asia's fundamental strategic picture. China is not replacing the US as regional hegemon, since the leadership in Beijing is too nervous about the political implications of the financial crisis at home to actually play a leading role in solving it internationally. Predictions that the US will be brought to its knees because China is the leading holder of US debt often miss key points. China's currency controls and full employment/export-oriented growth strategy give Beijing few choices other than buying US Treasury bills or harming its own economy. Rather than creating new rules or institutions in international finance, or reorienting the Chinese economy to generate greater long-term consumer demand at home, Chinese leaders are desperately clinging to the status quo (though Beijing deserves credit for short-term efforts to stimulate economic growth). The greater danger with China is not an eclipsing of US leadership, but instead the kind of shift in strategic orientation that happened to Japan after the Great Depression. Japan was arguably not a revisionist power before 1932 and sought instead to converge with the global economy through open trade and adoption of the gold standard. The worldwide depression and protectionism of the 1930s devastated the newly exposed Japanese economy and contributed directly to militaristic and autarkic policies in Asia as the Japanese people reacted against what counted for globalization at the time. China today is similarly converging with the global economy, and many experts believe China needs at least 8% annual growth to sustain social stability. Realistic growth predictions for 2009 are closer to 5%. Veteran China hands were watching closely when millions of migrant workers returned to work after the Lunar New Year holiday last month to find factories closed and jobs gone. There were pockets of protests, but nationwide unrest seems unlikely this year, and Chinese leaders are working around the clock to ensure that it does not happen next year either. However, the economic slowdown has only just begun and nobody is certain how it will impact the social contract in China between the ruling communist party and the 1.3 billion Chinese who have come to see President Hu Jintao's call for "harmonious society" as inextricably linked to his promise of "peaceful development". If the Japanese example is any precedent, a sustained economic slowdown has the potential to open a dangerous path from economic nationalism to strategic revisionism in China too. Dangerous states It is noteworthy that North Korea, Myanmar and Iran have all intensified their defiance in the wake of the financial crisis, which has distracted the world's leading nations, limited their moral authority and sown potential discord. With Beijing worried about the potential impact of North Korean belligerence or instability on Chinese internal stability, and leaders in Japan and South Korea under siege in parliament because of the collapse of their stock markets, leaders in the North Korean capital of Pyongyang have grown increasingly boisterous about their country's claims to great power status as a nuclear weapons state. The junta in Myanmar has chosen this moment to arrest hundreds of political dissidents and thumb its nose at fellow members of the 10-country Association of Southeast Asian Nations. Iran continues its nuclear program while exploiting differences between the US, UK and France (or the P-3 group) and China and Russia - differences that could become more pronounced if economic friction with Beijing or Russia crowds out cooperation or if Western European governments grow nervous about sanctions as a tool of policy. It is possible that the economic downturn will make these dangerous states more pliable because of falling fuel prices (Iran) and greater need for foreign aid (North Korea and Myanmar), but that may depend on the extent that authoritarian leaders care about the well-being of their people or face internal political pressures linked to the economy. So far, there is little evidence to suggest either and much evidence to suggest these dangerous states see an opportunity to advance their asymmetrical advantages against the international system. Challenges to the democratic model The trend in East Asia has been for developing economies to steadily embrace democracy and the rule of law in order to sustain their national success. But to thrive, new democracies also have to deliver basic economic growth. The economic crisis has hit democracies hard, with Japanese Prime Minister Aso Taro's approval collapsing to single digits in the polls and South Korea's Lee Myung-bak and Taiwan's Ma Ying Jeou doing only a little better (and the collapse in Taiwan's exports - particularly to China - is sure to undermine Ma's argument that a more accommodating stance toward Beijing will bring economic benefits to Taiwan). Thailand's new coalition government has an uncertain future after two years of post-coup drift and now economic crisis. The string of old and new democracies in East Asia has helped to anchor US relations with China and to maintain what former secretary of state Condoleezza Rice once called a "balance of power that favors freedom". A reversal of the democratic expansion of the past two decades would not only impact the global balance of power but also increase the potential number of failed states, with all the attendant risk they bring from harboring terrorists to incubating pandemic diseases and trafficking in persons. It would also undermine the demonstration effect of liberal norms we are urging China to embrace at home. Protectionism The collapse of financial markets in 1929 was compounded by protectionist measures such as the Smoot-Hawley tariff act in 1932. Suddenly, the economic collapse became a zero-sum race for autarkic trading blocs that became a key cause of war. Today, the globalization of finance, services and manufacturing networks and the World Trade Organization (WTO) make such a rapid move to trading blocs unlikely. However, protectionism could still unravel the international system through other guises. Already, new spending packages around the world are providing support for certain industries that might be perceived by foreign competitors as unfair trade measures, potentially creating a "Smoot-Hawley 2.0" stimulus effect as governments race to prop up industries. "Buy American" conditionality in the US economic stimulus package earlier this year was watered down somewhat by the Obama administration, but it set a tempting precedent for other countries to put up barriers to close markets.

### 4

**The aff sanitizes imperial violence by masking imperial violence describing the non-Western world as devoid of rule of law– that threat construction encourages unending intervention**

Ugo Mattei 9, Professor at Hastings College of the Law & University of Turin; and Marco de Morpurgo, M.Sc. Candidate, International University College of Turin, LL.M. Candidate, Harvard Law School, 2009, “GLOBAL LAW & PLUNDER: THE DARK SIDE OF THE RULE OF LAW,” online: <http://works.bepress.com/cgi/viewcontent.cgi?article=1014&context=bocconi_legal_papers>

Within this framework, Western law has constantly enjoyed a dominant position during the past centuries and today, thus being in the position to shape and bend the evolution of other legal systems worldwide. During the colonial era, continental-European powers have systematically exported their own legal systems to the colonized lands. During the past decades and today, the United States have been dominating the international arena as the most powerful economic power, exporting their own legal system to the ‘periphery’, both by itself and through a set of international institutions, behaving as a neo-colonialist within the ideology known as neoliberalism. Western countries identify themselves as law-abiding and civilized no matter what their actual history reveals. Such identification is acquired by false knowledge and false comparison with other peoples, those who were said to ‘lack’ the rule of law, such as China, Japan, India, and the Islamic world more generally. In a similar fashion today, according to some leading economists, Third World developing countries ‘lack’ the minimal institutional systems necessary for the unfolding of a market economy. The theory of ‘lack’ and the rhetoric of the rule of law have justified aggressive interventions from Western countries into non-Western ones. The policy of corporatization and open markets, supported today globally by the so-called Washington consensus3, was used by Western bankers and the business community in Latin America as the main vehicle to ‘open the veins’ of the continent—to borrow Eduardo Galeano’s metaphor4—with no solution of continuity between colonial and post-colonial times. Similar policy was used in Africa to facilitate the forced transfer of slaves to America, and today to facilitate the extraction of agricultural products, oil, minerals, ideas and cultural artefacts in the same countries. The policy of opening markets for free trade, used today in Afghanistan and Iraq, was used in China during the nineteenth century Opium War, in which free trade was interpreted as an obligation to buy drugs from British dealers. The policy of forcing local industries to compete on open markets was used by the British empire in Bengal, as it is today by the WTO in Asia, Africa, and Latin America. Foreign-imposed privatization laws that facilitate unconscionable bargains at the expense of the people have been vehicles of plunder, not of legality. In all these settings the tragic human suffering produced by such plunder is simply ignored. In this context law played a major role in legalizing such practices of powerful actors against the powerless.5 Yet, this use of power is scarcely explored in the study of Western law. The exportation of Western legal institutions from the West to the ‘rest’ has systematically been justified through the ideological use of the extremely politically strong and technically weak concept of ‘rule of law’. The notion of ‘rule of law’ is an extremely ambiguous one. Notwithstanding, within any public discussion its positive connotations have always been taken for granted. The dominant image of the rule of law is false both historically and in the present, because it does not fully acknowledge its dark side. The false representation starts from the idea that good law (which others ‘lack’) is autonomous, separate from society and its institutions, technical, non-political, non-distributive and reactive rather than proactive: more succinctly, a technological framework for an ‘efficient’ market. The rule of law has a bright and a dark side, with the latter progressively conquering new ground whenever the former is not empowered by a political soul. In the absence of such political life, the rule of law becomes a cold technology. Moreover, when large corporate actors dominate states (affected by a declining regulatory role), law becomes a product of the economy, and economy governs the law rather than being governed by it.

**That causes endless warfare**

Bacevich, 5 -- Boston University international relations professor [A. J., retired career officer in the United States Army, former director of Boston University's Center for International Relations (from 1998 to 2005), *The New American Militarism: How Americans Are Seduced by Wa*r, 2005 accessed 9-4-13, mss]

Today as never before in their history Americans are enthralled with military power. The global military supremacy that the United States presently enjoys--and is bent on perpetuating-has become central to our national identity. More than America's matchless material abundance or even the effusions of its pop culture, the nation's arsenal of high-tech weaponry and the soldiers who employ that arsenal have come to signify who we are and what we stand for. When it comes to war, Americans have persuaded themselves that the United States possesses a peculiar genius. Writing in the spring of 2003, the journalist Gregg Easterbrook observed that "the extent of American military superiority has become almost impossible to overstate." During Operation Iraqi Freedom, U.S. forces had shown beyond the shadow of a doubt that they were "the strongest the world has ever known, . . . stronger than the Wehrmacht in r94o, stronger than the legions at the height of Roman power." Other nations trailed "so far behind they have no chance of catching up. ""˜ The commentator Max Boot scoffed at comparisons with the German army of World War II, hitherto "the gold standard of operational excellence." In Iraq, American military performance had been such as to make "fabled generals such as Erwin Rommel and Heinz Guderian seem positively incompetent by comparison." Easterbrook and Booz concurred on the central point: on the modern battlefield Americans had located an arena of human endeavor in which their flair for organizing and deploying technology offered an apparently decisive edge. As a consequence, the United States had (as many Americans have come to believe) become masters of all things military. Further, American political leaders have demonstrated their intention of tapping that mastery to reshape the world in accordance with American interests and American values. That the two are so closely intertwined as to be indistinguishable is, of course, a proposition to which the vast majority of Americans subscribe. Uniquely among the great powers in all of world history, ours (we insist) is an inherently values-based approach to policy. Furthermore, we have it on good authority that the ideals we espouse represent universal truths, valid for all times. American statesmen past and present have regularly affirmed that judgment. In doing so, they validate it and render it all but impervious to doubt. Whatever momentary setbacks the United States might encounter, whether a generation ago in Vietnam or more recently in Iraq, this certainty that American values are destined to prevail imbues U.S. policy with a distinctive grandeur. The preferred language of American statecraft is bold, ambitious, and confident. Reflecting such convictions, policymakers in Washington nurse (and the majority of citizens tacitly endorse) ever more grandiose expectations for how armed might can facilitate the inevitable triumph of those values. In that regard, George W. Bush's vow that the United States will "rid the world of evil" both echoes and amplifies the large claims of his predecessors going at least as far back as Woodrow Wilson. Coming from Bush the war- rior-president, the promise to make an end to evil is a promise to destroy, to demolish, and to obliterate it. One result of this belief that the fulfillment of America's historic mission begins with America's destruction of the old order has been to revive a phenomenon that C. Wright Mills in the early days of the Cold War described as a "military metaphysics**"-a tendency to see international problems as military problems and to** discountthe likelihood of findinga solution except through military means.To state the matter bluntly, Americans in our own time have fallen prey to militarism, manifesting itself in a romanticized view of soldiers, a tendency to see military power as the truest measure of national greatness, and outsized expectations regarding the efficacy of force. To a degree without precedent in U.S. history, Americans have come to define the nation's strength and well-being in terms of military preparedness, military action, and the fostering of (or nostalgia for) military ideals? Already in the 19905 America's marriage of a militaristic cast of mind with utopian ends had established itself as the distinguishing element of contemporary U.S. policy. The Bush administrations response to the hor- rors of 9/11 served to reaffirm that marriage, as it committed the United States to waging an open-ended war on a global scale. Events since, notably the alarms, excursions, and full-fledged campaigns comprising the Global War on Terror, have fortified and perhaps even sanctified this marriage. Regrettably, those events, in particular the successive invasions of Afghanistan and Iraq, advertised as important milestones along the road to ultimate victory have further dulled the average Americans ability to grasp the significance of this union, which does not serve our interests and may yet prove our undoing. The New American Militarism examines the origins and implications of this union and proposes its annulment. Although by no means the first book to undertake such an examination, The New American Militarism does so from a distinctive perspective. The bellicose character of U.S. policy after 9/11, culminating with the American-led invasion of Iraq in March 2003, has, in fact, evoked charges of militarism from across the political spectrum. Prominent among the accounts advancing that charge are books such as The Sorrows of Empire: Militarism, Secrecy, and the End of the Republic, by Chalmers Johnson; Hegemony or Survival: Americas Quest for Global Dominance, by Noam Chomsky; Masters of War; Militarism and Blowback in the Era of American Empire, edited by Carl Boggs; Rogue Nation: American Unilateralism and the Failure of Good Intentions, by Clyde Prestowitz; and Incoherent Empire, by Michael Mann, with its concluding chapter called "The New Militarism." Each of these books appeared in 2003 or 2004. Each was not only writ- ten in the aftermath of 9/11 but responded specifically to the policies of the Bush administration, above all to its determined efforts to promote and justify a war to overthrow Saddam Hussein. As the titles alone suggest and the contents amply demonstrate, they are for the most part angry books. They indict more than explain, and what- ever explanations they offer tend to be ad hominem. The authors of these books unite in heaping abuse on the head of George W Bush, said to combine in a single individual intractable provincialism, religious zealotry, and the reckless temperament of a gunslinger. Or if not Bush himself, they fin- ger his lieutenants, the cabal of warmongers, led by Vice President Dick Cheney and senior Defense Department officials, who whispered persua- sively in the president's ear and used him to do their bidding. Thus, accord- ing to Chalmers Johnson, ever since the Persian Gulf War of 1990-1991, Cheney and other key figures from that war had "Wanted to go back and finish what they started." Having lobbied unsuccessfully throughout the Clinton era "for aggression against Iraq and the remaking of the Middle East," they had returned to power on Bush's coattails. After they had "bided their time for nine months," they had seized upon the crisis of 9/1 1 "to put their theories and plans into action," pressing Bush to make Saddam Hussein number one on his hit list." By implication, militarism becomes something of a conspiracy foisted on a malleable president and an unsuspecting people by a handful of wild-eyed ideologues. By further implication, the remedy for American militarism is self-evi- dent: "Throw the new militarists out of office," as Michael Mann urges, and a more balanced attitude toward military power will presumably reassert itself? As a contribution to the ongoing debate about U.S. policy, The New American Militarism rejects such notions as simplistic. It refuses to lay the responsibility for American militarism at the feet of a particular president or a particular set of advisers and argues that no particular presidential election holds the promise of radically changing it. Charging George W. Bush with responsibility for the militaristic tendencies of present-day U.S. for- eign policy makes as much sense as holding Herbert Hoover culpable for the Great Depression: Whatever its psychic satisfactions, it is an exercise in scapegoating that lets too many others off the hook and allows society at large to abdicate responsibility for what has come to pass. The point is not to deprive George W. Bush or his advisers of whatever credit or blame they may deserve for conjuring up the several large-scale campaigns and myriad lesser military actions comprising their war on ter- ror. They have certainly taken up the mantle of this militarism with a verve not seen in years. Rather it is to suggest that well before September 11, 2001 , and before the younger Bush's ascent to the presidency a militaristic predisposition was already in place both in official circles and among Americans more generally. In this regard, 9/11 deserves to be seen as an event that gave added impetus to already existing tendencies rather than as a turning point. For his part, President Bush himself ought to be seen as a player reciting his lines rather than as a playwright drafting an entirely new script. In short, the argument offered here asserts that present-day **American militarism** has deep roots in the American past. It **represents a bipartisan project.** As a result, it is unlikely to disappear anytime soon, a point obscured by the myopia and personal animus tainting most accounts of how we have arrived at this point. The New American Militarism was conceived not only as a corrective to what has become the conventional critique of U.S. policies since 9/11 but as a challenge to the orthodox historical context employed to justify those policies. In this regard, although by no means comparable in scope and in richness of detail, it continues the story begun in Michael Sherry's masterful 1995 hook, In the Shadow of War an interpretive history of the United States in our times. In a narrative that begins with the Great Depression and spans six decades, Sherry reveals a pervasive American sense of anxiety and vulnerability. In an age during which War, actual as well as metaphorical, was a constant, either as ongoing reality or frightening prospect, national security became the axis around which the American enterprise turned. As a consequence, a relentless process of militarization "reshaped every realm of American life-politics and foreign policy, economics and technology, culture and social relations-making America a profoundly different nation." Yet Sherry concludes his account on a hopeful note. Surveying conditions midway through the post-Cold War era's first decade, he suggests in a chapter entitled "A Farewell to Militarization?" that America's preoccupation with War and military matters might at long last be waning. In the mid- 1995, a return to something resembling pre-1930s military normalcy, involving at least a partial liquidation of the national security state, appeared to be at hand. Events since In the Shadow of War appear to have swept away these expectations. The New American Militarism tries to explain why and by extension offers a different interpretation of America's immediate past. The upshot of that interpretation is that far from bidding farewell to militariza- tion, the United States has nestled more deeply into its embrace. f ~ Briefly told, the story that follows goes like this. The new American militarism made its appearance in reaction to the I96os and especially to Vietnam. It evolved over a period of decades, rather than being sponta- neously induced by a particular event such as the terrorist attack of Septem- ber 11, 2001. Nor, as mentioned above, is present-day American militarism the product of a conspiracy hatched by a small group of fanatics when the American people were distracted or otherwise engaged. Rather, it devel- oped in full view and with considerable popular approval. The new American militarism is the handiwork of several disparate groups that shared little in common apart from being intent on undoing the purportedly nefarious effects of the I96OS. Military officers intent on reha- bilitating their profession; intellectuals fearing that the loss of confidence at home was paving the way for the triumph of totalitarianism abroad; reli- gious leaders dismayed by the collapse of traditional moral standards; strategists wrestling with the implications of a humiliating defeat that had undermined their credibility; politicians on the make; purveyors of pop cul- turc looking to make a buck: as early as 1980, each saw military power as the apparent answer to any number of problems. The process giving rise to the new American militarism was not a neat one. Where collaboration made sense, the forces of reaction found the means to cooperate. But on many occasions-for example, on questions relating to women or to grand strategy-nominally "pro-military" groups worked at cross purposes. Confronting the thicket of unexpected developments that marked the decades after Vietnam, each tended to chart its own course. In many respects, the forces of reaction failed to achieve the specific objectives that first roused them to act. To the extent that the 19603 upended long-standing conventions relating to race, gender, and sexuality, efforts to mount a cultural counterrevolution failed miserably. Where the forces of reaction did achieve a modicum of success, moreover, their achievements often proved empty or gave rise to unintended and unwelcome conse- quences. Thus, as we shall see, military professionals did regain something approximating the standing that they had enjoyed in American society prior to Vietnam. But their efforts to reassert the autonomy of that profession backfired and left the military in the present century bereft of meaningful influence on basic questions relating to the uses of U.S. military power. Yet the reaction against the 1960s did give rise to one important by-prod: uct, namely, the militaristic tendencies that have of late come into full flower. In short, the story that follows consists of several narrative threads. No single thread can account for our current outsized ambitions and infatua- tion with military power. Together, however, they created conditions per- mitting a peculiarly American variant of militarism to emerge. As an antidote, the story concludes by offering specific remedies aimed at restor- ing a sense of realism and a sense of proportion to U.S. policy. It proposes thereby to bring American purposes and American methods-especially with regard to the role of military power-into closer harmony with the nation's founding ideals. The marriage of military metaphysics with eschatological ambition is a misbegotten one, contrary to the long-term interests of either the American people or the world beyond our borders. It invites endless war and the ever-deepening militarization of U.S. policy. As it subordinates concern for the common good to the paramount value of military effectiveness, it promises not to perfect but to distort American ideals. As it concentrates ever more authority in the hands of a few more concerned with order abroad rather than with justice at home, it will accelerate the hollowing out of American democracy. As it alienates peoples and nations around the world, it will leave the United States increasingly isolated. If history is any guide, it will end in bankruptcy, moral as well as economic, and in abject failure. "Of all the enemies of public liberty," wrote James Madison in 1795, "war is perhaps the most to be dreaded, because it comprises and develops the germ of every other. War is the parent of armies. From these proceed debts and taxes. And armies, debts and taxes are the known instruments for bringing the many under the domination of the few .... No nation could preserve its freedom in the midst of continual Warfare." The purpose of this book is to invite Americans to consider the continued relevance of Madison's warning to our own time and circumstances.

**Our alternative is to reject the affs obsession with sovereign power in favor of questioning the sovereign’s ability to dictate the limits of acceptable violence – only a shift from homo sacer to whatever being solves**

Caldwell 2004 [Anne, is an Assistant Professor in the Department of Political Science at the University of Louisville.] Bio-Sovereignty and the Emergence of Humanity Theory and Event 7:2. 48-53 <http://muse.jhu.edu/journals/theory_and_event/v007/7.2caldwell.html>]

Can we imagine another form of humanity, and another form of power? The bio-sovereignty described by Agamben is so fluid as to appear irresistible. Yet Agamben never suggests this order is necessary. Bio-sovereignty results from a particular and contingent history, and it requires certain conditions. Sovereign power, as Agamben describes it, finds its grounds in specific coordinates of life, which it then places in a relation of indeterminacy. What defies sovereign power is a life that cannot be reduced to those determinations: a life “that can never be separated from its form, a life in which it is never possible to isolate something such as naked life. “ (2.3). In his earlier Coming Community, Agamben describes this alternative life as “whatever being.”More recently he has used the term “forms-of-life.” These concepts come from the figure Benjamin proposed as a counter to homo sacer: the “total condition that is ‘man’.” For Benjamin and Agamben, mere life is the life which unites law and life. That tie permits law, in its endless cycle of violence, to reduce life an instrument of its own power. The total condition that is [hu]man refers to an alternative life incapable of serving as the ground of law. Such a life would exist outside sovereignty. Agamben’s own concept of whatever being is extraordinarily dense. It is made up of varied concepts, including language and potentiality; it is also shaped by several particular dense thinkers, including Benjamin and Heidegger. What follows is only a brief consideration of whatever being, in its relation to sovereign power. “Whatever being,” as described by Agamben,lacks the features permitting the sovereign capture and regulation of life in our tradition. Sovereignty’s capture of life has been conditional upon the separation of natural and political life. That separation has permitted the emergence of a sovereign power grounded in this distinction, and empowered to decide on the value, and non-value of life (1998: 142). Since then, every further politicization of life, in turn, calls for “a new decision concerning the threshold beyond which life ceases to be politically relevant, becomes only ‘sacred life,’ and can as such be eliminated without punishment” (p. 139). This expansion of the range of life meriting protection does not limit sovereignty, but provides sites for its expansion. In recent decades, factors that once might have been indifferent to sovereignty become a field for its exercise. Attributes such as national status, economic status, color, race, sex, religion, geo-political position have become the subjects of rights declarations. From a liberal or cosmopolitan perspective, such enumerations expand the range of life protected from and serving as a limit upon sovereignty. Agamben’s analysis suggests the contrary. If indeed sovereignty is bio-political before it is juridical, then juridical rights come into being only where life is incorporated within the field of bio-sovereignty. The language of rights, in other words, calls up and depends upon the life caught within sovereignty: homo sacer. Agamben’s alternative is therefore radical. He does not contest particular aspects of the tradition. He does not suggest we expand the range of rights available to life. He does not call us to deconstruct a tradition whose power lies in its indeterminate status.21 Instead, he suggests we take leave of the tradition and all its terms. Whatever being is a life that defies the classifications of the tradition, and its reduction of all forms of life to homo sacer. Whatever being therefore has no common ground, no presuppositions, and no particular attributes. It cannot be broken into discrete parts; it has no essence to be separated from its attributes; and it has no common substrate of existence defining its relation to others. Whatever being cannot then be broken down into some common element of life to which additive series of rights would then be attached. Whatever being retains all its properties, without any of them constituting a different valuation of life (1993: 18.9).As a result, whatever being is “reclaimed from its having this or that property, which identifies it as belonging to this or that set, to this or that class (the reds, the French, the Muslims) – and it is reclaimed not for another class nor for the simple generic absence of any belonging, but for its being-such, for belonging itself.” (0.1-1.2).Indifferent to any distinction between a ground and added determinations of its essence, whatever being cannot be grasped by a power built upon the separation of a common natural life, and its political specification. Whatever being dissolves the material ground of the sovereign exception and cancels its terms. This form of life is less post-metaphysical or anti-sovereign, than a-metaphysical and a-sovereign. Whatever is indifferent not because its status does not matter, but because it has no particular attribute which gives it more value than another whatever being. As Agamben suggests, whatever being is akin to Heidegger’s Dasein. Dasein, as Heidegger describes it, is that life which always has its own being as its concern – regardless of the way any other power might determine its status. Whatever being, in the manner of Dasein, takes the form of an “indissoluble cohesion in which it is impossible to isolate something like a bare life. In the state of exception become the rule, the life of homo sacer, which was the correlate of sovereign power, turns into existence over which power no longer seems to have any hold” (Agamben 1998: 153).We should pay attention to this comparison. For what Agamben suggests is that whatever being is not any abstract, inaccessible life, perhaps promised to us in the future. Whatever being, should we care to see it, is all around us, wherever we reject the criteria sovereign power would use to classify and value life. “In the final instance the State can recognize any claim for identity – even that of a State identity within the State . . . What the State cannot tolerate in any way, however, is that the singularities form a community without affirming an identity, that humans co-belong without a representable condition of belonging” (Agamben 1993:85.6). At every point where we refuse the distinctions sovereignty and the state would demand of us, the possibility of a non-state world, made up of whatever life, appears.

## Solvency

### Solvency

#### Double bind – either the immediacy of fiat rushes the judicial decision-making process, which turns the aff or the court takes too long and won’t be able to enforce precedent fast enough

Darren Wheeler (Assistant Professor of Political Science and Public Administration at the University of North Florida, USA) December 2009 “Checking Presidential Detention Power in the War on Terror: What Should We Expect from the Judiciary?” Presidential Studies Quarterly¶ Volume 39, Issue 4, pages 677–700, Wiley Online Library

The first argument against the Supreme Court serving as an effective check on presidential detention power in the war on terror is that the judiciary simply takes too much time to make decisions (Rehnquist 1998). This does not mean that it takes longer to resolve detainee cases than other types of cases in the federal judicial system, but rather that the entire judicial decision-making process itself is one that simply takes a lot of time. The workload of the federal court system has consistently risen over the past several decades (Carp and Stidham 2001). Both civil and criminal cases usually take years to wind their way through the federal judicial system and reach the Supreme Court. Even then, the Supreme Court may decide not to hear a case, or it may simply remand the case back to the lower courts for further proceedings. Some cases travel up and down the federal judicial system multiple times, with decisions at each level often taking months or even years. This lengthy process can be referred to as “judicial time,” and it is a recognition that courts often take longer to make decisions than many other political actors. The concept of “judicial time” is similar in some respects to Stephen Skowronek's (1993) idea of thinking about a president's ability to impact policy in terms of cyclical “political time,” as it also highlights the importance of looking at policy making in a temporal context. The time it takes for courts to make decisions—especially relative to other actors—is the key. While the judiciary contemplates cases before it, other actors may not be inclined to wait for judicial resolution of policy issues, opting instead to take action on their own terms and timetables (Moe and Howell 1999a, 1999b). It is fair to say that lengthy deliberation is an institutional feature of the judicial system and, indeed, even a reflection that the judiciary is functioning in the manner in which it was intended (Hamilton, Madison, and Jay 1961). The courts are supposed to be deliberative and sort through often complicated legal arguments. This phenomenon of judicial time is not inherently good or bad, but it can influence the policy-making process and the decision-making calculus of other political actors (Rehnquist 1998).¶ When the Supreme Court is pressured to act quickly, institutional procedures and norms can break down and the Court can respond poorly. The World War II case of Ex Parte Quirin (1942) involving the use of military tribunals to try suspected Nazi saboteurs is a prime example. Upon capturing eight Nazi saboteurs who had landed on the shores of the eastern United States, President Franklin D. Roosevelt quickly devised a special military tribunal to try the suspects instead of prosecuting them in civilian courts. The Supreme Court hastily convened a special session (after the tribunal hearings had already commenced), heard oral arguments, and issued a decision against the defendants in a period of only a few days. The saboteurs were eventually found guilty and several were executed. It wasn't until three months later that the Supreme Court issued an opinion justifying its hurried decision, an opinion that Justice Felix Frankfurter later remarked was “not a happy precedent” (Fisher 2003). A more contemporary example, Bush v. Gore (2000), engenders similar criticism. In a decision that effectively handed the presidency to George W. Bush, the Court's involvement from start to finish could be measured in a mere handful of days. The opinions that resulted from this case, many critics contend, reflected the hurried nature of the Court's judgment (Correspondents of the New York Times 2001; Greenhouse 2001).¶ On the other hand, the ability to make decisions with dispatch has been trumpeted as a strength of the executive branch since the founding. This is especially true when it comes to war powers. One of the primary arguments that Alexander Hamilton made in the Federalist Papers for placing the commander-in-chief authority in the executive branch lay in the belief that presidents have the ability to act quickly and decisively in military matters needed to protect the nation. President Bush responded proactively to policy questions in the war on terror in cases involving detainees. The president quickly put detainee policies into place, and reactive efforts on the part of the courts and Congress to modify those policies have proven especially difficult (Ball 2007; Schwarz and Huq 2007; Wheeler 2008). It can truly be said that the executive and the judiciary often operate at very different speeds. This can complicate judicial efforts to check executive power (Koh 1990; Moe and Howell 1999a, 1999b; Wheeler 2008).

#### Executive will circumvent judicial review on the merits – will force sua sponte decision

Darren Wheeler (Assistant Professor of Political Science and Public Administration at the University of North Florida, USA) December 2009 “Checking Presidential Detention Power in the War on Terror: What Should We Expect from the Judiciary?” Presidential Studies Quarterly¶ Volume 39, Issue 4, pages 677–700, Wiley Online Library

A second example, the case of alleged “dirty bomber” José Padilla, also illustrates the difficulties that courts may have in checking the actions of other political actors when they are acting in judicial time. José Padilla was originally arrested in May 2002 on a material witness warrant related to a criminal investigation into the events of 9/11. Rather than release Padilla when the warrant expired, President Bush designated him an enemy combatant and transferred him to a naval brig in South Carolina. Padilla's counsel filed a habeas corpus challenge in New York District Court (where Padilla had originally been held) arguing for his release. Padilla's challenge proceeded from the district court to the Second Circuit Court of Appeals and eventually to the Supreme Court, where, in 2004, the Court decided that Padilla had filed his habeas petition in the wrong district.4 If he wanted to challenge his detention, he would have to re-file his case in South Carolina, where he was being held. Padilla did just this and the case made its way up the federal court system again, this time via the Fourth Circuit Court of Appeals. However, as Padilla's new legal challenge was poised to reach the Supreme Court again (it was now 2006), the Bush administration suddenly decided to transfer Padilla to civilian custody and file federal criminal charges.5 This effectively short-circuited Padilla's attempt to have the Supreme Court review the merits of his case. Padilla's legal odyssey through the federal court system had lasted more than five years, without the Supreme Court ever ruling on the merits of Padilla's legal arguments. Padilla was first held in the criminal justice system, designated an enemy combatant when it became convenient for the administration to do so, and then transferred back to civilian custody in an apparent attempt to avoid judicial review of his constitutional claims (Ball 2007). The judiciary moved slowly, while the president moved quickly in order to achieve his desired outcomes.

## Legit

#### There are no cred silver bullets- takes years to escape legacies

**Gray ’11** [Colin S, Professor of International Politics and Strategic Studies at the University of Reading, England, and Founder of the National Institute for Public Policy, “Hard Power And Soft Power: The Utility Of Military Force as An Instrument Of Policy In The 21st Century,” April, <http://www.strategicstudiesinstitute.army.mil/pubs/display.cfm?pubID=1059>]

It bears repeating because it passes unnoticed that culture, and indeed civilization itself, are dynamic, not static phenomena. They are what they are for good and sufficient local geographical and historical reasons, and cannot easily be adapted to fit changing political and strategic needs. For an obvious example, the dominant American strategic culture, though allowing exceptions, still retains its principal features, the exploitation of technology and mass.45 These features can be pathological when circumstances are not narrowly conducive to their exploitation. Much as it was feared only a very few years ago that, in reaction to the neglect of culture for decades previously, the cultural turn in strategic studies was too sharp, so today there is a danger that the critique of strategic culturalism is proceeding too far.46 The error lies in the search for, and inevitable finding of, “golden keys” and “silver bullets” to resolve current versions of enduring problems. Soft-power salesmen have a potent product-mix to sell, but they fail to appreciate the reality that American soft power is a product essentially unalterable over a short span of years. As a country with a cultural or civilizational brand that is unique and mainly rooted in deep historical, geographical, and ideational roots, America is not at liberty to emulate a major car manufacturer and advertise an extensive and varied model range of persuasive soft-power profiles. Of course, some elements of soft power can be emphasized purposefully in tailored word and deed. However, foreign perceptions of the United States are no more developed from a blank page than the American past can be retooled and fine-tuned for contemporary advantage. Frustrating though it may be, a country cannot easily escape legacies from its past.

#### Alt causes to cred-

#### Shutdown

**Alexaner 10-1**-13 [David, Reuters, “Pentagon chief says shutdown hurts U.S. credibility with allies,” <http://www.reuters.com/article/2013/10/01/us-usa-fiscal-pentagon-idUSBRE9900FB20131001>]

The U.S. government shutdown will undermine American credibility abroad and lead allies to question its commitment to treaty obligations, the U.S. defense chief warned on Tuesday as he prepared to put 400,000 civilian workers on unpaid leave.¶ Defense Secretary Chuck Hagel, who was visiting South Korea to celebrate the two nations' 60-year-old mutual defense treaty, said Pentagon lawyers were analyzing a new law passed by Congress to see if additional civilian workers could be spared unpaid leave.¶ But for the moment, when the department's 800,000 civilians report to work on Tuesday, approximately half will be told they are not exempted by law from the government shutdown and asked to go home, Hagel told reporters.¶ The Pentagon and other U.S. government agencies began to implement shutdown plans on Tuesday after Congress failed to reach a deal to fund the federal government in the new fiscal year beginning October 1.¶ A last-minute measure passed by Congress and signed by President Barack Obama will ensure the Pentagon's 1.4 million military employees worldwide will continue to receive paychecks during the shutdown. They were required to work under prior law but would not have been paid until Congress approved funding.¶ The new law also ensures that civilians who are required to work despite the shutdown will also be paid, Hagel said. But under law, anyone not directly involved in protecting lives and property are not considered exempt and must be placed on leave.¶ "Our lawyers are now looking through the (new) law that the president signed ... to see if there's any margin here or widening in the interpretation of the law regarding exempt versus non-exempt civilians," Hagel said. "Our lawyers believe that maybe we can expand the exempt status."¶ Hagel said he didn't know how many people the department might be able to call back from leave, or how long it would take to reach a determination, but he said it was "the priority" in the Pentagon's general counsel's office.¶ The shutdown has direct implications for the staff with Hagel on his week-long trip to South Korea and Japan. They are considered exempt while supporting the secretary's mission abroad, but that status may change for some when they return home on Friday, Pentagon spokesman George Little said.¶ The U.S. defense chief said he broke away from celebrations in South Korea on Monday to discuss the shutdown by phone with Deputy Defense Secretary Ashton Carter and Pentagon Comptroller Robert Hale. He said they would hold another round of talks on Tuesday as the shutdown went into force.¶ "We'll probably have to furlough about 400,000 DoD (Defense Department) civilians when they come to work here in a couple of hours," Hagel said. "Those that have been designated non-exempt will be told and will be asked to go home."¶ The Pentagon chief said since arriving in Seoul on Sunday night, he had been questioned by South Korean officials about the threatened shutdown and why it seemed likely to take place.¶ "It does have an effect on our relationships around the world and it cuts straight to the obvious question: Can you rely on the United States as a reliable partner to fulfill its commitments to its allies?" Hagel told reporters.¶ "Here this great republic and democracy, the United States of America, shuts down its government," he added. "The Pentagon, even though we are (partly) exempted, the military has no budget. We are still living under this dark cloud of uncertainty not knowing what's going to happen.¶ "It does cast a very significant pall over America's credibility with our allies when this kind of thing happens. It's nonsensical ... It's completely irresponsible," Hagel said.

#### Syria was the mortal blow

**Foxman 9-12**-13 [Abraham, National Director of the Anti-Defamation League, holds a JD law degree from the New York University School of Law, “It’s Iran, stupid -- how to guarantee US credibility remains after Syria crisis,” <http://www.foxnews.com/opinion/2013/09/12/its-iran-stupid-how-to-guarantee-us-credibility-remains-after-syria-crisis/>]

It has become conventional wisdom that the roller coaster of American decision-making on the Syria issue has dealt a significant, if not mortal blow, to American credibility and leadership in the world.¶ This perception is not without good reason. ¶ When President Obama first established a "red line" in Syria on their use of chemical weapons, it was seen as a way to avoid or postpone any decision on U.S. intervention on the side of the rebels against the authoritarian regime of Bashar al-Assad.¶ Then, after the chemical attack that left many dead, and the president’s commitment to military action in response, his sudden turnabout in going to Congress raised further questions. ¶ Then followed a third twist in the road, with a difficult congressional vote looming, when the president announced qualified support for a Russian proposal to monitor, control and eventually dismantle the Syrian chemical store. All of which left many people questioning the administration’s ability to be taken seriously as a leader on many global challenges.

#### We’ll mishandle credibility on war powers- all influence is militarized

**Takacs ‘13** [Stacy Takacs is associate professor and director of American studies at Oklahoma State University. Her research focuses on the intersections of popular and political cultures in the contemporary United States, and her work has appeared in such journals as Cultural Critique, Spectator: Journal of Film and Television Criticism, Journal of Popular Culture, Feminist Media Studies, and Cultural Studies, “Real War News, Real War Games: The Hekmati Case and the Problems of Soft Power,” <http://muse.jhu.edu/journals/american_quarterly/v065/65.1.takacs.html>]

When Barack Obama was elected to the presidency in 2008, he promised to implement a “smarter” foreign policy strategy that balanced the use of hard and soft power assets on a situational basis. As if to affirm the demotion of hard power, he jettisoned the name “Global War on Terror” and adopted “Overseas Contingency Operation.”1 To speak of “visual culture and the war on terrorism,” then, is something of an anachronism. Yet, arguably, visual media play an even more important role now that soft power has been embraced as a complement to war. And, make no mistake, Obama’s “smart power” strategy is not a campaign to end war or replace it with diplomacy. As former CIA chief Michael Hayden recently declared, Obama’s foreign policy is the same as Bush’s, “but with more killing.”2 Like its forerunners, the Obama administration seeks to perpetuate American power and influence; it is just willing to do so by any means necessary. Thus smart power is less a departure from hard power than an extension of it into new realms.¶ The case of Amir Mirzaei Hekmati, a US citizen recently arrested in Iran, convicted of spying for the CIA, and condemned to death, all for his association with the online gaming company Kuma Games, provides some insight into the shifting terrain of geopolitics in the information age. Specifically, it illustrates a change in the conceptions of hard and soft power, such that the two have become virtually indistinguishable. This change both derives from and perpetuates a broader move toward the militarization of the social field, which has important consequences for our capacity to imagine a condition of peace. Popular media have certainly played a role in this process by glorifying military institutions and exploits and celebrating soldier-subjects and their behaviors. As I argued in Terrorism TV, films, video games, and television shows have helped position militarism at the center of public policy and social life in the United States, and this process has been going on for decades.3 Kuma Games, which makes the online gaming series Kuma/War, figured prominently in that discussion. Following Roger Stahl, I argued that such games work like [End Page 177] advertisements for the military lifestyle, interpellating players into a military mind-set and turning them into “virtual citizen-soldiers,” ready to accept the legitimacy of hard power and willing to apply it to virtually any social problem. What I failed to ask at the time was how militarization might affect other populations: as a tool of soft power, how might such games help shape the field of geopolitical engagement? How might the militarization of social life, pursued in and through US popular culture, influence others in the global mediascape?¶ The Hekmati case brings such questions to the fore and begs us to think more deeply about the nature of soft power in the contemporary context. Hekmati’s arrest should be situated in relation to two recent and troubling trends in US foreign policy. The first is the militarization of public diplomacy under the aegis of the war on terror. As State Department budgets have atrophied, military budgets have exploded, leaving the military as the only government entity with the operational capacity to engage foreign populations on behalf of the state. But military information operations tend to be short-term and highly instrumental, targeting populations to achieve a strategic advantage. Militarized public diplomacy treats information as a weapon and, thus, makes cross-cultural dialogue hard to sustain. The second trend multiplies and extends the first, for the privatization of militarism enables all sorts of independent actors to carry the banner for the US Armed Forces. Video games are an important example of this trend, for the most popular games are still the military-themed first-person shooters, which reduce geopolitics to a conflict structure and invite players to duke it out for supremacy. Diplomacy and compromise are not even options.¶ Together these trends raise the following questions: What happens when soft power resources are used like weapons, “to create, strengthen, or preserve conditions favorable for the advancement of USG [US government] interests, policies, and objectives?”4 Will the United States be able to wield influence if its communications and diplomacy operations look and feel like psychological operations? And what will happen to international relations if hard power logics are placed at the center of cross-cultural exchange? If the military story becomes the only story US culture is interested in telling or selling, where does that leave non-Americans? The case of Amir Hekmati embodies this collapse of public and private, hard and soft power assets and thus can illuminate the likely outcome of the United States’ decision to privilege power over communication and exchange in the information age.¶ Netwar on Iran¶ Iran has been an early testing ground for the use of soft power to achieve instrumental, hard power goals. Since the 1979 revolution, the United States [End Page 178] has not had formal diplomatic relations with the Iranian regime. As a result, contacts have been irregular and informal, and all of them “have been used, either overtly or covertly, to promote regime change.”5 In 2006 the Bush administration established an Office of Iranian Affairs inside the State Department to coordinate its “transformational diplomacy” operations. The office received $66 million from Congress to “promote freedom and human rights in Iran.” Some of that money was used to establish Persian-language radio and TV operations under the Voice of America banner; the rest went “to support the efforts of civil-society groups” and dissidents operating inside Iran to promote democracy and effect regime change.6 Such overt attempts at public diplomacy were supplemented by an expansion of covert military and intelligence operations in the country. In 2007 President George W. Bush signed a presidential finding authorizing an increase in reconnaissance expeditions to “[gather] information [and] [enlist] support” for regime change efforts in the country. Congress provided $400 million to support these efforts, much of which went to fund attacks on Iranian security forces by extremist groups like Jundullah (a group the US State Department has labeled a terrorist organization).7 US Special Forces in Iraq, meanwhile, stepped up cross-border raids into Iran with the aim of kidnapping or killing high-ranking members of the Iranian Revolutionary Guard.8¶ The Obama administration came to power promising to reestablish formal diplomatic ties with Iran, but was forced by circumstances to embrace an equally informal combination of public diplomacy and covert military adventurism. Obama did eliminate the so-called Democracy Fund and has toned down the “regime change” rhetoric, but US funding for both overt and covert operations in the region has actually increased under his watch.9 He has authorized a “broad expansion of clandestine military activity” in the Middle East, including operations to gather “reconnaissance that could pave the way for possible military strikes . . . if tensions over [Iran’s] nuclear ambitions escalate.”10 In 2011 he helped the Israelis unleash a computer virus that wiped out up to one-fifth of Iran’s nuclear centrifuges, and he has authorized the target killing of Iranian nuclear scientists.11¶ Is it any wonder, then, that Iran has replied to these provocations with its own militarized campaign to counter and contain US influence in the region? When the United States began funneling money to prodemocracy groups inside Iran, the Ahmadinejad regime responded with a coordinated propaganda campaign to tar all such groups as CIA stooges.12 It instituted a crackdown on activists, teachers, intellectuals, women’s rights groups, and labor leaders, accusing them of receiving support from the United States and thus of committing treason. When the US Congress responded by appropriating [End Page 179] $30 million to document and publicize human rights abuses inside Iran, the Iranian authorities countered with their own $20 million program to expose human rights violations in the United States.13 Since then, Iran has banned or blocked access to cable, Internet, and cell phone transmissions during periods of strife and, under the guise of the “Iranian Cyber Army,” redirected Twitter and Facebook traffic to websites carrying anti-American slogans. The Iranian authorities have imposed stringent Internet filters and firewalls to preempt political speech in cyberspace and launched their own cyberattacks on sensitive computer systems in Israel and the United States.¶ The Hekmati case must be placed squarely within this context of low-intensity conflict, or netwar. According to John Arquilla and David Ronfeldt, netwar is “a comprehensive information-oriented approach to social conflict,” which extends the field of battle into civil society and blurs once-distinct boundaries between offense and defense, soldiers and civilians, combat operations and diplomatic endeavors.14 The concept is designed to account for the entry of nonstate actors into the fields of war and diplomacy and to describe how information works as a weapon within this extensive field of combat. On the one hand, information technologies can be used to create deep coalitions predicated on shared values or interests. Al-Qaeda’s use of the Internet to recruit soldiers and financial supporters is a model for this aspect of netwar. On the other hand, information can also be used as a weapon to confuse the enemy and preemptively deprive it of support. Tiziana Terranova has argued that the US response to the 1979 Iranian revolution was an early example of this strategy. US media outlets portrayed the revolutionaries as irrational zealots and the US hostages as sympathetic civilians in need of rescue. The resulting images bombarded viewers’ senses, provoking affective responses (revulsion, pity, anger) that short-circuited any attempt at rational argument or political dialogue. By “focus[ing] all public attention on building up a wave of resentment against the Iranians,” the State Department ensured the United States would assume the moral high ground.15 It was a technique for producing, rather than speaking to, a public. Thus it was not propaganda but information warfare. The truth or falsity of the representations mattered less than their capacity to mobilize a pro-US public.¶ Arguably, this is the role that public diplomacy serves in the contemporary era. It is no longer about communicating values, exchanging information, or enlightening foreign publics; it is about “stirring people up” and controlling the battle space. The Iranian authorities seem to understand this quite well, which is why they have made popular culture into a prominent battleground in their low-intensity conflict with the United States. Viewing US entertainment [End Page 180] media as Trojan horses, they have banned American music, censored Hollywood films, prohibited the use of satellite dishes, shut down Facebook, and, most recently, pulled Barbie from store shelves for promoting “destructive” cultural and social habits. In one sense, Hekmati’s arrest is just an extension of such cultural warfare. In another sense, however, it is a deepening of that conflict, for it acknowledges the role of privatized commercial culture in the militarization of the social field. Like the state, Kuma/War and other such militarized video games frame politics in warlike terms. They produce a conflict structure that attracts others and ends up trapping the United States in its own nets/netwars.¶ Militarized Gaming as Information Warfare¶ In a videotaped “confession” aired on Iranian state TV, Hekmati admitted to receiving military intelligence training and working for Kuma Games, which he portrayed as a CIA front operation. The real aim of Kuma Games is not to entertain, he said, but “to convince the people of the world and Iraq that what the US does in Iraq and other countries is good and acceptable.”16 Among other things, Hekmati worked on game modules for the online series Kuma/ War, which the website describes as “an interactive chronicle of the War on Terror.”17 Each ten- to fifteen-minute “episode” allowed subscribers to replay military engagements from the recent past, using logistical material supplied by a team of military advisers. Popular episodes included “Operation Anaconda,” “Fallujah: Operation Al Fajr,” and “The Death of Osama Bin Laden.” Three episodes have focused on Iran and likely raised the hackles of Hekmati’s captors: a two-part series called “Iran Hostage Rescue Mission,” focused on “Operation Eagle Claw,” the aborted Delta Force mission to rescue US hostages held in the US Embassy in Tehran during the 1979 revolution, and the speculative fiction “Assault on Iran,” which is described as “the most plausible scenario [for] delaying or destroying Iran’s nuclear arms capabilities.” More so than other episodes, these give a good sense of what Kuma/War is really about: chronicling US conflict so that players can invent or remake history as it suits them.¶ Like other military-themed video games, Kuma/War places players in the shoes of the US military and asks them work through logistical information to achieve a mission. To enhance the realism, each episode is framed by a range of documentary intertexts, from faux news reports to logistical data, satellite imagery, and interviews with military experts and actual participants in the events. For example, the “Iran Hostage Rescue Mission” modules are framed by interviews with “the CIA’s former ‘Master of Disguise,’ Antonio Mendez” (he of the caper at the heart of the new film Argo). The series’ motto is “Real War [End Page 181] News. Real War Games,” but the ads for the site invite players to “re-create the news” and “remake history.”18 And, as the Iran modules demonstrate, there is plenty of room to make history up as you go. “Iran Hostage Rescue Mission,” for example, is predicated on the understanding that you will succeed where US Delta Forces originally failed, and “Assault on Iran” invites players to live history before it happens. Likewise, Jennifer Terry reports that Kuma/War’s gamed version of the 2004 Marine assault on Fallujah (“Fallujah: Operation Al Fajr”) transforms US soldiers into protectors of Iraqi civilians trapped inside the battle zone. Though in reality it was the US military cordon that trapped the civilians in the first place and the US soldiers who constituted the gravest threat to their survival, in Kuma’s version, you get to be the defender, not the aggressor.18¶ As these examples illustrate, there is nothing subtle about Kuma/War’s biases. If it really was a CIA propaganda operation, one wonders why Kuma Games would bother making it seem like a private corporation.20 More likely, Iran’s attempt to draw attention to the games is not about the content or ownership but about the way video games, in general, have come to direct and modulate global attention. Games like Army of Two, Call of Duty: Modern Warfare, and the Battlefield series all share an orientalist imaginary, which identifies Arabs and Muslims as enemies of the United States and constructs US heroism through their extermination. As propaganda, they are fairly ham-fisted, but as weapons in an information war over how to frame contemporary conflicts, they effectively mobilize enmity against Middle Eastern populations and produce publics willing to support US militarism as a solution to the problem.¶ The Iranian authorities know full well that games like these are not state propaganda. However, they are also unwilling to let them stand unchallenged as a historical framework. By identifying Kuma Games as a CIA front operation, I think they mean to reframe the US story about its endeavors in the Middle East, thereby depriving the United States of “its attractiveness and legitimacy” in the eyes of others. In other words, the Hekmati arrest is an information operation designed to “[create] a disabling environment” for the delivery of US messaging.21 Iran and its allies are also taking their case against such games to the players themselves. In response to Kuma/War’s “Assault on Iran,” for example, the Association of Islamic Unions of Students in Iran designed its own game called Special Operation 85: Hostage Rescue. It is a first-person shooter game in which players work to free two Iranian nuclear scientists kidnapped by the United States. The Central Intelligence Bureau of Hezbollah has also created two first-person shooters (Special Force 1 and 2) that allow players to replay key battles from the conflicts between Lebanon and Israel in the 1980s and [End Page 182] 2006. Here, the Israelis are the enemy, and Hezbollah are the heroic underdogs from whose perspective the battles are fought.22¶ Kuma CEO Keith Halper describes these game design wars as a new form of political debate. “We have made a point,” he says, “they have responded.”23 Yet both Eastern and Western war-themed games tend to use a “shoot-and-destroy mechanic” that promotes a faith in militarism as the solution to all sorts of social problems. As a message about geopolitics, these games privilege a conflict-structure that is appealing in its simplicity and satisfying in its emotional charge. They are the video game equivalents of President Bush’s framing of the US response to 9/11 as a “war” on terror. Such phrasing may have been designed to empower and reassure distraught Americans, but the administration failed to take into the account the problem of multiple audiences. Al-Qaeda was attracted by this framing. It, too, prefers to see the world in warlike terms and has been more than happy to adopt the slogan for its own recruiting efforts. Indeed, a case can be made that the war frame helped Al-Qaeda more than it inspired the United States and its allies. Certainly it has fueled resentment against the United States and fostered a generation of angry young men who see guns and bombs as their salvation.¶ Conclusion¶ In his defense of “smart power,” Joseph Nye makes an impassioned case for the increased use of soft power to achieve American foreign policy objectives. “Promoting democracy, human rights, and development of civil society,” he argues, is “not best handled with the barrel of a gun.”22 True enough, but does the language of power in any manifestation really suit these objectives? Even if US diplomacy were not thoroughly militarized, would not the recourse to words like “soft power” and “smart power” still privilege coercion over persuasion, compulsion over attraction, militarism over diplomacy? The recent cultural wars with Iran, including the arrest of Amir Hekmati, expose the limits of the new smart power philosophy of global engagement. The low-intensity, tit-for-tat struggle to shape the interpretation of American power reveals a fundamental coherence between Iran and the United States around the question of power politics. Iran has clearly been attracted to and persuaded by the US framing of geopolitics as a militarized power struggle. This has not resulted in enhanced US credibility or trust, however. Instead, the use of soft power as a weapon has subverted cross-cultural dialogue and exchange and made peace harder to attain. Just ask Amir Hekmati—if he survives his current tour of duty on the front lines of contemporary netwar.

**No impact to power transitions**

**Macdonald and parent 11** (Paul, **Assistant Professor of Political Science at Williams College, and Joseph, Assistant Professor of Political Science at the University of Miami. “Graceful Decline? The Surprising Success of Great Power Retrenchment”. International Security** Spring 2011, Vol. 35, No. 4, Pages 7-44.)

Contrary to these predictions, our analysis suggests some grounds for optimism. Based on the historical track record of great powers facing acute relative decline, the United States should be able to retrench in the coming decades. In the next few years, the United States is ripe to overhaul its military, shift burdens to its allies, and work to decrease costly international commitments. It is likely to initiate and become embroiled in fewer militarized disputes than the average great power and to settle these disputes more amicably. Some might view this prospect with apprehension, fearing the steady erosion of U.S. credibility. Yet our analysis suggests that retrenchment need not signal weakness. Holding on to exposed and expensive commitments simply for the sake of one’s reputation is a greater geopolitical gamble than withdrawing to cheaper, more defensible frontiers.

Some observers might dispute our conclusions, arguing that hegemonic transitions are more conflict prone than other moments of acute relative decline. We counter that there are deductive and empirical reasons to doubt this argument. Theoretically, hegemonic powers should actually find it easier to manage acute relative decline. Fallen hegemons still have formidable capability, which threatens grave harm to any state that tries to cross them. Further, they are no longer the top target for balancing coalitions, and recovering hegemons may be influential because they can play a pivotal role in alliance formation. In addition, hegemonic powers, almost by definition, possess more extensive overseas commitments; they should be able to more readily identify and eliminate extraneous burdens without exposing vulnerabilities or exciting domestic populations.

We believe the empirical record supports these conclusions. In particular, periods of hegemonic transition do not appear more conflict prone than those of acute decline. The last reversal at the pinnacle of power was the Anglo- American transition, which took place around 1872 and was resolved without armed confrontation. The tenor of that transition may have been inºuenced by a number of factors: both states were democratic maritime empires, the United States was slowly emerging from the Civil War, and Great Britain could likely coast on a large lead in domestic capital stock. Although China and the United States differ in regime type, similar factors may work to cushion the impending Sino-American transition. Both are large, relatively secure continental great powers, a fact that mitigates potential geopolitical competition.93 China faces a variety of domestic political challenges, including strains among rival regions, which may complicate its ability to sustain its economic performance or engage in foreign policy adventurism.94

**No impact---mitigation and adaptation will solve---no tipping point or “1% risk” args**

Robert O. Mendelsohn 9, the Edwin Weyerhaeuser Davis Professor, Yale School of Forestry and Environmental Studies, Yale University, June 2009, “Climate Change and Economic Growth,” online: http://www.growthcommission.org/storage/cgdev/documents/gcwp060web.pdf

The heart of the debate about climate change comes from a number of warnings from scientists and others that give the impression that human-induced climate change is an immediate threat to society (IPCC 2007a,b; Stern 2006). Millions of people might be vulnerable to health effects (IPCC 2007b), crop production might fall in the low latitudes (IPCC 2007b), water supplies might dwindle (IPCC 2007b), precipitation might fall in arid regions (IPCC 2007b), extreme events will grow exponentially (Stern 2006), and between 20–30 percent of species will risk extinction (IPCC 2007b). Even worse, there may be catastrophic events such as the melting of Greenland or Antarctic ice sheets causing severe sea level rise, which would inundate hundreds of millions of people (Dasgupta et al. 2009). Proponents argue there is no time to waste. Unless greenhouse gases are cut dramatically today, economic growth and well‐being may be at risk (Stern 2006).

These statements are largely alarmist and misleading. Although climate change is a serious problem that deserves attention, society’s immediate behavior has an extremely low probability of leading to catastrophic consequences. The science and economics of climate change is quite clear that emissions over the next few decades will lead to only mild consequences. The severe impacts predicted by alarmists require a century (or two in the case of Stern 2006) of no mitigation. Many of the predicted impacts assume there will be no or little adaptation. The net economic impacts from climate change over the next 50 years will be small regardless. Most of the more severe impacts will take more than a century or even a millennium to unfold and many of these “potential” impacts will never occur because people will adapt. It is not at all apparent that immediate and dramatic policies need to be developed to thwart long‐range climate risks. What is needed are long‐run balanced responses.

**Won’t mutate to kill hosts**

**Understanding evolution 07 –** Website on Evolution from UC Berkeley (December, "Evolution from a virus's view," http://evolution.berkeley.edu/evolibrary/news/071201\_adenovirus)

Since transmission is a matter of life or death for pathogen lineages, some evolutionary biologists have focused on this as the key to understanding why some have evolved into killers and others cause no worse than the sniffles. The idea is that there may be an evolutionary trade-off between virulence and transmission. Consider a virus that exploits its human host more than most and so produces more offspring than most. This virus does a lot of damage to the host — in other words, is highly virulent. From the virus's perspective, this would, at first, seem like a good thing; extra resources mean extra offspring, which generally means high evolutionary [fitness](http://evolution.berkeley.edu/evolibrary/glossary/glossary_popup.php?word=fitness). However, if the viral reproduction completely incapacitates the host, the whole strategy could backfire: the illness might prevent the host from going out and coming into contact with new hosts that the virus could jump to. A victim of its own success, the viral lineage could go extinct and become an evolutionary dead end. This level of virulence is clearly not a good thing from the virus's perspective.

## Dem

#### US legal modeling fails- can’t shape norms

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The appeal of American constitutionalism as a model for other countries appears to be waning in more ways than one. Scholarly¶ attention has thus far focused on global judicial practice: There is a¶ growing sense, backed by more than purely anecdotal observation,¶ that foreign courts cite the constitutional jurisprudence of the U.S.¶ Supreme Court less frequently than before.247 But the behavior of¶ those who draft and revise actual constitutions exhibits a similar pattern.¶ Our empirical analysis shows that the content of the U.S.¶ Constitution is becoming increasingly atypical by global standards.¶ Over the last three decades, other countries have become less likely to¶ model the rights-related provisions of their own constitutions upon¶ those found in the U.S. Constitution. Meanwhile, global adoption of key structural features of the Constitution, such as federalism, presidentialism, and a decentralized model of judicial review, is at best¶ stable and at worst declining. In sum, rather than leading the way for¶ global constitutionalism, the U.S. Constitution appears instead to be losing its appeal as a model for constitutional drafters elsewhere. The¶ idea of adopting a constitution may still trace its inspiration to the¶ United States, but the manner in which constitutions are written¶ increasingly does not.¶ If the U.S. Constitution is indeed losing popularity as a model for¶ other countries, what—or who—is to blame? At this point, one can¶ only speculate as to the actual causes of this decline, but five possible hypotheses suggest themselves: (1) the advent of a superior or more¶ attractive competitor; (2) a general decline in American hegemony;¶ (3) judicial parochialism; (4) constitutional obsolescence; and (5) a creed of American exceptionalism.¶ With respect to the first hypothesis, there is little indication that¶ the U.S. Constitution has been displaced by any specific competitor.¶ Instead, the notion that a particular constitution can serve as a dominant¶ model for other countries may itself be obsolete. There is an¶ increasingly clear and broad consensus on the types of rights that a¶ constitution should include, to the point that one can articulate the¶ content of a generic bill of rights with considerable precision.248 Yet it is difficult to pinpoint a specific constitution—or regional or international¶ human rights instrument—that is clearly the driving force¶ behind this emerging paradigm. We find only limited evidence that global constitutionalism is following the lead of either newer national¶ constitutions that are often cited as influential, such as those of¶ Canada and South Africa, or leading international and regional¶ human rights instruments such as the Universal Declaration of¶ Human Rights and the European Convention on Human Rights.¶ Although Canada in particular does appear to exercise a quantifiable¶ degree of constitutional influence or leadership, that influence is not¶ uniform and global, but more likely reflects the emergence and evolution¶ of a shared practice of constitutionalism among common law¶ countries.249 Our findings suggest, instead, that the development of¶ global constitutionalism is a polycentric and multipolar process that is¶ not dominated by any particular country.250 The result might be likened¶ to a global language of constitutional rights, but one that has¶ been collectively forged rather than modeled upon a specific¶ constitution.¶ Another possibility is that America’s capacity for constitutional¶ leadership is at least partly a function of American “soft power” more¶ generally.251 It is reasonable to suspect that the overall influence and appeal of the United States and its institutions have a powerful spillover¶ effect into the constitutional arena. The popularity of American¶ culture, the prestige of American universities, and the efficacy of¶ American diplomacy can all be expected to affect the appeal of¶ American constitutionalism, and vice versa. All are elements of an¶ overall American brand, and the strength of that brand helps to determine¶ the strength of each of its elements. Thus, any erosion of the¶ American brand may also diminish the appeal of the Constitution for¶ reasons that have little or nothing to do with the Constitution itself.¶ Likewise, a decline in American constitutional influence of the type¶ documented in this Article is potentially indicative of a broader decline in American soft power.¶ There are also factors specific to American constitutionalism that¶ may be reducing its appeal to foreign audiences. Critics suggest that¶ the Supreme Court has undermined the global appeal of its own jurisprudence¶ by failing to acknowledge the relevant intellectual contributions of foreign courts on questions of common concern252 and by¶ pursuing interpretive approaches that lack acceptance elsewhere.253¶ On this view, the Court may bear some responsibility for the declining¶ influence of not only its own jurisprudence, but also the actual U.S.¶ Constitution: One might argue that the Court’s approach to constitutional¶ issues has undermined the appeal of American constitutionalism¶ more generally, to the point that other countries have become¶ unwilling to look either to American constitutional jurisprudence or¶ to the U.S. Constitution itself for inspiration.254¶ It is equally plausible, however, that responsibility for the¶ declining appeal of American constitutionalism lies with the idiosyncrasies¶ of the Constitution itself rather than the proclivities of the¶ Supreme Court. As the oldest formal constitution still in force and one of the most rarely amended constitutions in the world,255 the U.S.¶ Constitution contains relatively few of the rights that have become¶ popular in recent decades.256 At the same time, some of the provisions¶ that it does contain may appear increasingly problematic, unnecessary,¶ or even undesirable with the benefit of two hundred years of¶ hindsight.257 It should therefore come as little surprise if the U.S.¶ Constitution strikes those in other countries—or, indeed, members of¶ the U.S. Supreme Court258—as out of date and out of line with global¶ practice.259 Moreover, even if the Court were committed to interpreting¶ the Constitution in tune with global approaches, it would still¶ lack the power to update the actual text of the document. Indeed,¶ efforts by the Court to update the Constitution via interpretation may¶ actually reduce the likelihood of formal amendment by rendering such¶ amendment unnecessary as a practical matter.260 As a result, there is¶ only so much that the U.S. Supreme Court can do to make the U.S.¶ Constitution an attractive formal template for other countries. The¶ obsolescence of the Constitution, in turn, may undermine the appeal¶ of American constitutional jurisprudence. Foreign courts have little¶ reason to follow the Supreme Court’s lead on constitutional issues if¶ the Supreme Court is saddled with the interpretation of an unusual¶ and obsolete constitution.261 No amount of ingenuity or solicitude for¶ foreign law on the part of the Court can entirely divert attention from¶ the fact that the Constitution itself is an increasingly atypical¶ document. One way to put a more positive spin on the U.S. Constitution’s¶ status as a global outlier is to emphasize its role in articulating and¶ defining what is unique about American national identity. Many¶ scholars have opined that formal constitutions serve an expressive¶ function as statements of national identity.262 This view finds little¶ support in our own empirical findings, which suggest instead that constitutions¶ tend to contain relatively standardized packages of rights.263¶ Nevertheless, to the extent that constitutions do serve such a function,¶ the distinctiveness of the U.S. Constitution may reflect the uniqueness¶ of America’s national identity. In this vein, various scholars have¶ argued that the U.S. Constitution lies at the very heart of an¶ “American creed of exceptionalism,” which combines a belief that the¶ United States occupies a unique position in the world with a commitment¶ to the qualities that set the United States apart from other countries.¶ 264 From this perspective, the Supreme Court’s reluctance to¶ make use of foreign and international law in constitutional cases¶ amounts not to parochialism, but rather to respect for the exceptional¶ character of the nation and its constitution.265¶ Unfortunately, it is clear that the reasons for the declining influence¶ of American constitutionalism cannot be reduced to anything as¶ simple or attractive as a longstanding American creed of exceptionalism.¶ Historically, American exceptionalism has not prevented other¶ countries from following the example set by American constitutionalism.¶ The global turn away from the American model is a relatively recent development that postdates the Cold War. If the U.S.¶ Constitution does in fact capture something profoundly unique about¶ the United States, it has surely been doing so for longer than the last¶ thirty years.¶ A complete explanation of the declining influence of American¶ constitutionalism in other countries must instead be sought in more¶ recent history, such as the wave of constitution making that followed¶ the end of the Cold War.266 During this period, America’s newfound¶ position as lone superpower might have been expected to create¶ opportunities for the spread of American constitutionalism. But this¶ did not come to pass.¶ Once global constitutionalism is understood as the product of a¶ polycentric evolutionary process, it is not difficult to see why the U.S.¶ Constitution is playing an increasingly peripheral role in that process.¶ No evolutionary process favors a species that is frozen in time. At¶ least some of the responsibility for the declining global appeal of¶ American constitutionalism lies not with the Supreme Court, or with a¶ broader penchant for exceptionalism, but rather with the static character¶ of the Constitution itself. If the United States were to revise the¶ Bill of Rights today—with the benefit of over two centuries of experience,¶ and in a manner that addresses contemporary challenges while¶ remaining faithful to the nation’s best traditions—there is no guarantee¶ that other countries would follow its lead. But the world would¶ surely pay close attention.

#### No US judicial modeling- EU model outweighs

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It is perhaps ironic that the most popular innovation of American¶ constitutionalism has been judicial review,64 given that this celebrated¶ institution is nowhere mentioned in the U.S. Constitution itself.¶ Today, the majority of the world’s constitutions mandate judicial¶ review in some form, as shown in Figure 9.65 In 1946, only 25% of all¶ constitutions explicitly provided for judicial review; by 2006, that proportion¶ had increased to 82%. The particular form of judicial review that has proven most popular,¶ however, is not the form that was pioneered by the United¶ States.66 Under the American model, the power of judicial review is¶ vested in courts of general jurisdiction, which rule upon the constitutionality¶ of government action as the need arises in the course of ordinary¶ litigation.67 Under the European model, by contrast, the power¶ to decide constitutional questions is exercised exclusively by a¶ specialized constitutional court that stands apart from the regular judiciary.68 The prototypical examples of this model are the constitutional¶ courts that Hans Kelsen devised for Austria.69 A further distinction¶ is routinely drawn between concrete review, which characterizes¶ the American model, and abstract review, which typifies the¶ European model. In a system of concrete review, courts decide constitutional¶ questions in the course of ordinary litigation, as part of what¶ Americans would call a case or controversy,70 whereas in a system of¶ abstract review, the constitutionality of a law can be decided in the¶ absence of a concrete, adversarial dispute and, indeed, before the law¶ has even gone into effect.71¶ Over the last six decades, a growing proportion of constitutions¶ have adopted the European model of abstract review by specialized¶ courts, as opposed to the American model of concrete review by ordinary courts. At the close of World War II, the American model¶ enjoyed a commanding lead over the European model as the choice of¶ over 80% of constitution makers, but its popularity began to erode in¶ the 1970s. By the mid-1990s, the European model had overtaken the¶ American model as the choice of over half the world’s constitutions.¶ Figure 10 illustrates these global trends. The creation of specialized¶ constitutional courts of the European variety has proven especially¶ popular among newly democratic states, where distrust of existing¶ judicial institutions associated with the old regime is often widespread.¶ 72 Thus, although the U.S. Constitution may have pioneered¶ the idea of binding judicial enforcement of individual rights—an idea¶ that now enjoys nearly universal acceptance—it is no longer the¶ leading source of inspiration for how such enforcement is to be institutionalized.¶ America’s long and successful experience with judicial¶ review may be responsible for encouraging other countries to adopt¶ the practice, but the form of judicial review that other countries actually¶ choose to adopt has a more European than American flavor.

### Democracy solves war

#### Democracy fails – preconditions dictate – Arab spring proves

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(Thomas, “Instant Democracy Doesn’t Work”, WorldNetDaily, March 1, 2011, http://www.wnd.com/index.php?pageId=269313)AW

The fact that Egyptians or others in the Middle East and elsewhere want freedom does not mean that they are ready for freedom. Everyone wants freedom for himself. Even the Nazis wanted to be free to be Nazis. They just didn't want anybody else to be free. There is very little sign of tolerance in the Middle East, even among fellow Muslims with different political or religious views, and all too many signs of gross intolerance toward people who are not Muslims. Freedom and democracy cannot be simply conferred on anyone. Both have preconditions, and even nations that are free and democratic today took centuries to get there. If there were ever a time when people in Western democracies might be excused for thinking that Western institutions could simply be exported to other nations to create new free democracies, that time has long passed**.** It is easy to export the outward symbols of democracy – constitutions, elections, parliaments and the like – but you cannot export the centuries of experience and development that made those institutions work. All too often, exported democratic institutions have meant "one man, one vote – one time." We should not assume that our own freedom and democratic form of government can be taken for granted. Those who created this country did not. As the Constitution of the United States was being written, a lady asked Benjamin Franklin what he and the other writers were creating. He replied, "A republic, madam – if you can keep it." Generations later, Abraham Lincoln also posed it as a question, whether "government of the people, by the people and for the people" is one that "can long endure." Just as there are nations that have not yet developed the preconditions for freedom and democracy, so there are some people within a nation who have not. The advance toward universal suffrage took place slowly and in stages. Too many people, looking back today, see that as just being biased against some people. But putting the fate of a nation in the hands of the illiterate masses of the past, many with no conception of the complexities of government, might have meant risking the same fate of "one man, one vote – one time." Today, we take universal literacy for granted. But literacy has not been universal across all segments of the American population during all of the 20th century. Illiteracy was the norm in Albania as recently as the 1920s and in India in the second half of the 20th century. Bare literacy is just one of the things needed to make democracy viable. Without a sense of responsible citizenship, voters can elect leaders who are not merely incompetent or corrupt, but even leaders with contempt for the constitutional limitations on government power that preserve the people's freedom.

**Miniscule risk of war – multiple warrants**

**Moss 2-10**-2013 (Trefor Moss is an independent journalist based in Hong Kong. He covers Asian politics, defence and security, and was Asia-Pacific Editor at Jane’s Defence Weekly until 2009. “7 Reasons China and Japan Won’t Go To War” http://thediplomat.com/2013/02/10/7-reasons-china-and-japan-wont-go-to-war/?all=true) BW

Rather than attempting to soothe the tensions that built between Beijing and Tokyo in 2012, Abe has struck a combative tone, especially concerning their dispute over the Senkaku/Diaoyu Islands – a keystone for nationalists in both countries. Each time fighter aircraft are scrambled or ships are sent to survey the likely flashpoint, we hear more warnings about the approach of a war that China and Japan now seem almost eager to wage. The Economist, for example,recently observed that, “China and Japan are sliding towards war,” while Hugh White of the Australian National University warned his readers: “Don't be too surprised if the U.S. and Japan go to war with China [in 2013].” News this week of another reckless act of escalation – Chinese naval vessels twice training their radars on their Japanese counterparts – will only have ratcheted up their concerns.

These doomful predictions came as Abe set out his vision of a more hard-nosed Japan that will no longer be pushed around when it comes to sovereignty issues. In his December op-ed on Project Syndicate Abe accused Beijing of performing “daily exercises in coercion” and advocated a “democratic security diamond” comprising Australia, India, Japan and the U.S. (rehashing a concept from the 2007 Quadrilateral Security Dialogue). He then proposed defense spending increases – Japan’s first in a decade – and strengthened security relations with the Philippines and Vietnam, which both share Tokyo’s misgivings about China’s intentions. An alliance-affirming trip to the U.S.is expected soon, and there is talk of Japan stationing F-15s on Shimojijima, close to the disputed Senkaku/Diaoyu islands.

However, Abe would argue that he is acting to strengthen Japan in order to balance a rising China and prevent a conflict, rather than creating the conditions for one.And he undoubtedly has a more sanguine view of the future of Sino-Japanese relations than those who see war as an ever more likely outcome. Of course, there is a chance that Chinese and Japanese ships or aircraft will clash as the dispute over the Senkaku/Diaoyu islands rumbles on; and, if they do, there is a chance that a skirmish could snowball unpredictably into a wider conflict.

But if Shinzo Abe is gambling with the region’s security, he is at least playing the odds. He is calculating that Japan can pursue a more muscular foreign policy without triggering a catastrophic backlash from China, based on the numerous constraints that shape Chinese actions, as well as the interlocking structure of the globalized environment which the two countries co-inhabit. Specifically, there are seven reasons to think that war is a very unlikely prospect, even with a more hawkish prime minister running Japan:

1. Beijing’s nightmare scenario. China might well win a war against Japan, but defeat would also be a very real possibility. As China closes the book on its “century of humiliation” and looks ahead to prouder times, the prospect of a new, avoidable humiliation at the hands of its most bitter enemy is enough to persuade Beijing to do everything it can to prevent that outcome (the surest way being not to have a war at all). Certainly, China’s new leader, Xi Jinping, does not want to go down in history as the man who led China into a disastrous conflict with the Japanese. In that scenario, Xi would be doomed politically, and, as China’s angry nationalism turned inward, the Communist Party probably wouldn’t survive either.

2. Economic interdependence. Win or lose, a Sino-Japanese war would be disastrous

 for both participants. The flagging economy that Abe is trying to breathe life into with a $117 billion stimulus package would take a battering as the lucrative China market was closed off to Japanese business. China would suffer, too, as Japanese companies pulled out of a now-hostile market, depriving up to 5 million Chinese workers of their jobs, even as Xi Jinping looks to double per capita income by 2020. Panic in the globalized economy would further depress both economies, and potentially destroy the programs of both countries’ new leaders.

**3.** Question marks over **the PLA’s operational effectiveness**. The People’s Liberation Army is rapidly modernizing, but there are concerns about how effective it would prove if pressed into combat today – not least within China’s own military hierarchy. New Central Military Commission Vice-Chairman Xu Qiliang recently told the PLA Daily that too many PLA exercises are merely for show, and that new elite units had to be formed if China wanted to protect its interests. CMC Chairman Xi Jinping has also called on the PLA to improve its readiness for “real combat.” Other weaknesses within the PLA, such as endemic corruption, would similarly undermine the leadership’s confidence in committing it to a risky war with a peer adversary.

4. Unsettled politics. China’s civil and military leaderships remain in a state of flux, with the handover initiated in November not yet complete. As the new leaders find their feet and jockey for position amongst themselves, they will want to avoid big foreign-policy distractions – war with Japan and possibly the U.S. being the biggest of them all.

**5. The unknown quantity of U.S. intervention**. China has its hawks, such as Dai Xu, who think that the U.S. would never intervene in an Asian conflict on behalf of Japan or any other regional ally. But this view is far too casual. U.S. involvement is a real enough possibility to give China pause, should the chances of conflict increase.

6. China’s policy of avoiding military confrontation. China has always said that it favors peaceful solutions to disputes, and its actions have tended to bear this out. In particular, it continues to usually dispatch unarmed or only lightly armed law enforcement ships to maritime flashpoints, rather than naval ships. There have been calls for a more aggressive policy in the nationalist media, and from some military figures; but Beijing has not shown much sign of heeding them. The PLA Navy made a more active intervention in the dispute this week when one of its frigates trained its radar on a Japanese naval vessel. This was a dangerous and provocative act of escalation, but once again the Chinese action was kept within bounds that made violence unlikely (albeit, needlessly, more likely than before).

7. China’s socialization. China has spent too long telling the world that it poses no threat to peace to turn around and fulfill all the China-bashers’ prophecies. Already, China’s reputation in Southeast Asia has taken a hit over its handling of territorial disputes there. If it were cast as the guilty party in a conflict with Japan –which already has the sympathy of many East Asian countries where tensions China are concerned – China would see regional opinion harden against it further still. This is not what Beijing wants: It seeks to influence regional affairs diplomatically from within, and to realize “win-win” opportunities with its international partners.

In light of these constraints, Abe should be able to push back against China – so long as he doesn’t go too far. He was of course dealt a rotten hand by his predecessor, Yoshihiko Noda, whose bungled nationalization of the Senkaku/Diaoyu islands triggered last year’s plunge in relations. Noda’s misjudgments raised the political temperature to the point where neither side feels able to make concessions, at least for now, in an attempt to repair relations.

However, Abe can make the toxic Noda legacy work in his favor. Domestically, he can play the role of the man elected to untangle the wreckage, empowered by his democratic mandate to seek a new normal in Sino-Japanese relations. Chinese assertiveness would be met with a newfound Japanese assertiveness, restoring balance to the relationship. It is also timely for Japan to push back now, while its military is still a match for China’s. Five or ten years down the line this may no longer be the case, even if Abe finally grows the stagnant defense budget.

Meanwhile, Abe is also pursuing diplomatic avenues. It was Abe who mended Japan’s ties with China after the Koizumi years, and he is now trying to reprise his role as peacemaker, having dispatched his coalition partner, Natsuo Yamaguchi, to Beijing reportedly to convey his desire for a new dialogue. It is hardly surprising, given his daunting domestic laundry list, that Xi Jinping should have responded encouragingly to the Japanese olive branch.

In the end, Abe and Xi are balancing the same equation: They will not give ground on sovereignty issues, but they have no interest in a war – in fact, they must dread it. Even if a small skirmish between Chinese and Japanese ships or aircraft occurs, the leaders will not order additional forces to join the battle unless they are boxed in by a very specific set of circumstances that makes escalation the only face-saving option. The escalatory spiral into all-out war that some envisage once the first shot is fired is certainly not the likeliest outcome, as recurrent skirmishes elsewhere – such as in Kashmir, or along the Thai-Cambodian border – have demonstrated.

# 2NC

### 2NC- No modeling

#### 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.

#### US policies aren’t modeled- resource and culture differences

**Rabkin ’13** [Jeremy Rabkin is a Professor of Law at the George Mason School of Law, “Declining Influence or Difficulty in Measuring?” [www.heritage.org/research/lecture/2013/05/model-resource-or-outlier-what-effect-has-the-us-constitution-had-on-the-recently-adopted-constitutions-of-other-nations](http://www.heritage.org/research/lecture/2013/05/model-resource-or-outlier-what-effect-has-the-us-constitution-had-on-the-recently-adopted-constitutions-of-other-nations)]

All these complications are merely conceptual. If you want to measure influence you have a still deeper challenge.¶ When foreigners look at the United States, they don’t focus on the short list of provisions in the Bill of Rights. They look at the larger trends in American society—what we still sometimes call “the American way of life.” By earlier views, our “constitution” is the whole range of policies and practices that constitute us as Americans, and the parchment text in the National Archives is only a small part of that.¶ Around the world, a lot of people love or envy what they see as “American.” Many fear or despise things they view as American, often just because they are (or can be seen as) “American.” Much of the world has a love/hate relationship with America, and that’s hardly surprising, given that America is so large and powerful and hard (for others) to control.¶ So we should expect that leaders in many countries may want to embrace certain American patterns without saying so or without doing so too openly or explicitly. Many leaders may view America as an ultimate model but not something they can imitate directly or imitate fully right now, and there may be very practical and realistic reasons for such inhibitions, quite apart from the background of ambivalence in public opinion.¶ Even when people are not ambivalent in their desire to embrace American practices, they may not have the wherewithal to do so, given their own resources. That is true even for constitutional arrangements. You might think it is enviable to have an old, well-established constitution, but that doesn’t mean you can just grab it off the shelf and enjoy it in your new democracy. You might think it is enviable to have a broad respect for free debate and tolerance of difference, but that doesn’t mean you can wave a wand and supply it to your own population. We can’t think of most constitutional practices as techniques or technologies which can be imported into different cultures as easily as cell phones or Internet connections.¶ Our own constitutional experience is somewhat revealing here. The American Founders were at some pains to deny any resemblance between the federal Constitution and British practice, since Americans were enamored with the idea of establishing a free republic and associated British practice with monarchy and oppression, but many analysts have noted that the American presidency seems to draw a good deal—if covertly—from characteristics of British monarchy in the 18th century. Much of our legislative practice (regarding the internal rules of each chamber) was modeled on parliamentary practice without quite saying so. And American courts continued to draw on the common law, even on common law rulings of English courts in later periods.¶ It would not be easy to measure the long-term influence of English models in American constitutional practice. It would be foolish to suppose the influence ended in 1776 or that it does not count unless it has been explicitly avowed. We are continually adapting historic English practices to our own setting, which is very different in important ways—but not nearly so different as early American statesmen (and many nationalist-minded scholars) have claimed.¶ If you take a wider view of “constitutionalism” beyond particular formal structures, let alone lists of rights guarantees, I think it is at least arguable that Europe has, in some ways, been adapting to something we think of (and Europeans may think of) as “the American way of life.” In important ways, the liberalization of trade has unsettled cozy relationships between governments and favored industries or firms. Protesters in France and other countries regularly denounce the trends toward more open, competitive markets as “Anglo–Saxon” or “American.” Similar complaints are heard in Latin America. To the rest of the world, liberal political economy is “American”—more so than particular details of our constitutional structure.¶ I agree with Professor Versteeg that we have no reason to rethink our own Constitution simply because it has not kept up with constitutional trends (in the narrow sense of “constitutional”) in other countries. We should not sacrifice the advantages we gain from constitutional stability merely to emulate those who don’t have the option of relying on an old constitution. We have long-standing, shared traditions of understanding which allow our courts to read a great deal into terse constitutional formulas like “due process of law.” Others, without the benefit of such traditions, may need to spell out a longer list of guarantees.¶ But we should remember that the nations of the world are not competing to see who can best institutionalize the ideals of international human rights conventions. Many countries reject the aims of human rights conventions (or at least their original aims). Fascism looked attractive to many countries—before 1945. Extreme forms of socialism remained attractive until the collapse of the Soviet empire in 1989. We have no reason to believe that history has now ended. The new regimes that have been emerging in the wake of the Arab Spring seem more inspired by Iran or Turkey than by Western liberal models.¶ When we think about the influence of the American constitutional scheme, we should think in large terms and in the long term. Getting other countries to copy particular provisions in our formal constitutional texts is not the ultimate prize.

#### No effective modeling- global norms are hollow

**Posner 8-28**-13 [Eric, professor at the University of Chicago Law School, “The U.S. Has No Legal Basis to Intervene in Syria,” <http://www.slate.com/articles/news_and_politics/view_from_chicago/2013/08/the_u_s_has_no_legal_basis_for_its_action_in_syria_but_that_won_t_stop_us.html>]

Inter arma enim silent leges, said the Romans—in times of war, the law falls silent. But ours is a chattier society. Rather than keep silent, our laws speak loudly about war. We just don’t follow them—as the U.S. military intervention in Syria is about to show.¶ Press reports say that President Obama has ordered his lawyers to supply him with a legal justification for a military assault on Syria, and unnamed officials have cited the Geneva Protocol, the Chemical Weapons Convention, the Kosovo precedent, and the so-called Responsibility to Protect doctrine. They have not cited the United Nations Charter, which flatly bans military interventions without Security Council approval, which the United States cannot obtain because of Russian and Chinese opposition.¶ The Geneva Protocol of 1925 (which Syria ratified) and the Chemical Weapons Convention of 1993 (which Syria has not ratified) ban the use of chemical weapons, but do not authorize countries to attack other countries that violate these treaties. The United States has no more authority to attack Syria for violating these treaties than it does to bomb Europe for giving import preferences to Caribbean banana producers in violation of international trade law. At one time, countries could use military force as “countermeasures” against treaty violators, but only against violators that harmed the country in question—and Syria has not used chemical weapons against the United States—but in any event, that rule has been superseded by the U.N. Charter.¶ The Kosovo precedent refers to the 1999 military intervention in Serbia, launched to stop a campaign of ethnic cleansing against people living in that region of Serbia. Then, too, the United States failed to obtain approval from the Security Council but attacked anyway. It’s odd to claim the Kosovo attack as a precedent, as it was widely regarded as illegal at the time and afterward.¶ But most people, or at least Westerners, believed that the Kosovo intervention was morally justified because it stopped a massacre, and efforts were made to carve out an exception to the U.N. rules, so that a “humanitarian intervention” would be lawful even without Security Council approval. That effort failed because people believed it would be too easy for countries to use humanitarian intervention as a pretext for attacking countries for other reasons. After all, humanitarian conditions are bad in nearly all countries that someone might like to invade. Instead, an international conference hammered together a compromise that all countries have a “Responsibility to Protect” their own citizens and citizens of other countries. But this idea was never sanctified in a treaty and is not law.¶ The most honest thing to do would be to admit that the international law on the use of force is defunct, as professor Michael Glennon has argued. Virtually all major countries have broken the rules from time to time, even the saintly European countries that joined in the Kosovo intervention. The U.S. has ignored the U.N. rules on numerous occasions—Vietnam, Grenada, Panama, Kosovo, the second Iraq War, and the 2011 war in Libya, where it secured an authorization to stop massacres of civilians but violated its terms by seeking regime change. But the U.S. government does not repudiate the U.N. rules because it wants other countries to comply with them.¶ On the domestic front, things are hardly better. The Constitution gives Congress, not the executive, the power to declare war, and at present writing, the administration seems unlikely to ask Congress for authorization lest it say no. This too would be a repeat of the Libya intervention, which lacked congressional authorization. To avoid the impression that the president can go to war whenever he wants, pretty much in clear violation of the founders’ intentions, the executive branch has invented a number of largely phony limits on executive military action. At one point the theory was that the executive may send military forces anywhere in the world in order to discharge its responsibility to protect Americans or American property, a theory that was used to justify the use of military force without congressional authorization in Somalia in 1992–1993. One might wonder whether such a theory imposes any limits; one might ask, “In what country are there no Americans or American property that could be protected?” Syria, it turns out.¶ No one alleges that the Syrian government poses a threat to Americans or American property, so the Obama administration can’t fall back on that theory, and doesn’t seem inclined to. But the executive branch claims the authority to use military intervention to protect the “national interest,” and it is not hard to find a national interest at stake. Ironically, the Justice Department’s Libya opinion identified “maintaining the credibility of the United Nations Security Council and the effectiveness of its actions to promote international peace and security” as one of the national interests justifying military intervention without congressional approval. Don’t expect a repeat of that argument in the Syria opinion. The other national interest was that of promoting regional stability—also not a good one here either, since no one seems to think that lobbing some cruise missiles onto Syrian soil will promote regional stability. Most likely the government will argue that there is a (heretofore ignored) national interest in deterring the use of chemical weapons as well as in protecting foreign civilians from massacres. With “national interest” so capaciously understood, it is clear that the president will always be able to find a national interest justifying a military intervention, so there are no constitutional constraints on his power to initiate military intervention.¶ Congress tried to bring the executive under control back in 1973 by enacting the War Powers Resolution, which can be read to implicitly authorize the use of military force as long as the president reports back to Congress and withdraws forces after 60 days unless Congress gives authorization in the interim. In 2011 President Obama ignored a Justice Department opinion that he must end the use of force in Libya, instead obtaining a compliant legal opinion from White House Counsel Robert Bauer and State Department Legal Adviser Harold Koh, who argued that the bombings and killings in Libya did not amount to “hostilities” and so did not trigger the withdrawal provision in the War Powers Resolution. In another indication of the administration’s respect for Congress, earlier this month the administration refused to call the coup in Egypt a coup so as to evade a statute that requires a cutoff of foreign aid to countries in which a military coup overthrows a democratically elected leader.¶ One can be cynical or realistic. I prefer the latter. The Romans had it right: It is not realistic to put legal constraints on war powers. Law works through general prospective rules that apply to a range of factual situations. International relations and national security are too fluid and unpredictable to be governed by a set of legal propositions that command general assent secured in advance. Laws governing war make us feel more secure but they don’t actually make us more secure. So while it is satisfying to fling the charge of hypocrisy at the president and his lawyers, and we might disagree about the wisdom of an attack on Syria, let’s just hope that when they invoke the law, they don’t actually believe what they are saying.

### 2NC – Jmodel

#### US judicial isolationism means no modeling

**Law and Versteeg ’12** [David S. Law, Professor of Law and Professor of Political Science, Washington University in St. Louis. B.A., M.A., Ph.D., Stanford University; J.D., Harvard Law School; B.C.L. in European and Comparative Law, University of Oxford, Mila Versteeg, Associate Professor, University of Virginia School of Law. B.A., LL.M., Tilburg University; LL.M., Harvard Law School; D.Phil., University of Oxford, “The Declining Influence of the United States Constitution,” New York University Law Review, Vol. 87, No. 3, pp. 762-858, June 2012, online]

There are also factors specific to American constitutionalism that¶ may be reducing its appeal to foreign audiences. Critics suggest that¶ the Supreme Court has undermined the global appeal of its own jurisprudence¶ by failing to acknowledge the relevant intellectual contributions¶ of foreign courts on questions of common concern252 and by¶ pursuing interpretive approaches that lack acceptance elsewhere.253¶ On this view, the Court may bear some responsibility for the declining¶ influence of not only its own jurisprudence, but also the actual U.S.¶ Constitution: One might argue that the Court’s approach to constitutional¶ issues has undermined the appeal of American constitutionalism¶ more generally, to the point that other countries have become¶ unwilling to look either to American constitutional jurisprudence or¶ to the U.S. Constitution itself for inspiration.254

#### US courts aren’t modeled

**Liptak ’08** [Adam, Pulitzer Prize finalist for Journalism and Supreme Court correspondent for The New York Times, “U.S. Supreme Court's global influence is waning,” 9-17-08, <http://www.nytimes.com/2008/09/17/world/americas/17iht-18legal.16249317.html?pagewanted=all&_r=0>]

Judges around the world have long looked to the decisions of the United States Supreme Court for guidance, citing and often following them in hundreds of their own rulings since the Second World War.¶ But now American legal influence is waning. Even as a debate continues in the court over whether its decisions should ever cite foreign law, a diminishing number of foreign courts seem to pay attention to the writings of American justices.¶ "One of our great exports used to be constitutional law," said Anne-Marie Slaughter, the dean of the Woodrow Wilson School of Public and International Affairs at Princeton. "We are losing one of the greatest bully pulpits we have ever had."¶ From 1990 through 2002, for instance, the Canadian Supreme Court cited decisions of the United States Supreme Court about a dozen times a year, an analysis by The New York Times found. In the six years since, the annual citation rate has fallen by more than half, to about five.¶ Australian state supreme courts cited American decisions 208 times in 1995, according to a recent study by Russell Smyth, an Australian economist. By 2005, the number had fallen to 72.¶ The story is similar around the globe, legal experts say, particularly in cases involving human rights. These days, foreign courts in developed democracies often cite the rulings of the European Court of Human Rights in cases concerning equality, liberty and prohibitions against cruel treatment, said Harold Hongju Koh, the dean of the Yale Law School. In those areas, Dean Koh said, "they tend not to look to the rulings of the U.S. Supreme Court."¶ The rise of new and sophisticated constitutional courts elsewhere is one reason for the Supreme Court's fading influence, legal experts said. The new courts are, moreover, generally more liberal that the Rehnquist and Roberts courts and for that reason more inclined to cite one another.¶ Another reason is the diminished reputation of the United States in some parts of the world, which experts here and abroad said is in part a consequence of the Bush administration's unpopularity abroad. Foreign courts are less apt to justify their decisions with citations to cases from a nation unpopular with their domestic audience.¶ "It's not surprising, given our foreign policy in the last decade or so, that American influence should be declining," said Thomas Ginsburg, who teaches comparative and international law at the University of Chicago.¶ The adamant opposition of some Supreme Court justices to the citation of foreign law in their own opinions also plays a role, some foreign judges say.¶ "Most justices of the United States Supreme Court do not cite foreign case law in their judgments," Aharon Barak, then the chief justice of the Supreme Court of Israel, wrote in the Harvard Law Review in 2002. "They fail to make use of an important source of inspiration, one that enriches legal thinking, makes law more creative, and strengthens the democratic ties and foundations of different legal systems."¶ Partly as a consequence, Chief Justice Barak wrote, the United States Supreme Court "is losing the central role it once had among courts in modern democracies."

**Democracies do not prevent war – their studies confuse correlation for causation**

**Hayes 11**—PhD at Georgia Institute of Technology

(Jarrod, “The Democratic Peace and the New Evolution of an Old Idea”, European Journal of International Relations, June 10, 2011, http://ejt.sagepub.com/)//AW

In this critical overview, I argue that, while the idea of a democratic peace has enjoyed an immense amount of attention, the nature of inquiry has created significant lacunae that have only recently begun to be addressed. Methodologically, large-N quantitative studies dominate the field.ii While these studies have been invaluable in establishing the claim that the democratic peace phenomenon exists (what I call the ‘statistical democratic peace’**), by their very nature they are able to demonstrate only correlation, not causation**. Not surprisingly, what effort these studies did make towards understanding and explaining the democratic peace focused on causes—norms and institutions (Maoz and Russett, 1993)—that could be quantified, either directly or by proxy. Yet the quantitative nature of the studies does not enable access to causal forces. The mechanisms behind the democratic peace remained shrouded in shadow. The end of the Cold War and the subsequent (at least rhetorical) inclusion of the democratic peace in U.S. foreign policy means the field, now more than ever, needs to develop a better understanding of the mechanisms within (and without) democracies that generate the observed peace. In the process of expanding our inquiry of the mechanisms behind the democratic peace, we will actually generate a new, broader field of study: democratic security. This review derives its emphasis on mechanisms from the scholarship on scientific realism (Bhaskar, 1975; Harré and Madden, 1975; Manicas, 2006) and Mario Bunge’s systemism philosophy (Bunge, 1996; Bunge, 2000; Bunge, 2004b). While the social sciences have largely been oblivious, philosophers of science have questioned the Humean, deductive-nonological model of science. These questions have given rise to a model of science focused on processes and mechanisms: “the real goal of science is neither the explanation of events nor the explanation of patterns, though this idea catches dome of the truth of the matter. Rather, it has as its goal an understanding of the fundamental processes of nature” (Manicas, 2006: 14). Explanation, then, “requires that there is a "real connection," a generative nexus that produced or 1brought about the event (or pattern) to be explained” (Manicas, 2006: 20). Accordingly, correlation on its own cannot serve as explanation (much less understanding) because it does not allow the analyst access to the mechanisms at play: what causes what *and how*. The ongoing focus by social scientists on covering laws thus betrays a romantic understanding of science that is not only *not* what physical scientists do, but that is fatally flawed as a mode of intellectual inquiry. Bunge likewise emphasizes the importance of mechanisms in systemism, his philosophy of social science. Bunge argues that the study of the social sciences is the study of social systems and thus requires a ‘‘systemist’’ approach over traditional approaches that compartmentalize social studies (holism, for example structural realism, versus individualism, for example rational choice). The central focus of the systemist approach is the human system: the interaction between individuals and society. Explanation links rather than separates the structural and individual levels.

**And even if they win the impact – the timeframe for solvency is generations**

Mandelbaum 7 – foreign affairs professor, , Professor and Director of the American Foreign Policy program at the Johns Hopkins University, School of Advanced International Studies (Michael, September/ October, “Democracy Without America”, <http://www.foreignaffairs.com/articles/62833/michael-mandelbaum/democracy-without-america?page=show>,)

What the world of the twenty-first century calls democracy is in fact the fusion of two distinct political traditions. One is liberty -- that is, individual freedom. The other is popular sovereignty: rule by the people. Popular sovereignty made its debut on the world stage with the French Revolution, whose architects asserted that the right to govern belonged not to hereditary monarchs, who had ruled in most places at most times since the beginning of recorded history, but rather to the people they governed. Liberty has a much longer pedigree, dating back to ancient Greece and Rome. It consists of a series of political zoning ordinances that fence off and thus protect sectors of social, political, and economic life from government interference. The oldest form of liberty is the inviolability of private property, which was part of the life of the Roman Republic. Religious liberty arose from the split in Christendom provoked by the Protestant Reformation of the sixteenth century. Political liberty emerged later than the other two forms but is the one to which twenty-first-century uses of the word "freedom" usually refer. It connotes the absence of government control of speech, assembly, and political participation. Well into the nineteenth century, the term "democracy" commonly referred to popular sovereignty alone, and a regime based on popular sovereignty was considered certain to suppress liberty. The rule of the people, it was believed, would lead to corruption, disorder, mob violence, and ultimately tyranny. In particular, it was widely thought that those without property would, out of greed and envy, move to seize it from its owners if the public took control of the government. At the end of the nineteenth century and the beginning of the twentieth, liberty and popular sovereignty were successfully merged in a few countries in western Europe and North America. This fusion succeeded in no small part due to the expansion of the welfare state in the wake of the Great Depression and World War II, which broadened the commitment to private property by giving everyone in society a form of it and prevented mass poverty by providing a minimum standard of living to all. Even then, however, the democratic form of government did not spread either far or wide. Popular sovereignty, or at least a form of it, became all but universal by the second half of the twentieth century. The procedure for implementing this political principle -- holding an election -- was and remains easy. In the first three-quarters of the twentieth century, most countries did not choose their governments through free and fair elections. However, most governments could claim to be democratic at least in the sense that they differed from the traditional forms of governance -- monarchy and empire. The leaders did not inherit their positions, and they came from the same national groups as the people they governed. These governments embodied popular sovereignty in that the people controlling them were neither hereditary monarchs nor foreigners. If popular sovereignty is relatively easy to establish, the other component of democracy, liberty, is far more difficult to secure. This accounts for both the delay in democracy's spread around the world in the twentieth century and the continuing difficulties in establishing it in the twenty-first. Putting the principle of liberty into practice requires institutions: functioning legislatures, government bureaucracies, and full-fledged legal systems with police, lawyers, prosecutors, and impartial judges. Operating such institutions requires skills, some of them highly specialized. And the relevant institutions must be firmly anchored in values: people must believe in the importance of protecting these zones of social and civic life from state interference.The institutions, skills, and values that liberty requires cannot be called into existence by fiat any more than it is possible for an individual to master the techniques of basketball or ballet without extensive training. The relevant unit of time for creating the social conditions conducive to liberty is, at a minimum, a generation. Not only does the apparatus of liberty take time to develop, it must be developed independently and domestically; it cannot be sent from elsewhere and implanted, ready-made. The requisite skills and values can be neither imported nor outsourced.

#### Single issues don’t resolve perception- scholarly consensus proves actions are situational

**Fettweis** **‘08** [Christopher, professor of political science at Tulane, “Credibility and the War on Terror,” Political Science Quarterly, Winter]

Since Vietnam, scholars have been generally unable to identify cases in which high credibility helped the United States achieve its goals. The shortterm aftermath of the Cuban Missile Crisis, for example, did not include a string of Soviet reversals, or the kind of benign bandwagoning with the West that deterrence theorists would have expected. In fact, the perceived reversal in Cuba seemed to harden Soviet resolve. As the crisis was drawing to a close, Soviet diplomat Vasily Kuznetsov angrily told his counterpart, "You Americans will never be able to do this to us again."37 Kissinger commented in his memoirs that "the Soviet Union thereupon launched itself on a determined, systematic, and long-term program of expanding all categories of its military power .... The 1962 Cuban crisis was thus a historic turning point-but not for the reason some Americans complacently supposed."38 The reassertion of the credibility of the United States, which was done at the brink of nuclear war, had few long-lasting benefits. The Soviets seemed to learn the wrong lesson. There is actually scant evidence that other states ever learn the right lessons. Cold War history contains little reason to believe that the credibility of the superpowers had very much effect on their ability to influence others. Over the last decade, a series of major scholarly studies have cast further doubt upon the fundamental assumption of interdependence across foreign policy actions. Employing methods borrowed from social psychology rather than the economics-based models commonly employed by deterrence theorists, Jonathan Mercer argued that threats are far more independent than is commonly believed and, therefore, that reputations are not likely to be formed on the basis of individual actions.39 While policymakers may feel that their decisions send messages about their basic dispositions to others, most of the evidence from social psychology suggests otherwise. Groups tend to interpret the actions of their rivals as situational, dependent upon the constraints of place and time. Therefore, they are not likely to form lasting impressions of irresolution from single, independent events. Mercer argued that the interdependence assumption had been accepted on faith, and rarely put to a coherent test; when it was, it almost inevitably failed.40

#### Future presidents and poor agencies mean the plan isn’t a silver bullet

**Nye and Armitage ’07** [Richard L. Armitage served as deputy secretary of state (2001–2005), was also assistant secretary of defense for international security affairs (1983–1989), is a decorated Vietnam veteran, president of Armitage International and sits on the CSIS Board of ¶ Trustees, ¶ Joseph S. Nye, Jr., is currently a distinguished service professor at Harvard University and a former dean of the Kennedy School of Government. He earlier served ¶ as assistant secretary of defense for international security affairs (1994–1995) and ¶ chairman of the National Intelligence Council (1993–1994). Dr. Nye sits on the CSIS ¶ Board of Trustees.¶ “CSIS COMMISSION ON SMART POWER: A smarter, more secure America,” <http://csis.org/files/media/csis/pubs/071106_csissmartpowerreport.pdf>]

There is no silver bullet for ensuring effective implementation of a smart power strategy, and ¶ this commission has purposefully sought to stay ¶ away from offering sweeping recommendations ¶ on government reorganization. Moving boxes ¶ around and building new ones is not always the ¶ right answer. Even still, the next president ought ¶ to undertake a strategic reassessment of government structures and readiness.¶ Chief among these, the next president is going to face intense pressure to reset the U.S. military, both in terms of manpower and materiel. ¶ As this report has argued, maintaining U.S. military power is paramount to any smart power ¶ strategy. Although the Pentagon wrestles over ¶ the focus of this reset—whether, for instance, ¶ it should center on traditional power projection ¶ military missions or on future long-duration ¶ counterinsurgency or stabilization missions—¶ the president will have a broader set of decisions regarding the proper investments in and ¶ balance of hard and soft power tools.¶ Which tools work and which do not? Which require massive overhaul, and which merely call for ¶ new leadership and direction? How can coordination and integration between our military and ¶ civilian tools of national power be enhanced? ¶ This chapter seeks to identify some of the challenges that have in the past impeded better integration of our soft and hard power tools and ¶ suggests a menu of options that the next president could consider to address this challenge and ¶ to maximize effectiveness. ImPlementatIon CHallengeS¶ There is widespread understanding that America ¶ needs to improve its ability to integrate hard and ¶ soft tools into a seamless fabric of capability. ¶ There are, however, at least 10 interrelated factors that hinder the U.S. government’s ability to ¶ bring about this integration.¶ First, there is little capacity for making trade-offs at ¶ the strategic level. The various tools available to ¶ the U.S. government are spread among multiple ¶ agencies and bureaus. There is no level of government, short of the president himself, where ¶ these programs and resources come together. ¶ A program in one department, such as English ¶ language broadcasting to Pashto-speaking Afghans and Pakistanis, is not easily compared in ¶ value against a set of new trucks for an Army ¶ battalion. Increasing the size of the Foreign ¶ Service would cost less than the price of one C-¶ 17 transport aircraft, for instance, yet there are no good ways to assess these trade-offs in our ¶ current form of budgeting.¶ Second, programs promoting soft power lack integration ¶ and coordination. The numerous existing programs that promote American soft power—development assistance, humanitarian relief, diplomatic ¶ presence, public broadcasting, educational exchanges, and trade—are fractured and spread across many agencies and bureaus. The lack of coordination limits the impact of any of these ¶ individual programs and prevents them from being integrated into broader strategies to promote American interests. ¶ Third, the U.S. government has not invested sufficiently ¶ in civilian tools. America is increasingly involved in multifaceted tasks such as the reconstruction of states and societies after wars. Yet the civilian agencies of the federal government lack the resources and experience to undertake these ¶ complex tasks. By default, the military has had to step in to fill voids, even though the work ¶ would be better administered by civilian personnel. This ad hoc action by the Defense Department further undercuts the demand that civilian ¶ agencies develop these competencies. Figure 7 ¶ shows U.S. funding for State Department operations over the past 10 ¶ years. Although funding ¶ more than doubled during this time, increases ¶ were attributable largely ¶ to border and diplomatic ¶ security activities.¶ Fourth, civilian agencies have not been staffed or resourced for extraordinary missions. What distinguishes the ¶ Defense Department and military organizations ¶ is their ability to mobilize resources in times of ¶ emergency. The Pentagon is able to respond ¶ so ably to crisis because it buys more people in ¶ peacetime than are needed for daily peacetime ¶ operations. The Defense Department has 10 ¶ percent more officers than it has jobs at any one ¶ time and uses that extra 10 percent “float” for ¶ training exercises and assignments in other agencies. Civilian agencies have not chosen or else not ¶ been allowed by Congress to budget a manpower ¶ float. As such, they do not have the experience or the depth to take on emergency assignments.¶ Fifth, diplomacy today requires new methods compared to ¶ traditional diplomacy. There was once a time when ¶ diplomacy involved American officials meeting ¶ quietly to discuss problems with foreign government and private sector elites. Although there is ¶ still a central role for these formal channels of ¶ dialogue, diplomacy today is far more diverse and challenging. Elites of any one nation today often have more in common with counterparts in ¶ other countries than with most citizens in their ¶ own country. American diplomats need the capacity to reach beyond these traditional sources ¶ of information and channels of influence to better understand and shape views abroad.

#### Economic crisis kills

**Neu 2-8**-13 [C. Richard Neu is a senior economist at the nonprofit, nonpartisan RAND Corporation, “U.S. 'Soft Power' Abroad Is Losing Its Punch,” <http://www.rand.org/blog/2013/02/us-soft-power-abroad-is-losing-its-punch.html>]

The way America flexes it economic muscle around the world is changing dramatically—and not necessarily for the better.¶ In 1997, facing a wave of sovereign debt defaults, the International Monetary Fund asked its member states to pledge lines of credit to support Fund rescue efforts. The United States and other nations did as asked. In 2009, the United States responded again to a call for expanded credit lines. When the Fund sought yet another expansion of these credit lines last April, 39 countries, including China, Russia, Brazil, Mexico, India, and Saudi Arabia, stepped up. Even cash-strapped Italy and Spain pledged support.¶ But the United States was conspicuously absent. A pledge from the United States requires congressional authorization. In the midst of last spring's contentious debate over U.S. government deficits and debts, support for an international body was a political nonstarter. Where the United States had previously demonstrated international leadership, other countries—some of them America's rivals for international influence—now make the running.¶ This is a small example of what may be a troubling trend: America's fiscal predicament and the seeming inability of its political system to resolve these matters may be taking a toll on the instruments of U.S. “soft power” and on the country's ability to shape international developments in ways that serve American interests.¶ The most potent instrument of U.S. soft power is probably the simple size of the U.S. economy. As the biggest economy in the world, America has a lot to say about how the world works. But the economics profession is beginning to understand that high levels of public debt can slow economic growth, especially when gross general government debt rises above 85 or 90 percent of GDP.¶ The United States crossed that threshold in 2009, and the negative effects are probably mostly out in the future. These will come at a bad time. The U.S. share of global economic output has been falling since 1999—by nearly 5 percentage points as of 2011. As America's GDP share declined, so did its share of world trade, which may reduce U.S. influence in setting the rules for international trade.¶ And it's not just the debt itself that may be slowing GDP growth. Economists at Stanford and the University of Chicago have demonstrated that uncertainty about economic policy—on the rise as a result of political squabbling over U.S. fiscal policy—typically foreshadows slower economic growth.¶ Investors may be growing skittish about U.S. government debt levels and the disordered state of U.S. fiscal policymaking.¶ From the beginning of 2002, when U.S. government debt was at its most recent minimum as a share of GDP, to the end of 2012, the dollar lost 25 percent of its value, in price-adjusted terms, against a basket of the currencies of major trading partners. This may have been because investors fear that the only way out of the current debt problems will be future inflation. The dollar has also given up a bit of its dominance as the preferred currency for international reserves among advanced economies. And the renminbi appears to have replaced the dollar as the “reference currency” for most of East Asia. (The good news is that in recent years U.S. banks have increased their share of deposits from foreigners, mostly at the expense of banks in London.)¶ More troubling for the future is that private domestic investment—the fuel for future economic growth—shows a strong negative correlation with government debt levels over several business cycles dating back to the late 1950s. Continuing high debt does not bode well in this regard.¶ But perhaps the worst consequences of U.S. debt are actions not taken.¶ U.S. international leadership has been based, in part, on contributions—political and financial—to major institutions and initiatives—International Monetary Fund, World Bank, General Agreements on Tariffs and Trade (and later World Trade Organization), NATO, North America Free Trade Agreement, the Marshall Plan, and so on. These served U.S. interests and made the world better.¶ But what have we done lately? The Doha round of trade negotiations has stalled. Ditto efforts at coordinated international action on climate change. Countries of the Arab Spring need rebuilding. Little progress is apparent on the Transpacific Partnership, a proposed new free-trade area. And warnings from the U.S. treasury secretary to his European counterparts about the dangers of failing to resolve the fiscal crisis in the eurozone met with public rebukes: Get your own house in order before you lecture us. Have U.S. fiscal problems undermined America's self confidence and external credibility to the extent that it can no longer lead?¶ And what about unmet needs at home—healthcare costs, a foundering public education system, deteriorating infrastructure, and increasing inequality? A strained fiscal situation that limits resources for action and absorbs so much political energy cannot be helping with any of these matters. But without progress on such things, what becomes of the social cohesion necessary for unified action abroad or the moral authority to lead other nations by example?¶ America's fiscal predicament is serious. The problem has become obvious in the last few years, but it has been building for decades, largely the result of promises of extensive social benefits without a corresponding willingness to pay for them.¶ Putting U.S. government financing on a sustainable path will require painful adjustments over a number of years—increased government revenue and painful reductions in government outlays, almost certainly including outlays for defense and international affairs. During the necessary period of fiscal adjustment and constrained government resources, U.S. international influence may decline yet further.

### Warming

**Tech and adaptive advances prevent all climate impacts---warming won’t cause war**

Dr. S. Fred Singer et al 11, Research Fellow at The Independent Institute, Professor Emeritus of Environmental Sciences at the University of Virginia, President of the Science and Environmental Policy Project, a Fellow of the American Association for the Advancement of Science, and a Member of the International Academy of Astronautics; Robert M. Carter, Research Professor at James Cook University (Queensland) and the University of Adelaide (South Australia), palaeontologist, stratigrapher, marine geologist and environmental scientist with more than thirty years professional experience; and Craig D. Idso, founder and chairman of the board of the Center for the Study of Carbon Dioxide and Global Change, member of the American Association for the Advancement of Science, American Geophysical Union, American Meteorological Society, Arizona-Nevada Academy of Sciences, and Association of American Geographers, et al, 2011, “Climate Change Reconsidered: 2011 Interim Report,” online: <http://www.nipccreport.org/reports/2011/pdf/FrontMatter.pdf>

Decades-long empirical trends of climate-sensitive measures of human well-being, including the percent of developing world population suffering from chronic hunger, poverty rates, and deaths due to extreme weather events, reveal dramatic improvement during the twentieth century, notwithstanding the historic increase in atmospheric CO2 concentrations.

The magnitude of the impacts of climate change on human well-being depends on society's adaptability (adaptive capacity), which is determined by, among other things, the wealth and human resources society can access in order to obtain, install, operate, and maintain technologies necessary to cope with or take advantage of climate change impacts. The IPCC systematically underestimates adaptive capacity by failing to take into account the greater wealth and technological advances that will be present at the time for which impacts are to be estimated.

Even accepting the IPCC's and Stern Review's worst-case scenarios, and assuming a compounded annual growth rate of per-capita GDP of only 0.7 percent, reveals that net GDP per capita in developing countries in 2100 would be double the 2006 level of the U.S. and triple that level in 2200. Thus, even developing countries' future ability to cope with climate change would be much better than that of the U.S. today.

The IPCC's embrace of biofuels as a way to reduce greenhouse gas emissions was premature, as many researchers have found "even the best biofuels have the potential to damage the poor, the climate, and biodiversity" (Delucchi, 2010). Biofuel production consumes nearly as much energy as it generates, competes with food crops and wildlife for land, and is unlikely to ever meet more than a small fraction of the world's demand for fuels.

The notion that global warming might cause war and social unrest is not only wrong, but even backwards - that is, global cooling has led to wars and social unrest in the past, whereas global warming has coincided with periods of peace, prosperity, and social stability.

## Heg

**Latent power solves**

**Wohlforth 7** (William, Professor of Government – Dartmouth College, “Unipolar Stability”, Harvard International Review, Spring, http://hir.harvard.edu/articles/1611/3/)

US military forces are stretched thin, its budget and trade deficits are high, and the country continues to finance its profligate ways by borrowing from abroad—notably from the Chinese government. These developments have prompted many analysts to warn that the United States suffers from “imperial overstretch.” And if US power is overstretched now, the argument goes, unipolarity can hardly be sustainable for long. The problem with this argument is that it fails to distinguish between actual and latent power. One must be careful to take into account both the level of resources that can be mobilized and the degree to which a government actually tries to mobilize them. And how much a government asks of its public is partly a function of the severity of the challenges that it faces. Indeed, one can never know for sure what a state is capable of until it has been seriously challenged. Yale historian Paul Kennedy coined the term “imperial overstretch” to describe the situation in which a state’s actual and latent capabilities cannot possibly match its foreign policy commitments. This situation should be contrasted with what might be termed “self-inflicted overstretch”—a situation in which a state lacks the sufficient resources to meet its current foreign policy commitments in the short term, but has untapped latent power and readily available policy choices that it can use to draw on this power. This is arguably the situation that the United States is in today. But the US government has not attempted to extract more resources from its population to meet its foreign policy commitments. Instead, it has moved strongly in the opposite direction by slashing personal and corporate tax rates. Although it is fighting wars in Afghanistan and Iraq and claims to be fighting a global “war” on terrorism, the United States is not acting like a country under intense international pressure. Aside from the volunteer servicemen and women and their families, US citizens have not been asked to make sacrifices for the sake of national prosperity and security. The country could clearly devote a greater proportion of its economy to military spending: today it spends only about 4 percent of its GDP on the military, as compared to 7 to 14 percent during the peak years of the Cold War. It could also spend its military budget more efficiently, shifting resources from expensive weapons systems to boots on the ground. Even more radically, it could reinstitute military conscription, shifting resources from pay and benefits to training and equipping more soldiers. On the economic front, it could raise taxes in a number of ways, notably on fossil fuels, to put its fiscal house back in order. No one knows for sure what would happen if a US president undertook such drastic measures, but there is nothing in economics, political science, or history to suggest that such policies would be any less likely to succeed than China is to continue to grow rapidly for decades. Most of those who study US politics would argue that the likelihood and potential success of such power-generating policies depends on public support, which is a function of the public’s perception of a threat. And as unnerving as terrorism is, there is nothing like the threat of another hostile power rising up in opposition to the United States for mobilizing public support. With **latent power** in the picture, it becomes clear that unipolarity might have more built-in **self-reinforcing mechanisms** than many analysts realize. It is often noted that the rise of a peer competitor to the United States might be thwarted by the counterbalancing actions of neighboring powers. For example, China’s rise might push India and Japan closer to the United States—indeed, this has already happened to some extent. There is also the strong possibility that a peer rival that comes to be seen as a threat would create strong incentives for the United States to end its self-inflicted overstretch and **tap** potentially **large wellsprings of** latent **power**.

## Disease

**Natural immunities means complete extinction impossible**

**Sowell 01** Fellow at Hoover Institution (Thomas, March 5, Jewish World Review, “The Dangers of “Equality”, http://www.jewishworldreview.com/cols/sowell030501.asp)

People have different vulnerabilities and resistances to a variety of diseases. That is why one disease is unlikely to wipe out the human species, even in one place. An epidemic that sweeps through an area may leave some people dying like flies while others remain as healthy as horses.

## Solvo

#### This will force the plan’s decision to be reactive – congress and the president will enforce their will on detention policy empirically

Darren Wheeler (Assistant Professor of Political Science and Public Administration at the University of North Florida, USA) December 2009 “Checking Presidential Detention Power in the War on Terror: What Should We Expect from the Judiciary?” Presidential Studies Quarterly¶ Volume 39, Issue 4, pages 677–700, Wiley Online Library

The Bush administration also had to deal with legal claims of noncitizen detainees housed at the American naval base in Guantánamo Bay, Cuba. Did these noncitizen detainees have access to American courts? This question first began to work its way up the federal court system in 2002 in the case of Rasul v. Bush.6 In 2004, the Supreme Court eventually concluded that the detainees did have access to federal courts, but as it left other questions regarding detainee rights unanswered, the legal challenges continued. Dozens of detainees filed habeas corpus suits challenging their detention.7 The cases were consolidated and appealed to the District of Columbia Circuit Court of Appeals under the name of Boumediene v. Bush. Initial oral arguments in these cases were held in September 2005, yet the circuit court's decision—a ruling against the detainees—was not issued until February 20, 2007, more than 17 months after the case was filed. The court had used this length of time to hear two sets of oral arguments and four rounds of briefing on seemingly innumerable questions related to the case.8 While this case was before the D.C. Circuit, the Bush administration instituted a review process for Guantánamo detainees known as a Combat Status Review Tribunal that was designed to determine whether the detainees were properly designated as enemy combatants (Wolfowitz 2004). Congress also got into the act by passing the Detainee Treatment Act of 2005 (DTA) and the Military Commissions Act of 2006 (MCA). These acts were an attempt to spell out the limited legal rights of Guantánamo detainees with greater clarity. These actions by Congress and the president affected the rights of Guantánamo detainees in a number of important ways. However, the important thing to note for the purposes of this discussion is that they changed the legal status and legal rights of the detainees while the circuit court was trying to reach its decision. Other political actors were moving quickly and proactively. The courts were moving slowly and as a result were forced to respond to the actions of others.

# 1NR

#### A- Prevents signaling- collapse of the debt ceiling means no one views our government as credible- two warrants- 1- link turns solvency- no country perceives the government as effective if the plan prevents a compromise over the ceiling- 2- It re-affirms perceptions of American exceptionalism that prevent cooperation

Delamaide 9/27/13 (Darrell, Political Columnist for MarketWatch, "Congress Starting to Resemble the United Nations")

The brinksmanship over shutting down the government and risking default on U.S. debt is the ultimate test of American “exceptionalism.”¶ Can we parade our political dysfunction before the world and still retain the respect of other nations? Ask smirking Russian President Vladimir Putin about that.¶ Can we as the issuer of the world’s reserve currency manage a debt default without any long-term consequences? Heck, yes, seems to be the attitude of some cowboys in Washington. We’re the greatest nation on earth and we don’t have to follow the rules other nations follow, they imply.¶ President Barack Obama went to the United Nations this week to tell assembled world leaders that “America is exceptional — in part because we have shown a willingness, through the sacrifice of blood and treasure, to stand up not only for our own narrow self-interest, but for the interests of all.”¶ Click to Play¶ Obama: Government shutdown would be 'irresponsible'¶ President Obama addressed the Republican critics of his health-care plan on Thursday, calling their threat to shut down the government "irresponsible."¶ How credible are these words when our politicians can’t overcome their own narrow self-interest to take care of the commonweal in this country?¶ Does anyone believe that America wants to guarantee the security of Syrian children when our lawmakers won’t even provide food for hungry children at home?¶ Most Americans yawn when the news turns to the United Nations. We have come to dismiss the organization founded with such idealism after World War II as an ineffectual talking shop.¶ The General Assembly is useless, most people believe, because it is filled with crazy radicals who push for powerless motions that a sullen majority approves.

#### B) Asian stability- Successful negotiations key to perception of US commitment in Asia

Bloombeg, 10-4 [Bloomberg News editorial, "How Obama Can Apologize for Snubbing Asia," 10-4-13, www.bloomberg.com/news/2013-10-04/how-obama-can-apologize-for-snubbing-asia.html, accessed 10-4-13, mss]

How Obama Can Apologize for Snubbing Asia

President Barack Obama’s decision to cancel his already truncated trip to Asia next week has elicited shrugs in Washington and politely clenched jaws from Bali to Tokyo. What else could he do, say those focused on the high-stakes U.S. budget stalemate. What else is new, say those hoping that the administration will deliver on its promise of a “pivot” or a “rebalancing” toward Asia. Much of the criticism of the cancellation comes from those worried about China’s growing economic and strategic heft. The Chinese are playing a long game in the region, it’s said: President Xi Jinping has been crisscrossing Southeast Asia, glad-handing counterparts and talking up business deals. Questioning the U.S. commitment to Asia is a default setting for pundits -- one reinforced by Obama’s previous two cancellations of Asia trips in 2010 -- and the Chinese want their neighbors to know they aren’t going anywhere. You don’t need to be Sun Tzu to exploit this dynamic. Pure geography means that Chinese officials will always outdo their U.S. counterparts in the number of meetings held, deals signed, hands shaken. Countries in the region will always hedge their bets, rolling out the red carpet for Secretary of State John Kerry one week, then jetting off to Beijing to pose with Xi and Chinese Premier Li Keqiang. No doubt the U.S. would have benefited if Obama had gone ahead with his trip. Negotiations for the 12-nation Trans-Pacific Partnership trade pact are nearing the endgame. A little presidential charm or arm-twisting would surely help negotiators overcome the stumbling blocks presented by Japan’s closed agricultural markets, Malaysia’s ethnic preferences and Vietnam’s state-owned enterprises. At the same time, the agonizing in some quarters over the missed opportunity and U.S. loss of face is exaggerated. China’s heavy-handed behavior is the reason for renewed local interest in a strong U.S. presence. Nations from Myanmar to Vietnam to Japan are bridling at Chinese arrogance, military assertiveness and (as they see it) economic exploitation. That’s why Japan’s government wants to ramp up its military ties to the U.S. That’s why the Philippines is interested in reopening Subic Bay as a naval station for U.S. warships. And that’s why China is attempting a new charm offensive. Obama’s failure to don a batik shirt for the closing photo shoot of the Asia-Pacific Economic Cooperation summit changes little. In addition, if the past is any guide, China’s leaders will once again overplay their hand. For many of its neighbors, China’s uncompromising stance on sovereignty over various disputed atolls and islands is just too alienating. The U.S. would do well to play a long game of its own. More important than all the talk about “rebalancing” is the substance, especially concerning trade and investment. The U.S. now exports goods worth more than $325 billion a year to Pacific Rim nations. Kerry and Commerce Secretary Penny Pritzker can push for more. Even Congress has done its part by so far blessing sales of cheap shale gas to Asian nations, with or without free-trade agreements. At home, Obama can urge U.S. auto manufacturers and others to stop resisting some of the TPP’s provisions -- demands that will only provoke deal-breaking counterdemands from their Asian competitors. The U.S. could shine more light on unrest in countries such as Cambodia, where recent elections were tainted by charges of fraud. It can expand its emerging strategic cooperation with nations such as Vietnam, including a possible end to the embargo on the sale of lethal U.S. military equipment. **Asia’s leaders will judge the U.S.** commitment partly **by the resources** -- financial, diplomatic and military -- that **the administration has available** to it. **Cuts at the Pentagon** have already **caused alarm** across the region**. A functioning U.S. government** not about to default on its debts **will send a more impressive message than a presidential visit** while Washington flails.

#### Perception of US presence key to Asian stability

Goh, 8 -- University of Oxford International Relations lecturer

[Evelyn, International Relations of the Asia-Pacific, "Hierarchy and the role of the United States in the East Asian security order," 2008, irap.oxfordjournals.org/content/8/3/353.full, accessed 1-2-10, mss]

The centrality of these mutual processes of assurance and deference means that the stability of a hierarchical order is fundamentally related to a collective sense of certainty about the leadership and order of the hierarchy. This certainty is rooted in a combination of material calculations – smaller states' assurance that the expected costs of the dominant state conquering them would be higher than the benefits – and ideational convictions – the sense of legitimacy, derived from shared values and norms that accompanies the super-ordinate state's authority in the social order. The empirical analysis in the next section shows that regional stability in East Asia in the post-Second World War years can be correlated to the degree of collective certainty about the US-led regional hierarchy. East Asian stability and instability has been determined by U.S. assurances, self-confidence, and commitment to maintaining its primary position in the regional hierarchy; **the perceptions** and confidence **of** regional states about **US commitment**; and the reactions of subordinate states in the region to the varied challengers to the regional hierarchical order. 3 Hierarchy and the United States in East Asia after 1945 The U.S.' involvement has had a profound impact on [the] history of East Asia's development. America maintained an ‘open-door’ to China, twice transformed Japan, and spilt blood to hold the line against aggression and communism. The U.S. constructed and maintained the post-World War II international order that allowed East Asia to flourish. America's victory in the Cold War and its technology driving the new economy are continued influences. In the strategic sense, therefore, the U.S. is very much a part of East Asia. It has been, and still is, a **positive force for stability** and prosperity.5 The United States has been indisputably the preponderant power in East Asia since 1945. Throughout much of post-war Asia, it has largely been acknowledged as the central, or dominant, state with no local territorial ambitions. Washington's key allies which institutionalize this benign view through their defense treaties, but unallied countries such as those in Southeast Asia, and, more recently India, also see it as an honest broker and offshore balancer (Goh, 2000; Layne, 1997). The communist countries in the region, which have experienced containment, subversion, and invasion by US forces, have good reason to disagree. But even China has accepted the idea of the United States as a stabilizing force in the region since the 1970s.6 Certainly, this is less controversial a claim than that of other scholars who have argued for such a dominant position for China (Acharya, 2003/04). The United States has also been intimately involved in key regional conflicts in East Asia after 1945. It intervened crucially on the side of the Allied powers to win the war, and was a core player in the peace settlement for the Pacific theatre, especially in the occupation and rehabilitation of Japan. During the Cold War, Washington intervened in hot wars and led in containing communism, and after the Cold War, it has been critical in managing the main regional conflicts on the Korean Peninsula and across the Taiwan Straits.7 Indirectly, it has provided a regional security umbrella, which may have dampened or limited the regional effects of other bilateral or domestic conflicts, such as the South China Sea territorial disputes.8 The United States has also earned it dominant position at the top of the East Asian hierarchy because of its critical economic role, in providing vital market access to Japan and the other Asian ‘tiger’ economies for their remarkable development, and in continuing to provide significant investments to the region. Its socio-economic and political model has become even more attractive in the region after the dissolution of the Soviet model at end of the Cold War. In every way, the United States is the preponderant power and gatekeeper of the great power club. Furthermore, the US-led hierarchy in East Asia since 1945 reflects our expectations of regional strategic behavioral in such an order. First, the centrality of acquiescence by subordinate states is clear: most of the main Asian states, with the partial exception of China, are either US allies or are cultivating closer security relations with Washington. As discussed below, even China today is not challenging but accommodating the interests of United States in the region. Second, the East Asian security order has been most unstable when the United States' commitment to the region and thus its position at the top of the hierarchy was uncertain and/or challenged. The following analysis traces the East Asian security order through three periods after the Second World War. In the 1945–70 period, the United States consolidated its post-war dominance in the region and established a hierarchy of non-Communist bulwark states, and regional order was stable in spite of Communist challenges. After 1970, as China and the Soviet Union exerted more regional influence in the wake of the post-Vietnam American drawdown, the US preponderance was challenged and the regional hierarchical order destabilized as subordinate powers jostled for position and adopted a range of balancing and insurance policies. After the end of the Cold War, Asia's security order has been evolving again, with smaller states trying to bolster the US preponderance while facilitating the reconstituting of a hierarchical order that includes China, Japan, and India. The East Asian hierarchy is notable for its enduring layered nature. Within this US-dominated order, Japan has traditionally held the second-highest rank because of its alliance and strategic affinity with the United States, but after 1972, China entered the top ranks of this hierarchy and increasingly laid claims to the second position. During the Cold War, a looser Soviet-led hierarchical system did exist alongside the US-led hierarchy, but this disintegrated after 1972 and disappeared after 1989. In the post-Cold War period, the main challenge appears to be how to contain the incipient competition for the primary position in this hierarchy between the United States and China, but also how to manage potential contests over hierarchical rank between Japan, India, and China. 3.1 Consolidating U.S. preponderance, 1945–1970 After the Second World War, the United States emerged as the world's greatest power: the size of its economy was three times that of Russia and more than five times that of Britain after the war; it held two-thirds of the world's gold reserves and three-quarters of its invested capital, and more than half the world's manufacturing capacity (Leffler, 1992). This status quo preponderance was, however, perceived to have been threatened by the USSR's ascension to superpower status, especially in terms of rising Soviet military influence in Eastern Europe and Northeast Asia. While post-war American efforts to rally against Soviet geopolitical aspirations were concentrated in Europe and the Northern Tier, it was the Korean War that marked the beginning of the use of military force to counter communist expansion on a global scale.9 The American decision to cross the 38th parallel was an attempt to secure preponderant power in East Asia, and establish a global containment posture against Moscow. China's entry into the Korean War launched its own quest to become a great power, and was, in American eyes, a corollary to Soviet expansionist aims to establish international communist domination and push back the US power from key geostrategic strong points on the Eurasian continent. The Korean War decisively opened up Asia as an enduring theatre of the Cold War, in which future American policy calculations would have to take into account China as well as the Soviet Union. Because of its dominant power, the United States was able to throw a security cordon around China to contain Washington's growing fear of Asian revolution influenced by Chinese communists. This entailed primarily recognition and a commitment to the defense of the Republic of China on Taiwan, and an early end to the occupation of Japan, a peace and security treaty granting American forces’ extensive base rights in the post-Occupation period, and American sponsorship of Japanese re-development. Washington also signed security pacts with the Philippines, New Zealand, and Australia, and entered into defensive treaties with the Republic of Korea (1953) and Taiwan (1954). The Southeast Asia Treaty Organization was also created (in late 1954) and was comprised of non-communist states within and outside the Asian region. Moreover, the United States placed restrictions on European and Japanese economic relations with China (Schaller, 1985). In these ways, the US strategy in the 1950s constituted the regional order at a time of post-war weakness of established East Asian states and decolonization of new states. The US resources, actions, and relationships helped establish a hierarchy with the United States firmly at the top. Its role in ending the Pacific war had already guaranteed it a vital role in post-war regional reconstruction, but by entering the Korean War, Washington further established security priorities in Northeast Asia, identified the other important major states in the region, and which it would make friends and enemies of in the unfolding global ideological contest. Thus, Japan, South Korea, and Taiwan were incorporated into the US-led hierarchy by virtue of their strategic importance, and were extended hierarchical assurance by means of US security guarantees and economic aid and access for reconstruction and development. In return, these states deferred to US preponderance and leadership by their strategic dependence and clientalism, and by gradually evolving into bastions of capitalist democracies. In contrast, the opening of the East Asian front of the Cold War in Korea created as challengers to US preponderance and hierarchy the Soviet Union, China, North Korea, and later the Indo-Chinese states. This communist bloc was a competing regional hierarchy of sorts, but one that was less defined because of the lack of clarity about rank ordering within the region, and thus continually subject to internal conflict and external disruption.10 Yet, American dominance in East Asia was sustained in this period: even though there were many conflicts, the regional order was relatively stable because US commitment to sustaining its hierarchical preponderance was clear. This was seen especially in the offshore islands crises in the late 1950s, during which Chinese claims over islands near Taiwan met with little or no Soviet support, and the main incentive for Chinese restraint was the asymmetrical nuclear capability possessed by the United States (Chang, 1990). In the 1960s, the United States continued its policy of active containment in East Asia in the form of growing intervention in the Vietnam conflict, culminating in air strikes and a land invasion in 1965. The application of this grand strategy to preserve the US regional and global preponderance to Vietnam in the 1960s, however, revealed new constraints of American power in terms of the limits of US public tolerance for protracted and destructive warfare in a distant land against an ideological enemy. 3.2 Hierarchical uncertainty and regional instability, 1970–90 The unwinnable war in Vietnam led to a transition period in East Asia marked by grave uncertainty about the global balance of power between the United States and USSR, and about the stability of the regional hierarchy. In his 1969 Guam Doctrine, Richard Nixon declared a scaling-down of US global aspirations. The United States was now a Pacific power with reservations; it had no intention of becoming directly involved again in any regional conflict in Asia, although it would support allies and friends with military assistance and diplomatic backing. Washington's unsuccessful and draining war in Vietnam had already undermined regional confidence in its continued willingness to shoulder the costs of regional primacy, and the Guam Doctrine was interpreted by Asian states as signaling the potential abandonment of American regional leadership all together. This acute uncertainty about the US position at the top of the regional hierarchy led to instability and war, as regional states engaged in self-help and balance of power politics more actively than at any time since the end of the Second World War. The first significant change was that China became a much more prominent actor by being co-opted into the high levels of the US-led hierarchy. The bipolar superpower conflict underwent dramatic changes in the 1970s: the pre-existing Sino-Soviet strategic enmity intensified into a border war in 1969, and in response to the Nixon administration's overtures, China ‘defected’ from its alliance with the Soviet Union to a rapprochement and normalization with the US. The United States, meanwhile, sought a parallel détente with the Soviet Union. A strategic triangle thus emerged, with the United States as the pivotal player enjoying relatively good relations with the other two (Kissinger, 1977; Nixon, 1978). With the congruence between ideology and strategic affinity broken, the Cold War assumed an explicit realpolitik hue, focusing on state interests and capabilities. Within Asia though, the power competition developed along the Sino-Soviet fault-line, with the United States and China on the same side. The Sino-American rapprochement did not encourage Soviet conciliation, and instead heightened Soviet insecurity. Thus, one of the immediate Soviet reactions after the rapprochement was to encourage India to facilitate the breakup of Pakistan, a staunch ally of China. This forced the American ‘tilt toward Pakistan’ in 1971 in order to prevent India from destroying the Pakistani army and endangering China (Goh, 2004, pp.185–192). The Sino-Japanese rapprochement and Treaty of Peace and Friendship in 1978 further exacerbated the Soviet sense of isolation and encirclement. Moscow now saw itself as confronted in East Asia by an alliance of the most populous, most economically successful, and most powerful states, without the buffer of a friendly China to make up for the traditionally loose Soviet Far Eastern commitment (Solomon, 1982). This in turn contributed to more aggressive Soviet policy, such as the invasion of Afghanistan and the decision to support Vietnam (Yahuda, 1996). The Soviets granted Vietnam membership in COMECON and signed a formal friendship treaty with that Southeast Asian country in late 1978, which provided support for the Vietnamese invasion of Cambodia. China, in turn, was emboldened by its normalized relationship with the United States to attack Vietnam to ‘teach it a lesson’ for the Cambodian infringement (Ross, 1993). Thus, by 1979, strategic enmities in East Asia followed the Sino-Soviet divide, which was reinforced by the breakdown of the Soviet-American détente. Without the direct intervention of the United States, this pattern of conflict remained localized, centered on Indochina and regional powers. Hanoi and Moscow had taken advantage of the declining US commitment to the region to push Vietnam's bid for hegemony in Indochina; and upon its cooption into the regional hierarchy, China had taken punitive military action against Vietnam to try to uphold the regional status quo. The destabilizing effects of uncertainty about continued US dominance in the regional hierarchy was further evinced in Southeast Asia by the formation of the ASEAN in 1967. This collection of small, non-communist states saw their existing policy of bandwagoning with the United States as unsustainable, and chose to band together in a diplomatic community to help ensure their autonomy and security (Leifer, 1989). The stalemate that materialized over the ensuing decade featured internationally isolated Vietnam depending upon the Soviet Union to sustain its dominant position in Cambodia while being confronted in the margins by resistance forces backed by China, the United States, and ASEAN countries. It is possible to argue that for the Asian region as a whole, the late 1970s and 1980s saw a relatively stable pro-Western power equilibrium: apart from Vietnam, Laos, and Cambodia, almost all the other countries in the region, including China, were tied into a Western alliance system in one way or another (Zagoria, 1982). Yet, the United States receded as the central state in the regional order during this time. In South Asia, as a result of the 1971 war and Pakistani fragmentation, a strengthened India moved closer to the USSR by signing a bilateral Friendship Treaty. In East Asia, China (as a US partner) and Vietnam (with Soviet backing) became the key protagonists on the regional stage, while ASEAN also developed a greater role with its international diplomatic activism. During this unstable period, the regional hierarchy was in flux as the United States withdrew from its dominant position; China was gradually but uncertainly incorporated into the regional hierarchy and was the main protagonist in the conflict with communist Vietnam and the Soviet Union; while Indochina and ASEAN developed their own dynamics outside of the shifting regional great power hierarchy. 3.3 Reconstituting hierarchical order after 1990 The end of the Cold War brought about the most significant transition in the global and Asian regional orders. Globally, the United States remained the only superpower with resources that outstripped those of any other single state. In Asia, China's position continued to strengthen, as concerns grew about the further decline of American strategic interest in the region. The 1990s are notable as a decade in which regional actors become most prominent in actively trying to reconstitute the regional hierarchy, to maneuver the United States firmly back into a position of regional primacy. This activism on the part of both important potential challengers and strategically less powerful regional states is a strong indication of the mutually constructed, consensual nature of the preferred hierarchical order. The post-Cold War uncertainty about American commitment to Asia particularly affected Japan and Southeast Asia. Both reacted by trying to retain the dominant US military presence and its important economic and political influence in the region. The Japan–United States alliance could have been undermined after more than a decade of trade conflicts and bilateral tension over charges that it was free-riding on the US security guarantee, and by the deepening uncertainty surrounding the US commitment to East Asia in the early 1990s. Instead, the US policy-makers decided to strengthen their strategic ties as Tokyo likewise chose to enhance its alliance with Washington. Japan's decision reflected a fear of abandonment by the United States and a desire to continue to bind the US to the bilateral security guarantee and to its dominant position in the region. At the most pragmatic level, given the domestic political difficulties involved in constitutional amendment and in the face of security threats from North Korea and China, Japan needed to maintain its special relationship with the United States. The April 1996 Japan–United States Joint Declaration on Security and September 1997 Revised Guidelines for Japan–U.S. Defense Cooperation allowed for the expansion of security cooperation, especially in supplies and services to ‘situations in areas surrounding Japan that will have an important influence on Japan's peace and security’ (see guidelines available at http://www.mofa.go.jp/region/n-america/us/security/guideline2.html). This extended the Japanese Self-Defense Forces' mandate beyond defending the home islands against direct attack, to more generally enhancing regional stability. More recently, after the 9/11 terrorist attacks, the Japanese Diet passed an emergency law in October 2001 that allowed the Japanese military to provide logistical support for United States and others in anti-terrorist missions, paving the way for Japan to provide support functions in campaigns in Afghanistan and Iraq.11 These were decisions calculated to buttress the Japanese alliance with the United States, to assure the continuity of the US commitment to national and regional security in spite of changing strategic circumstances (Katzenstein and Okawara, 2004). This intensification of the United States–Japan alliance critically helps to underwrite the United States' position as the dominant state in the regional hierarchy in two ways: it enhances U.S. power projection both in the region and in the world; and it is a powerful symbol of the acquiescence and subordination of the main potential challenger for regional hegemony to the US domination (Nau, 2003, pp. 224–230). Thus, Japan's continued hierarchical deference to the United States vitally underpins its super-ordinate position in the region. Owing to their peripheral location and relative lack of strategic importance to the United States, most Southeast Asian states were even more concerned about a potential American withdrawal after the Cold War in the face of a rising China. Much has been written about Southeast Asian policies of engagement with China to mediate the China threat (Ba, 2003; Shambaugh, 2004/5; Goh, 2007). At the same time, however, they have tried selectively to harness the superior US force in the region to deter the potential aggression from China. Two Southeast Asian states – the Philippines and Thailand – are formal allies of the United States, but neither plays host to American bases. Instead, they and a number of non-allied countries, including Singapore, Malaysia, and Indonesia – provide military facilities and access to the US naval and air forces. They also participate in bilateral and multilateral joint exercises with the US forces, and some countries have preferential military supply relations with the Americans (Goh, 2007/08, pp. 113–157). They further demonstrate hierarchical deference and support by additionally tying themselves more closely to the United States in the short- to medium-term fight against terrorism, to help anchor the United States in the region as a counterweight against China (Goh, 2005b; Khong, 2004). Rather than encouraging the United States to target its forces directly against China, though, the goal is to further buttress American military superiority in the region, or to demonstrate the ability to harness it in ways required to act as a general deterrence to Chinese (or other) aggression.12 At the same time, they also seek to strengthen their individual military capabilities by attracting the US military aid and training, trade, and economic assistance. Southeast Asian strategies go beyond simple bandwagoning with the dominant power, though, because they pay great attention also to engaging China and other regional powers. For instance, ASEAN's efforts at developing closer economic relations, generating more sustained political/security dialogue, and establishing military exchanges and relationships, are aimed not only at China, but also at the United States, as well as other major regional players such as Japan, South Korea, and India. By enmeshing the United States, China, and other large powers into regional institutions and norms, Southeast Asian states want to involve them actively in the region by means of good political relationships, deep and preferential economic exchanges, and some degree of defense dialogue and exchange. Southeast Asian policy-makers believe that this creates greater long-term stability in the region (Acharya, 2002). The aim is not to produce a multipolar balance of power in the conventional sense, because the major powers involved here are not all equally formidable. Rather, many Southeast Asian countries prefer to retain the United States as the preponderant superpower, with China as the regional great power, and India and Japan as second-tier regional powers (Goh, 2007/08). This strategic vision reflects a surprising degree of activism on the part of subordinate states not only in helping to sustain hierarchical leadership, but also to innovate so as to buttress regional order. The key innovation here is to try to facilitate the further integration of China into the regional hierarchy, to lend more direction and substance to this process which began in the 1970s. The most important element though is how to integrate China at a level below that of the United States, that is, as the second ranked but still subordinate power. For the last 50 years, the East Asian hierarchy was US-dominated, with the rank order of states within the hierarchy dependent chiefly on alliance or other defense relations with the United States, while communist challengers were excluded from the hierarchy altogether. Now, China has to be integrated on the basis of its economic, political, and military strength, and perhaps more importantly, its right to be a leading power, as perceived by states the region. This model of regional order coincides most closely with Kang's model, though with two significant differences: the United States, not China, is the primary state; and the hierarchical order is constituted by layers of major powers, rather than just the one. 4 Hierarchy and the East Asian security order Currently, the regional hierarchy in East Asia is still dominated by the United States. Since the 1970s, China has increasingly claimed the position of second-ranked great power, a claim that is today legitimized by the hierarchical deference shown by smaller subordinate powers such as South Korea and Southeast Asia. Japan and South Korea can, by virtue of their alliance with the United States, be seen to occupy positions in a third layer of regional major powers, while India is ranked next on the strength of its new strategic relationship with Washington. North Korea sits outside the hierarchic order but affects it due to its military prowess and nuclear weapons capability. Apart from making greater sense of recent history, conceiving of the US' role in East Asia as the dominant state in the regional hierarchy helps to clarify three critical puzzles in the contemporary international and East Asian security landscape. First, it contributes to explaining the lack of sustained challenges to American global preponderance after the end of the Cold War. Three of the key potential global challengers to US unipolarity originate in Asia (China, India, and Japan), and their support for or acquiescence to, US dominance have helped to stabilize its global leadership. Through its dominance of the Asian regional hierarchy, the United States has been able to neutralize the potential threats to its position from Japan via an alliance, from India by gradually identifying and pursuing mutual commercial and strategic interests, and from China by encircling and deterring it with allied and friendly states that support American preponderance. Secondly, recognizing US hierarchical preponderance further explains contemporary under-balancing in Asia, both against a rising China, and against incumbent American power. I have argued that one defining characteristic of a hierarchical system is voluntary subordination of lesser states to the dominant state, and that this goes beyond rationalistic bandwagoning because it is manifested in a social contract that comprises the related processes of hierarchical assurance and hierarchical deference. Critically, successful and sustainable hierarchical assurance and deference helps to explain why Japan is not yet a ‘normal’ country. Japan has experienced significant impetus to revise and expand the remit of its security forces in the last 15 years. Yet, these pressures continue to be insufficient to prompt a wholesale revision of its constitution and its remilitarization. The reason is that the United States extends its security umbrella over Japan through their alliance, which has led Tokyo not only to perceive no threat from US dominance, but has in fact helped to forge a security community between them (Nau, 2003). Adjustments in burden sharing in this alliance since the 1990s have arisen not from greater independent Japanese strategic activism, but rather from periods of strategic uncertainty and crises for Japan when it appeared that American hierarchical assurance, along with US' position at the top of the regional hierarchy, was in question. Thus, the Japanese priority in taking on more responsibility for regional security has been to improve its ability to facilitate the US' central position, rather than to challenge it.13 In the face of the security threats from North Korea and China, Tokyo's continued reliance on the security pact with the United States is rational. While there remains debate about Japan's re-militarization and the growing clout of nationalist ‘hawks’ in Tokyo, for regional and domestic political reasons, a sustained ‘normalization’ process cannot take place outside of the restraining framework of the United States–Japan alliance (Samuels, 2007; Pyle, 2007). Abandoning the alliance will entail Japan making a conscience choice not only to remove itself from the US-led hierarchy, but also to challenge the United States dominance directly. The United States–ROK alliance may be understood in a similar way, although South Korea faces different sets of constraints because of its strategic priorities related to North Korea. As J.J. Suh argues, in spite of diminishing North Korean capabilities, which render the US security umbrella less critical, the alliance endures because of mutual identification – in South Korea, the image of the US as ‘the only conceivable protector against aggression from the North,’ and in the United States, an image of itself as protector of an allied nation now vulnerable to an ‘evil’ state suspected of transferring weapons of mass destruction to terrorist networks (Suh, 2004). Kang, in contrast, emphasizes how South Korea has become less enthusiastic about its ties with the United States – as indicated by domestic protests and the rejection of TMD – and points out that Seoul is not arming against a potential land invasion from China but rather maritime threats (Kang, 2003, pp.79–80). These observations are valid, but they can be explained by hierarchical deference toward the United States, rather than China. The ROK's military orientation reflects its identification with and dependence on the United States and its adoption of US' strategic aims. In spite of its primary concern with the North Korean threat, Seoul's formal strategic orientation is toward maritime threats, in line with Washington's regional strategy. Furthermore, recent South Korean Defense White Papers habitually cited a remilitarized Japan as a key threat. The best means of coping with such a threat would be continued reliance on the US security umbrella and on Washington's ability to restrain Japanese remilitarization (Eberstadt et al., 2007). Thus, while the United States–ROK bilateral relationship is not always easy, its durability is based on South Korea's fundamental acceptance of the United States as the region's primary state and reliance on it to defend and keep regional order. It also does not rule out Seoul and other US allies conducting business and engaging diplomatically with China. India has increasingly adopted a similar strategy vis-à-vis China in recent years. Given its history of territorial and political disputes with China and its contemporary economic resurgence, India is seen as the key potential power balancer to a growing China. Yet, India has sought to negotiate settlements about border disputes with China, and has moved significantly toward developing closer strategic relations with the United States. Apart from invigorated defense cooperation in the form of military exchange programs and joint exercises, the key breakthrough was the agreement signed in July 2005 which facilitates renewed bilateral civilian nuclear cooperation (Mohan, 2007). Once again, this is a key regional power that could have balanced more directly and independently against China, but has rather chosen to align itself or bandwagon with the primary power, the United States, partly because of significant bilateral gains, but fundamentally in order to support the latter's regional order-managing function. Recognizing a regional hierarchy and seeing that the lower layers of this hierarchy have become more active since the mid-1970s also allows us to understand why there has been no outright balancing of China by regional states since the 1990s. On the one hand, the US position at the top of the hierarchy has been revived since the mid-1990s, meaning that deterrence against potential Chinese aggression is reliable and in place.14 On the other hand, the aim of regional states is to try to consolidate China's inclusion in the regional hierarchy at the level below that of the United States, not to keep it down or to exclude it. East Asian states recognize that they cannot, without great cost to themselves, contain Chinese growth. But they hope to socialize China by enmeshing it in peaceful regional norms and economic and security institutions. They also know that they can also help to ensure that the capabilities gap between China and the United States remains wide enough to deter a power transition. Because this strategy requires persuading China about the appropriateness of its position in the hierarchy and of the legitimacy of the US position, all East Asian states engage significantly with China, with the small Southeast Asian states refusing openly to ‘choose sides’ between the United States and China. Yet, hierarchical deference continues to explain why regional institutions such as the ASEAN Regional Forum, ASEAN + 3, and East Asian Summit have made limited progress. While the United State has made room for regional multilateral institutions after the end of the Cold War, its hierarchical preponderance also constitutes the regional order to the extent that it cannot comfortably be excluded from any substantive strategic developments. On the part of some lesser states (particularly Japan and Singapore), hierarchical deference is manifested in inclusionary impulses (or at least impulses not to exclude the United States or US proxies) in regional institutions, such as the East Asia Summit in December 2005. Disagreement on this issue with others, including China and Malaysia, has stymied potential progress in these regional institutions (Malik, 2006). Finally, conceiving of a US-led East Asian hierarchy amplifies our understanding of how and why the United States–China relationship is now the key to regional order. The vital nature of the Sino-American relationship stems from these two states' structural positions. As discussed earlier, China is the primary second-tier power in the regional hierarchy. However, as Chinese power grows and Chinese activism spreads beyond Asia, the United States is less and less able to see China as merely a regional power – witness the growing concerns about Chinese investment and aid in certain African countries. This causes a disjuncture between US global interests and US regional interests. Regional attempts to engage and socialize China are aimed at mediating its intentions. This process, however, cannot stem Chinese growth, which forms the material basis of US threat perceptions. Apprehensions about the growth of China's power culminates in US fears about the region being ‘lost’ to China, echoing Cold War concerns that transcribed regional defeats into systemic setbacks.15 On the other hand, the US security strategy post-Cold War and post-9/11 have regional manifestations that disadvantage China. The strengthening of US alliances with Japan and Australia; and the deployment of US troops to Central, South, and Southeast Asia all cause China to fear a consolidation of US global hegemony that will first threaten Chinese national security in the regional context and then stymie China's global reach. Thus, the key determinants of the East Asian security order relate to two core questions: (i) Can the US be persuaded that China can act as a reliable ‘regional stakeholder’ that will help to buttress regional stability and US global security aims;16 and (ii) can China be convinced that the United States has neither territorial ambitions in Asia nor the desire to encircle China, but will help to promote Chinese development and stability as part of its global security strategy? (Wang, 2005). But, these questions cannot be asked in the abstract, outside the context of negotiation about their relative positions in the regional and global hierarchies. One urgent question for further investigation is how the process of assurance and deference operate at the topmost levels of a hierarchy? When we have two great powers of unequal strength but contesting claims and a closing capabilities gap in the same regional hierarchy, how much scope for negotiation is there, before a reversion to balancing dynamics? This is the main structural dilemma: as long as the United States does not give up its primary position in the Asian regional hierarchy, China is very unlikely to act in a way that will provide comforting answers to the two questions. Yet, the East Asian regional order has been and still is constituted by US hegemony, and to change that could be **extremely disruptive** and may lead to regional actors acting in **highly destabilizing** ways. Rapid Japanese remilitarization, armed conflict across the Taiwan Straits, Indian nuclear brinksmanship directed toward Pakistan, or a highly destabilized Korean peninsula are all illustrative of potential regional disruptions. 5 Conclusion To construct a coherent account of East Asia's evolving security order, I have suggested that the United States is the **central force** in constituting regional stability and order. The major patterns of equilibrium and turbulence in the region since 1945 can be explained by the relative stability of the US position at the top of the regional hierarchy, with periods of greatest insecurity being correlated with greatest uncertainty over the American commitment to managing regional order. Furthermore, relationships of hierarchical assurance and hierarchical deference explain the unusual character of regional order in the post-Cold War era. However, the greatest contemporary challenge to East Asian order is the potential conflict between China and the United States over rank ordering in the regional hierarchy, a contest made more potent because of the inter-twining of regional and global security concerns. Ultimately, though, investigating such questions of positionality requires conceptual lenses that go beyond basic material factors because it entails social and normative questions. How can China be brought more into a leadership position, while being persuaded to buy into shared strategic interests and constrain its own in ways that its vision of regional and global security may eventually be reconciled with that of the United States and other regional players? How can Washington be persuaded that its central position in the hierarchy must be ultimately shared in ways yet to be determined? The future of the East Asian security order is tightly bound up with the durability of the United States' global leadership and regional domination. At the regional level, the main scenarios of disruption are an outright Chinese challenge to US leadership, or the defection of key US allies, particularly Japan. Recent history suggests, and the preceding analysis has shown, that challenges to or defections from US leadership will come at junctures where it appears that the US commitment to the region is in doubt, which in turn destabilizes the hierarchical order. At the global level, American geopolitical over-extension will be the key cause of change. This is the one factor that could lead to both greater regional and global turbulence, if only by the attendant strategic uncertainly triggering off regional challenges or defections. However, it is notoriously difficult to gauge thresholds of over-extension. More positively, East Asia is a region that has adjusted to previous periods of uncertainty about US primacy. Arguably, the regional consensus over the United States as primary state in a system of benign hierarchy could accommodate a shifting of the strategic burden to US allies like Japan and Australia as a means of systemic preservation. The alternatives that could surface as a result of not doing so would appear to be much worse.

#### 3. Obama is necessary- needs to use his bully pulpit

The Citizen 10/3/13 (Guy Cosentino, Former Mayor of Auburn, "Cosentino: Obama Needs to Show Leadership")

So while most of the concentration this week will be about getting the federal government back in operation, the president, who has been extremely weak in the past crises, should make sure that any agreement to get the government fully operational requires a deal on raising the debt ceiling. Anything less encourages another crisis which will have far worse ramifications in the long term than what is occurring this week, ultimately wrecking the economy.¶ Obama has shown some backbone these last two weeks over the shutdown but is largely not comprising on his Patient Protection and Affordable Care Act, better known as “Obamacare.” After watching him “blink” after his sizeable election victory last November on the fiscal cliff issues, one might wonder if his toughness right now is because his name is on the signature legislation under attack. With Congress having a 10 percent approval rating, this is the time for the president to use his bully pulpit and popularity to get a long term deal.¶ Presidential leadership, for the long term, means holding out on a deal to open the federal government back up that resolves the debt ceiling issue. Anything less will set the board for another fiscal crisis, jeopardizing our fiscal credibility worldwide and tenuous, at best, economic recovery.

**Having to defend authority derails the current agenda**

Kriner 10 Douglas L. Kriner (assistant professor of political science at Boston University) “After the Rubicon: Congress, Presidents, and the Politics of Waging War”, University of Chicago Press, Dec 1, 2010, page 68-69.

While congressional support leaves the president’s reserve of political capital intact, congressional criticism saps energy from other initiatives on the home front by forcing the president to expend energy and effort defending his international agenda. Political capital spent shoring up support for a president’s foreign policies is capital that is unavailable for his future policy initiatives. Moreover, any weakening in the president’s political clout may have immediate ramifications for his reelection prospects, as well as indirect consequences for congressional races.59 Indeed, Democratic efforts to tie congressional Republican incumbents to President George W. Bush and his war policies paid immediate political dividends in the 2006 midterms, particularly in states, districts, and counties that had suffered the highest casualty rates in the Iraq War. 60 In addition to boding ill for the president’s perceived political capital and reputation, such partisan losses in Congress only further imperil his programmatic agenda, both international and domestic. Scholars have long noted that President Lyndon Johnson’s dream of a Great Society also perished in the rice paddies of Vietnam. Lacking the requisite funds in a war-depleted treasury and the political capital needed to sustain his legislative vision, Johnson gradually let his domestic goals slip away as he hunkered down in an effort first to win and then to end the Vietnam War. In the same way, many of President Bush’s highest second-term domestic proprieties, such as Social Security and immigration reform, failed perhaps in large part because the administration had to expend so much energy and effort waging a rear-guard action against congressional critics of the war in Iraq.61 When making their cost-benefit calculations, presidents surely consider these wider political costs of congressional opposition to their military policies. If congressional opposition in the military arena stands to derail other elements of his agenda, all else being equal, the president will be more likely to judge the benefits of military action insufficient to its costs than if Congress stood behind him in the international arena.

**Political capital is real and key to the agenda—their studies are biased.**

**Beckman and McGann ‘8** (Matthew N. Beckmann and Anthony J. McGann, Assistant Professor of Political Science at the University of California, Irvine, Associate Professor of Political Science at the University of California, Irvine and Reader in Government at the University of Essex, Journal of Theoretical Politics, “Navigating the Legislative Divide: Polarization, Presidents, and Policymaking in the United States”)

A second question focuses on presidents’ role in polarized politics. Even as empiricists have cited presidents as key legislative players – in agenda setting as well as coalition building (Rossiter, 1956; Neustadt, 1960; Covington, 1987, 1988; Sullivan, 1988, 1990; Edwards, 1989; Bond and Fleisher, 1990; Peterson, 1990; Covington et al., 1995; Cameron, 2000; Edwards and Barrett, 2000) – to date the theoretical models have largely conﬁned presidents to a reactive role, that of a veto player.7 Below we incorporate presidents as strategic players into the theoretical models of lawmaking when proactively promoting preferred policies. In doing so, we not only specify elements of this strategy but also examine the conditions under which they will be effective. Finally, what does this mean for the policies that the president ultimately signs into law? The foremost implication of the preference-based models is that all congressional paths funnel toward the center of congressional members’ preferences. But listening to the Capitol’s so called ‘centrists’ suggests federal laws frequently deviate from their preferences. Seemingly pivotal lawmakers regularly pronounce a bittersweet assessment of their chamber’s products – better than nothing but far from ideal. Our ﬁnal question, therefore, examines whether all lawmaking involves moves toward the center of the ideological spectrum or whether some conditions enable presidents to pull outcomes away from the philosophical middle and toward the ideological extreme. Overcoming the Ideological Divide To this point it has been argued that polarization tends to promote gridlock. Partisan polarization does so inasmuch as it encourages lawmakers to put posturing ahead of negotiating, and ideological polarization does so inasmuch as it reduces the range of issues where pivotal voters can agree to pass any new law over the status quo. Here we build from this theoretical baseline to examine the effect of incorporating two important stylistic features: presidents and polarization. The Wellsprings of Presidential Power In his seminal work on the presidency, Richard Neustadt (1960) cited the ofﬁce’s informal levers of power – not its constitutional levers of power – as central to understanding presidents’ role in American politics generally, and federal lawmaking in particular. For Neustadt, these informal powers were rooted in the presidency’s unrivaled perspective and prestige; for Sam Kernell (1993), they stem from presidents’ unique capacity to rally public pressure against otherwise recalcitrant lawmakers (see also Canes-Wrone, 2005). And **beyond personal persuasion and ‘going public’, presidents and their aides also enjoy a distinct ability to engage in what political scientists call vote-buying and Washington insiders call ‘horse-trading’**.8 Whatever the president’s tactical choice – private persuasion, public pressure, or vote buying – they all ﬁt under the same strategic umbrella**; each reﬂects the president’s allocation of president-controlled resources to alter lawmakers’ positions**. As such, we employ the omnibus concept of ‘presidential political capital’ to capture this class of presidential lobbying. More precisely, we deﬁne presidents’ political capital as the resources White House ofﬁcials can allocate to induce changes in lawmakers’ position on roll-call votes.9 This deﬁnition of presidential political capital comports well with previous scholarship (e.g. Groseclose and Snyder, 1996) as well as contemporaneous accounts of White House lobbying. For example, after watching the administration’s recent effort before a vote on an important trade bill, the next-day’s Washington Post article described the situation: So many top Bush administration ofﬁcials were working the Capitol last night that Democrats joked that the hallways looked like a Cabinet meeting . . . The last-minute negotiations for votes resembled the wheeling and dealing on a car lot . . . Members took advantage of the opportunity by requesting such things as fundraising appearances by Cheney and the restoration of money the White House has tried to cut from agriculture programs. (Blustein and Allen, 2005: s. A) Nearly 20 years earlier, Ronald Reagan’s OMB 251), described a similar scene: ‘The last 10 percent or 20 percent of the votes needed for a majority of both houses on the 1981 tax cut had to be bought, period’. Applying the well-known vote-buying models (see Snyder, 1991; Groseclose, 1996; Groseclose and Snyder, 1996) to this setup, we show how presidents can strategically target their political capital to legislators to the end of inﬂuencing lawmakers and the policies they pass. From there we incorporate polarization into the model to show how it conditions the president’s inﬂuence. The Basic Model To start, let us consider a simple vote-buying game. There are two types of players: a president who seeks to buy votes such that the Senate passes legisla- tion more to his liking than it otherwise would, and senators, who must balance the utility they derive from voting in line with their default ideal with the beneﬁts that the president offers. Hence we assume that the legislative outcome can be described as a point on the Real number line. The president’s utility function is: Up = Aðo, pÞ − B where o is the outcome, p is the president’s ideal point and B is the sum of poli- tical capital the president spends. Let us assume that p ≥ o ≥ status quo (i.e., that the president wishes to move the outcome to ‘the right’.) Furthermore, assume that A (o, p) is a function of the distance between the outcome and presi- dent’s ideal – increasing as the outcome (o) approaches his ideal (p). The utility function of a senator is a function of whether they vote yea or nay, and whether they support the proposal sufﬁciently to vote for it absent any presidential pressure or bribe: If si ≤ o: Yea: Ui = Ci ðo, si Þ + bi Nay: Ui = 0 If si ≥ o Yea: 0 Nay: −Ci ðo, si Þ + bi where bi is the political capital offered to each individual senator, si is the senator’s ideal point and C (o, si Þ is a function of the distance between o and s i – with senators’ utility increasing as the distance between the outcome and their ideal decreases. One interpretation of senators’ ideal points is the most extreme outcome a senator will support without a bribe. Senators for whom si ≥ o will support proposal o without being lobbied, and indeed would have to be lobbied not to support it, whereas senators for whom si < o will not vote for proposal o unless the president expends some political capital on them. Like Groseclose and Snyder (1996), we assume senators derive utility from their revealed preference over policies, not just the outcome. As a ﬁrst point, it is worth stating the obvious: **the greater the president’s political capital, the greater his ability to inﬂuence legislators’ votes.** If bi = 0 – either because the president chose not to get involved or because he lacks political capital to spend – then the White House is limited to the familiar role of veto bargaining (see Cameron, 2000). Indeed, **when unwilling or unable to spend the political capital that presidential lobbying demands, the president and his team cannot push a proactive legislative agenda**. By contrast, as bi increases, the administration’s ability to ply any particular member increases, thereby granting presidents a positive role in the policymaking process.

#### 3. plan is unpopular- a more recent senate committee brought up the issue of detention and is was shot down instantly, proves it’s partisan- that’s Kliegman

Klaidman 5/15/13 (Daniel, Author for Newsweek Magazine and the Daily BEast, "How Gitmo Imprisoned Obama" The Daily Beast)

But one of his very first tactical moves on Guantánamo backfired spectacularly. Obama’s plan to bring to the United States a handful of detainees—Chinese Uighurs who were cleared by the courts—caused a political furor. Obama pulled the plug on the plan, and Congress soon began passing measures to restrict transfers out of Gitmo. For Obama’s political advisers, the episode demonstrated that the toxic politics of terrorism could overwhelm the administration’s domestic agenda; for civil libertarians, it was an ominous sign that Obama lacked the political will to aggressively engage Congress on one of their core concerns. Even some of Obama’s top national-security aides were frustrated with the White House’s timid approach toward Congress. John Brennan—then Obama’s counterterrorism czar, now his CIA chief—believed the administration needed to show more backbone in its dealings with Congress, according to a source who spoke with him at the time. Brennan’s outrage was fueled by the knowledge that many detainees, who were still at Guantánamo after years of detention, had no record of terrorism.¶ Christoph Bangert/Laif/Redux¶ Former Gitmo detainee Abdul Salam Zaeef.¶ A few weeks after the Uighur debacle, Obama made his first attempt to save his faltering Guantánamo policy: in a sweeping address at the National Archives, he laid out a detailed plan for closing the prison. But in the end, however eloquent, it was only a speech. It did not, in any measurable way, push the policy forward.¶ Things only got worse from there. On Christmas Day 2009, the so-called underwear bomber attempted to bring down a plane over Detroit—a plot that was directed by al Qaeda’s Yemen affiliate. The frightening near miss took a powerful psychic toll on the White House, which was still dogged by the perception that Democrats were weak on national security. Obama became convinced that he could not send any of the nearly 100 Yemeni detainees at Gitmo back to their home country, for fear they would link up with extremists and begin plotting attacks against America. Suddenly, the fate of the Yemenis was another giant obstacle to closing the prison.¶ Ed Alcock/eyevine/Redux¶ Former Gitmo detainee Lakhdar Boumediene.¶ Then came the unraveling of Attorney General Eric Holder’s plans to try some Gitmo detainees, including 9/11 mastermind Khalid Sheikh Mohammed, in New York. Obama had initially backed Holder’s decision. But when it blew up in Congress, he seemed to equivocate. His own chief of staff, Rahm Emanuel, actually worked behind the scenes with Republican senators to undermine Holder’s initiative, according to multiple sources with knowledge of the episode. Once the plan cratered, lawmakers smelled blood. They began passing ever more restrictive legislation tying the administration’s hands on Guantánamo.¶ For much of the past few years, without any signal that Obama was going to fight on Gitmo, the policy drifted. Daniel Fried, the veteran State Department official in charge of resettling detainees, was transferred to a different position. Even the steps Obama took to move things forward were of a highly limited nature. One of those steps came in March 2011, when Obama issued an executive order designed to solve a thorny problem. Forty-eight of the detainees could not be prosecuted, either for lack of evidence or because they had been tortured—yet they were nonetheless considered too dangerous to release. This meant they had to be held in indefinite detention, a prospect that troubled Obama. His compromise, issued via executive order, was to set up Periodic Review Boards—administrative bodies that would allow such prisoners to challenge their incarceration, including by presenting new evidence.

#### Winners lose specifically for Obama’s second term

Walsh 12 Ken covers the White House and politics for U.S. News. “Setting Clear Priorities Will Be Key for Obama,” 12/20, http://www.usnews.com/news/blogs/Ken-Walshs-Washington/2012/12/20/setting-clear-priorities-will-be-key-for-obama

And there is an axiom in Washington: Congress, the bureaucracy, the media, and other power centers can do justice to only one or two issues at a time. Phil Schiliro, Obama's former liaison to Congress, said Obama has "always had a personal commitment" to gun control, for example.¶ But Schiliro told the New York Times, "Given the crisis he faced when he first took office, there's only so much capacity in the system to move his agenda." So Obama might be wise to limit his goals now and avoid overburdening the system, or he could face major setbacks that would limit his power and credibility for the remainder of his presidency.

#### Winners win is wrong -- Obama votes neg

Jackie Calmes, NYTimes, 11/12/12, In Debt Talks, Obama Is Ready to Go Beyond Beltway, mobile.nytimes.com/2012/11/12/us/politics/legacy-at-stake-obama-plans-broader-push-for-budget-deal.xml

That story line, stoked by Republicans but shared by some Democrats, holds that Mr. Obama is too passive and deferential to Congress, a legislative naïf who does little to nurture personal relationships with potential allies - in short, not a particularly strong leader. Even as voters re-elected Mr. Obama, those who said in surveys afterward that strong leadership was the most important quality for a president overwhelmingly chose Mr. Romney.

George C. Edwards III, a leading scholar of the presidency at Texas A & M University who is currently teaching at Oxford University, dismissed such criticisms as shallow and generally wrong. Yet Mr. Edwards, whose book on Mr. Obama's presidency is titled "Overreach," said, "He didn't understand the limits of what he could do." "They thought they could continuously create opportunities and they would succeed, and then there would be more success and more success, and we'd build this advancing-tide theory of legislation," Mr. Edwards said. "And that was very naïve, very silly. Well, they've learned a lot, I think." "Effective leaders," he added, "exploit opportunities rather than create them." The budget showdown is an opportunity. But like many, it holds risks as well as potential rewards. "This election is the second chance to be what he promised in 2008, and that is to break the gridlock in Washington," said Kenneth M. Duberstein, a Reagan White House chief of staff, who voted for Mr. Obama in 2008 and later expressed disappointment. "But it seems like this is a replay of 2009 and 2010, when he had huge majorities in the House and Senate, rather than recognizing that 'we've got to figure out ways to work together and it's not just what I want.' " For now, at least, Republican lawmakers say they may be open to raising the tax bill for some earners. "We can increase revenue without increasing the tax rates on anybody in this country," said Representative Tom Price, Republican of Georgia and a leader of House conservatives, on "Fox News Sunday." "We can lower the rates, broaden the base, close the loopholes." The challenge for Mr. Obama is to use his postelection leverage to persuade Republicans - or to help Speaker John A. Boehner persuade Republicans - that a tax compromise is in their party's political interest since most Americans favor compromise and higher taxes on the wealthy to reduce annual deficits. Some of the business leaders the president will meet with on Wednesday are members of the new Fix the Debt coalition, which has raised about $40 million to urge lawmakers and their constituents to support a plan that combines spending cuts with new revenue. That session will follow Mr. Obama's meeting with labor leaders on Tuesday. His first trip outside Washington to engage the public will come after Thanksgiving, since Mr. Obama is scheduled to leave next weekend on a diplomatic trip to Asia. Travel plans are still sketchy, partly because his December calendar is full of the traditional holiday parties. Democrats said the White House's strategy of focusing both inside and outside of Washington was smart. "You want to avoid getting sucked into the Beltway inside-baseball games," said Joel Johnson, a former adviser in the Clinton White House and the Senate. "You can still work toward solutions, but make sure you get out of Washington while you are doing that." The president must use his leverage soon, some Democrats added, because it could quickly wane as Republicans look to the 2014 midterm elections, when the opposition typically takes seats from the president's party in Congress.

#### Obama wont unilaterally raise the ceiling -

Robb 9/30/13 (Greg Market Watch Writer, Citing Jay Carney White House Spokesman, "Obama Cannot Raise the Debt Ceiling Alone: Carney")

WASHINGTON (MarketWatch) - President [Barack Obama](http://www.marketwatch.com/people/Barack_Obama?lc=int_mb_1001) does not believe he has the authority to raise the debt ceiling unilaterally, putting the onus on Congress to act, White House spokesman Jay Carney said Monday. "Congress has to vote to raise the debt ceiling, the president can't raise it by himself," Carney said at the daily White House briefing. Some law professors and politicians, including former President [Bill Clinton](http://www.marketwatch.com/people/Bill_Clinton?lc=int_mb_1001), have argued that the constitution gives the president power to raise the debt ceiling in order to avoid a default on government debt. Carney said White House lawyers don't think the constitution gives the president such power. In addition, any unilateral action would just create a cloud of controversy and might not be taken seriously by the global economy and markets, he added.Treasury Secretary Jacob Lew has said emergency measures that have delayed the debt ceiling since May will expire on Oct. 17.

#### His legal office has ruled it out

Reuters 9/30/13 ("Update 1 - Raising US Debt cap Unilaterally Would be Suspect - White House")

Reuters) - The White House on Monday sought to quash any possibility that President [Barack Obama](http://www.reuters.com/people/barack-obama?lc=int_mb_1001) would raise the U.S. debt ceiling by himself should Congress fail to do so before a mid-October deadline, as some have suggested he should.¶ The U.S. Treasury Department has said it will exhaust the nation's $16.7 trillion borrowing limit in less than three weeks. Unless Congress raises the cap, the government would go into default, which the administration and most analysts say would deal a disastrous blow to the U.S. and the global [economy](http://www.reuters.com/finance/economy?lc=int_mb_1001), where the value of U.S. government debt is sacrosanct.¶ "Even if the president could ignore the debt ceiling, the fact that there is significant controversy around the president's authority to act unilaterally means that it would not be a credible alternative to Congress raising the debt ceiling and would not be taken seriously by the global [economy](http://www.reuters.com/finance/economy?lc=int_mb_1001) and [markets](http://www.reuters.com/finance/markets?lc=int_mb_1001)," White House spokesman Jay Carney told reporters.

**We have strong statistical support**

**Royal 10** Jedediah, Director of Cooperative Threat Reduction at the U.S. Department of Defense, “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 external conflict**. Political science literature has contributed a moderate degree of attention to the impact of economic decline and the security and defence behaviour 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 crises 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). Separately, 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 behaviour 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. Crises could potentially be the trigger for decreased trade expectations either on its own or because it triggers protectionist moves by interdependent states.4 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 favour. Moreover, the presence of a recession tends to amplify the extent to which international and external conflicts self-reinforce each other. (Blomberg & Hess, 2002, p. 89)Economic decline has also been linked with an increase in the likelihood of terrorism (Blomberg, Hess, & Weerapana, 2004), which has the capacity to spill across borders