**2AC A2: Statutory Restrictions Fail**

***Even if they aren’t legally binding, they raise the political costs of unilateral action, which checks – that’s ogul***

***Farley says the plan revitalizes court intervention – allows them to rule on a definition of hostilities***

***External checks are effective***

Aziz Z. **Huq 12**, Assistant Professor of Law, University of Chicago Law School, "Binding the Executive (by Law or by Politics)", May 25, www.law.uchicago.edu/files/file/400-ah-binding.pdf

Paulson ’ s genuflection and Obama ’ s reticence, I will contend here, are symptomatic of our political system ’ s operation rather than being aberration al . **It is generally the case that even in the heart of crisis, and even on matters where executive competence is supposedly at an acme , legislators employ formal institutional powers not only to delay executive initiatives but also affirmatively to end presidential policies**. 20 ***Numerous examples*** from recent events ***illustrate the point*. Congressional adversaries of Obama**, for instance, **cut off his policy of emptying Guantánamo** Bay via appropriations riders. 21 **Deficit hawks spent 2011 resisting the President’s solutions to federal debt**, while the President declined to short - circuit negotiations with unilateral action. 22 Even in military matters, ***a growing body of empirical research suggests Congress often successfully influences the course of overseas engagements to a greater degree than legal scholars have*** discerned or ***acknowledged***. 23¶ That work suggests that **the failure of absolute congressional control over military matters cannot be taken as evidence of “the inability of law to constrain the executive** ” in more subtle ways (p 5). ***The conventional narrative of executive dominance*** , in other words, ***is at best incomplete*** and demands supplementing .¶ This Review uses The Executive Unbound as a platform to explore how the boundaries of discretionary executive action are established. As the controversial national security policies of the Bush administration recede in time, the issue of executive power becomes ripe for reconsideration. Arguments for or against binding the executive are starting to lose their partisan coloration. There is more room to investigate the dynamics of executive power in a purely positive fashion without the impinging taint of ideological coloration.¶ Notwithstanding this emerging space for analys i s, t here is still surprising inattention to evidence of whether the executive is constrained and to the positive question of how constraint works. The Executive Unbound is a significant advance because it takes seriously this second “ mechanism question. ” Future studies of the executive branch will ignore its i mportant and trenchant analysis at their peril. 24 Following PV ’ s lead, I focus on the descriptive , positive question of how the executive is constrained . I do speak briefly and in concluding to normative matters . B ut f irst and foremost, my arguments should be understood as positive and not normative in nature unless otherwise noted.¶ Articulating and answering the question “ W hat binds the executive ?” , The Executive Unbound draws a sharp line between legal and political constraints on discretion — a distinction between laws and institutions on the one hand, and the incentives created by political competition on the other hand . **While legal constraints usually fail, it argues, political constraints can prevail. PV thus postulate what I call a “strong law/ politics dichotomy. ” My central claim in this Review is that this strong law/politics dichotomy cannot withstand scrutiny**. While doctrinal scholars exaggerate law ’s autonomy, I contend, ***the realists PV underestimate the extent to which legal rules and institutions play a pivotal role in the production of executive constraint***. Further, **the political mechanisms they identify as substitutes for legal checks cannot alone do the work of regulating executive discretion.** Diverging from both legalist and realist positions, I suggest that **law and politics do not operate as substitutes in the regulation of executive authority**. 25 **They instead work as interlocking complements*.*** An account of the borders of executive discretion must focus on the interaction of partisan and electoral forces on the one hand and legal rules. It must specify the conditions under which the interaction of political actors’ ***exertions and legal rules will prove effective in limiting such discretion.***

***Flow!!***

**2AC A2: Heg Sustainable**

***We agree heg sustainable – that’s Haas – but that sustainability is contingent on taking a time-out from interventions to rebuild the domestic foundations of leadership. Absent the plan we lose “wars of choice,” leading to rapid retrenchment from the global commons***

***avoiding intervention key – more evidence –***

**Robinson 6-26-13**, Don Robinson, a retired professor of government at Smith College, June 26, 2013, Gazette Net, Donald Robinson: The arguments for and against intervening in Syria, <http://www.gazettenet.com/home/7163738-95/donald-robinson-the-arguments-for-and-against-intervening-in-syria>, jj

Nasr’s case for a stronger American commitment to the Middle East is countered by Richard Haass, president of the Council on Foreign Relations and author of “Foreign Policy Begins at Home: The Case for Putting America’s House in Order.” **What America needs now**, he writes, **is to “take a breather” from foreign engagements**.¶ **This would be an opportune moment for an American respite**, he argues. **We face no great-power rival. No one can challenge our primacy, not China, Russia, Europe, Japan, India. We are by far the richest, most powerful nation on Earth. We are politically stable. We enjoy “healthy demographics**” (not too many elders**), a widely shared commitment to the rule of law, a “rich endowment” of energy, minerals, water and arable land and** an openness to immigration that is a continuing source of **innovation**.¶ **Our good fortune gives us an opportunity**, Haass says. ***To seize it, we must avoid “wars of choice*** and wholesale efforts to remake societies like the invasion of Iraq in 2003 and the surge in Afghanistan in 2009.” **We could use the pause to “restore the foundations of American power” — for example, by repairing a health care system that spends nearly twice as much as other industrialized nations per citizen, and rebuilding public education, where we spend more per student than most other wealthy countries**.¶ **There is another reason to “take a breather” from foreign interventions**. We need to think through the data collection issues exposed by Edward Snowden’s disclosures. Obama contends that we need this debate, but who thinks we would be having it if Snowden hadn’t spilled the beans on the NSA? He is the Daniel Berrigan of the Obama era.¶ What we desperately need is a thorough airing of this data-gathering, conducted in a spirit of profound skepticism. Who is on this Foreign Intelligence Surveillance “court”? What do they do? Is anyone at this “court” responsible to present the argument against a claim of necessity to analyze this data? And what did Congress (its intelligence committees and other members) know about this program, and why have they not shared what they know with the country? Is that not the function of Congress? And where is the loyal opposition?¶ Have members traded their obligation to exercise checks and balances for a chance to play statesman?¶ **It is indeed time to take a breather and to renew our constitutional liberties.**

**2AC – A2: Terror**

***Non UQ – US losing war on terror now***

Marc **Lynch 8/8**, professor of political science and international affairs at George Washington University and an editor of Foreign Policy's Middle East Channel, 8/8/13, "The Gift", Foreign Policy, www.foreignpolicy.com/articles/2013/08/08/the\_gift\_al\_qaeda\_arab\_spring

 The failure of most of the Arab uprisings has therefore been an extraordinary gift to al Qaeda. It has restored the potency of the terror organization's arguments, while the distraction or disintegration of state security agencies has given it more space to operate. The shift to armed insurgency in Syria galvanized its moribund global jihad. The spectacular collapse of the Muslim Brotherhood badly weakened its most powerful Islamist rival. It has found unprecedented new opportunities to reposition itself within the turbulent, hyperactive new Arab politics.

***Adopting a restrained foreign policy is key to the war on terror --- excessive intervention causes blowback which turns their offense***

**Choi ’11**, Seung-Whan Choi, Ph.D. Assistant Professor, Department of Political Science (M/C 276), University of Illinois at Chicago, Prepared for the American Political Science Association Annual Meeting in Seattle, Washington, September 1-4, 2011, Does U.S. Military Intervention Reduce or Increase Terrorism?, <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1900375>, jj

Conclusion¶ **The current literature on terrorism pays little attention to U.S. military intervention as a potential**¶ **cause of terrorist violence**. Quite often, empirical studies of U.S. military intervention overlook¶ its impact on the occurrence of terrorist events despite the fact that during the past four decades,¶ a high portion of terrorism was aimed at U.S. targets in other countries (e.g., U.S. soldiers,¶ embassies, or multinational corporations) (see LaFree, Yang, and Crenshaw 2009). This study¶ makes four contributions to the existing literature. First, it examines this understudied area by¶ providing a conceptualization of the U.S. military intervention-terrorism connection. Second, it¶ explores the overall consequence of U.S. military intervention, as well as the four specific¶ intervention missions that the U.S. has carried out over the world during the past four decades.¶ Third, it examines short versus long-term trends in terrorist attacks. Fourth, it underscores some¶ significant differences between terrorist incidents and terrorist casualties and also distinguishes¶ between homeland and foreign terrorism as a response to U.S. military intervention.¶ **The empirical results indicate that indiscriminate U.S. military intervention is, in general**,¶ **liable to increase terrorist incidents if not more terrorist casualties**. Rather than providing global¶ security and economic prosperity for the world, ***U.S. military action results in blowback***. **When**¶ **the U.S. meddles in other countries’ internal affairs by military force, its actions cause retaliatory**¶ **terrorist attacks against U.S. as well as local targets, and helps the terrorist network recruit new**¶ **members for future terrorist operations, as evidenced in Lebanon in the 1980s, Somalia in the**¶ **early 1990s**, as well as Pakistan and Yemen in the late 2000s. **However, it appears that the**¶ **foreign policy goals regarding the War on Terrorism are still achievable if the U.S. exercises its**¶ **military might directly against terrorists while adopting a policy of military restraint on other**¶ **occasions such as changing the political regime of the target country** (Eland 1998, 2007).¶ Alternatively, **the U.S. should help in training and providing intelligence information**, **weapons**,¶ **and equipment to counterterrorism units in terrorism-prone countries rather than directly**¶ **intervening in their domestic affairs. In this way, other countries become capable of fighting**¶ **terrorism with their own people.** Consequently, **the U.S. can avoid direct military involvements**¶ **and any potential backfiring of its missions**.¶

***Status quo solves --- Al Qaeda is weak and doesn’t threaten the U.S.***

**Roth 8-2-’13**, Kenneth Roth is executive director of Human Rights Watch, 8-2-’13, Washington Post, The war against al-Qaeda is over, <http://www.washingtonpost.com/opinions/the-war-against-al-qaeda-is-over/2013/08/02/3887af74-f975-11e2-b018-5b8251f0c56e_story.html>, jj

The al-Qaeda threat to the United States, while still real, no longer meets those standards. **At most, al-Qaeda these days can mount sporadic, isolated attacks, carried out by autonomous or loosely affiliated cells**. **Some attacks may cause considerable loss of life, but they are nothing like the military operations that define an armed conflict under international law**.¶ Obama himself has said that **the core of al-Qaeda** — the original enterprise now based, if anywhere, in the tribal areas of northwestern Pakistan — ***has been “decimated***.” **Its affiliates, such as al-Qaeda in the Arabian Peninsula and al-Qaeda in the Islamic Maghreb, are more robust armed groups but have limited capacity to pro­ject their violence beyond their regions**.¶ These affiliates are significant actors in Yemen and northern Africa, but **it is far from clear that they pose a threat to the United States greater than, for example, Mexican drug cartels or international ­organized-crime networks — organizations for which few would characterize U.S. containment efforts as “war**.” That the United States continues to deploy military force against al-Qaeda is not enough to qualify that effort as an armed conflict, because if it were, a government could justify the summary killing of “combatants” simply by using its armed forces to do so.

***No risk of nuclear or WMD terror***

John **Mueller and** Mark G. **Stewart 12**, Senior Research Scientist at the Mershon Center for International Security Studies and Adjunct Professor in the Department of Political Science, both at Ohio State University, and Senior Fellow at the Cato Institute AND Australian Research Council Professorial Fellow and Professor and Director at the Centre for Infrastructure Performance and Reliability at the University of Newcastle, "The Terrorism Delusion," Summer, International Security, Vol. 37, No. 1, politicalscience.osu.edu/faculty/jmueller//absisfin.pdf, jj

Over the course of time, such essentially **delusionary thinking has been internalized and institutionalized** in a great many ways. For example, **an extrapolation of delusionary proportions is evident in the common observation that, because terrorists were able, mostly by thuggish means, to crash airplanes into buildings, they might therefore be able to construct a nuclear bomb**. Brian Jenkins has run an internet search to discover how often variants of the term “al-Qaida” appeared within ten words of “nuclear.” There were only seven hits in 1999 and eleven in 2000, but the number soared to 1,742 in 2001 and to 2,931 in 2002.47

By 2008, Defense Secretary Robert Gates was assuring a congressional committee that what keeps every senior government leader awake at night is “the thought of a terrorist ending up with a weapon of mass destruction, especially nuclear.” 48

Few of the sleepless, it seems, found much solace in the fact that **an al-Qaida computer seized in Afghanistan in 2001 indicated that the group’s budget for research on *w*eapons of *m*ass *d*estruction (almost all of it focused on primitive chemical weapons work) was $2,000** to $4,000.49

**In the wake of the killing of** Osama **bin Laden, officials now have many more al-Qaida computers, and nothing in their content appears to suggest that the group had the time or inclination, let alone the money, to set up and staff a uranium-seizing operation, as well as a fancy, super-high-technology facility to fabricate a bomb**. **This is a process that requires trusting corrupted foreign collaborators and other criminals, obtaining and transporting highly guarded material, setting up a machine shop staffed with top scientists and technicians, and rolling the heavy, cumbersome, and untested finished product into position to be detonated by a skilled crew—all while attracting no attention from outsiders**.50

**If the miscreants in the American cases have been unable to create and set off even the simplest conventional bombs, it stands to reason that none of them were very close to creating, or having anything to do with, nuclear weapons—or for that matter biological, radiological, or chemical ones.** In fact, with perhaps one exception, **none seems to have even dreamed of the prospect**; and the exception is José Padilla (case 2), who apparently mused at one point about creating a dirty bomb—a device that would disperse radiation—or even possibly an atomic one. His idea about isotope separation was to put uranium into a **pail and then to make himself into a human centrifuge by swinging the pail around in great arcs.51 Even if a weapon were made abroad and then brought into the United States, its detonation would require individuals in-country with the capacity to receive and handle the complicated weapons and then to set them off. Thus far, the talent pool appears, to put mildly, very thin**. There is delusion, as well, in the legal expansion of the concept of “weapons of mass destruction.” The concept had once been taken as a synonym for nuclear weapons or was meant to include nuclear weapons as well as weapons yet to be developed that might have similar destructive capacity. After the Cold War, it was expanded to embrace chemical, biological, and radiological weapons even though those weapons for the most part are incapable of committing destruction that could reasonably be considered “massive,” particularly in comparison with nuclear ones. 52

And as explicitly rendered into U.S. law, the term was extended even further to include bombs of any kind, grenades, and mines; rockets having a propellant charge of more than four ounces; missiles having an explosive or incendiary charge of more than onequarter ounce; and projectile-spewing weapons that have a barrel with a bore more than a half inch in diameter.53

It turns out then that the “shot heard round the world” by revolutionary war muskets was the firing of a WMD, that Francis Scott Key was exultantly, if innocently, witnessing a WMD attack in

1814; and that Iraq was full of WMD when the United States invaded in 2003—and still is, just like virtually every other country in the world.

After September 11, the delusional—or at least preposterous—expanded definition of WMD has been routinely applied in the United States. **Many of those arrested for terrorism have been charged with planning to use “weapons of mass destruction” even though they were working, at most, on small explosives or contemplating planting a hand grenade in a trash bin.**

**2AC – Non-Binding**

***Perm do both***

***CP doesn’t solve – it’s the status quo – exact same thing as Syria which ad hoc executive consultation w/ Congress***

***Non-binding resolutions solve none of the aff and lock in pres power***

**Fisher ’09**, Louis Fisher is a specialist in constitutional law with the Law Library at the Library of Congress, 14 JAN 2009, Presidential Studies Quarterly, The Law: The Baker-Christopher War Powers Commission, Volume 39, Issue 1, pages 128–140, March 2009, DOI: 10.1111/j.1741-5705.2008.03662.x, accessed via Wiley Online, online, jj

**If Congress were to pass the resolution of support, it would have no legal or constitutional meaning.** The resolution would merely express the view or opinion of Congress. In their introduction to the report, Baker and Christopher identify three “guiding principles” in deciding to work with the commission: “the rule of law, bipartisanship, and an equal respect for the three branches of government” (National War Powers Commission 2008, 3). ***A nonbinding resolution*** **of approval has nothing to do with the rule of law**. **The procedures** adopted by the commission **do not demonstrate “equal respect” for all three branches.** ***They tilt decisively toward executive power.*** Bipartisanship cannot be achieved by allowing the president to initiate war after consulting with 20 lawmakers and engaging in war for two months while awaiting passage of a concurrent resolution of approval.

***Just holding a vote isn’t enough --- formal declaration key to war fighting success***

**Simons & McGraw ’11**, Anna Simons, Professor of Defense Analysis at the Naval Postgraduate School, Joe McGraw is a LTC in the US Army. He has served for nearly 18 years in the US Army after graduating from the United States Military Academy in 1994. ¶ Sovereignty Solution, Annapolis, MD, USA: Naval Institute Press, 2011. p 61-62.¶ http://site.ebrary.com/lib/wayne/Doc?id=10527986&ppg=71¶ Copyright © 2011. Naval Institute Press. All rights reserved. Ebook accessed via Wayne State, jj

**America’s Founding Fathers engineered a brilliant thing**. **The system of governance they devised for us not only still works, but the principles they committed to paper— and thereby fixed for all time— were crafted flexibly enough so that the Constitution remains just as relevant and central today as when they signed off on it 230 years ago**. **If a document like that still endures, given all the changes in the world, we should be able to come up with a twenty-first-century national security strategy that endures from one presidential administration to the next**. The relationship framework outlined in the previous chapter offers one means toward such an end. The Constitution offers another. **The United States has issued formal Declarations of War eleven times and has followed each declaration with a victory**. 1 **Not a single Declaration of War has been issued in the past sixty years, yet the United States has pursued political objectives through military force almost continuously**. ***The correlation should be striking.*** **Declarations of War appear to be the proven method for reaching political objectives through military means**. ***When Congress has issued them, the United States has succeeded in war***. **When Congress has not, the United States has reached inconclusive end states at best**. 2 **This track record alone suggests the United States should return to constitutionally mandated Declarations of War and points to why we should pursue military objectives under only such authority**. 3 If we were to consider this from a slightly different angle, for **fifty years presidents and Congress have declared “war” on poverty, hunger, crime, drugs, and— most recently— terrorism; but our government has waged “real” war only under the banner of “authorizations of force**.” **We currently have close to 200,000 troops**¶ **deployed in designated hostile fire zones. We spend billions of dollars each week in support of military objectives**. **And we bury casualties from Afghanistan, Iraq, and elsewhere weekly, sometimes daily**. It defies common sense that any American should be able to legitimately question the nation’s strategic footing, or question whether or not America is “at war.” However, **without a formal Declaration of War, what should otherwise be considered absurd has become routine. Tens of millions of Americans do not seem to realize the United States is at war; rather, they might acknowledge, our armed forces are.**

***Nothing short of a declaration of war solves***

**Simons & McGraw ’11**, Anna Simons, Professor of Defense Analysis at the Naval Postgraduate School, Joe McGraw is a LTC in the US Army. He has served for nearly 18 years in the US Army after graduating from the United States Military Academy in 1994. ¶ Sovereignty Solution, Annapolis, MD, USA: Naval Institute Press, 2011. p 62-64.¶ http://site.ebrary.com/lib/wayne/Doc?id=10527986&ppg=71¶ Copyright © 2011. Naval Institute Press. All rights reserved. Ebook accessed via Wayne State, jj

Unfortunately today (and for the past six decades), rather than Congress arming the president with over 250 statutes under U.S. Code, our elected representatives have apparently preferred that the president conduct statecraft through executive fiat. Under the War Powers Act of 1973, Congress “permits” the president to pursue military objectives so long as Congress is informed of progress within a mandated timeframe. Ostensibly, Congress created the War Powers Act in order to curb executive power. Conveniently, however, what the Act has done is enable individual members of Congress to hedge their collective bets by taking no unequivocal position on military efforts until such time as either victory can be declared or defeat looks assured. Witness the run-up to both the 2004 and 2008 presidential campaigns— how else were candidates able to explain “yes” votes as “no” votes when it came to their support for (or, was it opposition to) the Iraq War?¶ **Meanwhile, in the ambiguous environment of no clearly declared war, the judiciary branch inherits all sorts of power**. 6 **The courts determine the extent to which the executive branch may prosecute a war, with what means, and to what degree. Consider all the recent and still pending court battles over the status and treatment of “unlawful” enemy combatants, detentions, surveillance, targeting, and so forth— and then reflect on how ill-served we are by this patchwork approach to strategy**. **Strategy needs to be clear and purposeful if commanders and diplomats are to execute it effectively.** **Strategy should not be left up to the courts to fitfully whittle away**. **The Sovereignty Solution calls for a return to Declarations of War. Rigorous debate about the merits of taking coercive action should have to occur before the first soldier is deployed or before the first “launch” button is pushed**. 7 **Is there an obvious reason the United States should go to war? Has war been declared against the United States? Was our sovereignty incontrovertibly violated? Has another government publicly refused to meet our public demands?** 8 **If the reasons for deploying force pass Americans’ commonsense test, the answers to these questions will be obvious, the debate will be short, and the decision quick. If not, then the standards for declaring war clearly will not have been met, and if they cannot be met the executive should not want, never mind press, to take action**. 9 **Another set of reasons for formal Declarations of War is that, without them, military pursuits remain just one among a series of ongoing activities that compete for government attention and tax dollars**. Where is the national urgency during a time of “executive decision”? Which government agency leads during an “authorization of force”? Who can compel all the various government bureaucracies to cooperate? Who holds whom accountable to ensure that priorities are met? With anything less than a formal Declaration of War these questions cannot be answered; **without accountability and a clear chain of command, the government becomes nothing more than a bunch of fingers and cannot act as a fist.** We Americans are an inordinately busy people. And while tens of millions of us contribute time and money to all sorts of local community-service activities, we do not openly pull together as a nation, except in a crisis. By definition, crises never last very long and, as discussed in chapter 2, few affect the entire country in the same way for any length of time; for example, 9/11 posed one kind of crisis. So did levee failure in New Orleans. War is a significantly different prospect, one difference being wars involve other actors who operate outside our legal system, beyond our borders, and beyond our control (at least initially). **Maybe the United States military can prevail with an air strike or two, but if not, what, other than a collective commitment to either win or to surrender, guarantees that “we the people” will persist— despite whatever setbacks our military forces might experience?**¶ **History demonstrates that Americans will expend a tremendous amount of blood and treasure in the pursuit of political and military objectives**. Scan any national cemetery. Multiply the number buried there by the family members they have left behind. **The widely held belief that Americans will not stomach casualties is patently false. What Americans do demand, however, is a legitimate reason for their sacrifice and an understanding that the successful outcome of a conflict can be achieved**. 11 ***Nothing short of a formal Declaration of War can deliver this because only the process of publicly declaring war ensures sufficient scrutiny and the careful determination beforehand that ends, ways, and means will be aligned*. Will politicians commit enough soldiers, armor, resources, or whatever it will take for the duration? With Declarations of War there is no room for nuance and little room for ex post facto equivocation**. **If the United States issues a declaration, what that declaration promises— its point, actually— is that this country will prosecute that war until our announced political objectives have been achieved, or until we openly accept defeat**. 12 Admittedly, the very nature of a formal Declaration of War— and its promise that the United States will relentlessly pursue a clearly defined objective— goes against the first rule of politics: never make a hard promise you can’t break. But **this is also exactly why, in an age of unrelenting media posturing, the United States absolutely must return to issuing Declarations of War**. 13 **Declarations of war preclude secret promises and cut down on shady political deals. They likewise prevent waffling in the face of unexpected, but inevitable difficulties**. Or as the late William F. Buckley put it, in a somewhat different context, “**To declare war is not necessarily to dispatch troops, let alone atom bombs. It is to recognize a juridically altered relationship and to license such action as is deemed appropriate. It is a wonderful demystifier . . . [leaving] your objective in very plain view.”**

**2AC – XO CP – Generic [1:30]**

***Their CP text just says they create a “policy consult’ --- they just have the president consult --- that doesn’t result in a declaration of war – means they cant solve any of the 1ar – that’s ghallager --- only dec of war cause deliberation***

1. ***Perm – do both***
2. ***Solves none of the aff --- exclusive executive war authority causes wars of choice that decimate US leadership --- congress is key:***
3. ***Group think --- Extend Martin --- only dispersing war power throughout the legislature solves irrational executive decision-making***
4. ***Statutory definition key --- extend Farley & Cowan --- only congressional clarification of the WPR provides a meaningful standard that facilitates judicial intervention***

***Unambiguous congressional re-definition key --- otherwise executive circumvents***

**Hemesath ‘2k**, Paul A. Hemesath \*, \* J.D./M.S.F.S. Georgetown University Law Center, School of Foreign Service, 2001; B.A. University of California at Los Angeles, 1996, Georgetown Law Journal¶ August, 2000¶ 88 Geo. L.J. 2473, NOTE: Who's Got the Button? Nuclear War Powers Uncertainty in the Post-Cold War Era, Lexis, jj

Second, based on this consensus, **the Congress must enact a new *W*ar *P*owers *A*ct**, perhaps of the style suggested by Professor Ely, **with the goal of drafting a law that is unambiguous and not subject to subtle points of misinterpretation**. **Such a law would grant the Congress an unequivocal basis for opposing unilateral presidential military action that would not be vulnerable to definitional objections or timing ambiguities**. n199 Explicit exceptions should be made, however, as was the intention of the Framers, for situations that require the Executive to repel sudden attacks. n200

***The CP is Syria --- its an informal, self-restraint that won’t deter future presidents --- it gives Obama to much leeway – that’s Rudalevidge and Franke-Ruta***

1. ***Executive action doesn’t solve --- congressional restrictions key to create binding policy***

**Friedersdorf** 5-28-**13**, Conor Friedersdorf is a staff writer at The Atlantic, where he focuses on politics and national affairs. MAY 28 2013, The Atlantic, Does Obama Really Believe He Can Limit the Next President's Power?, <http://www.theatlantic.com/politics/archive/2013/05/does-obama-really-believe-he-can-limit-the-next-presidents-power/276279/>

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

1. ***Internal checks fail --- the President and Congress won’t enforce them***

**Posner & Vermeule ’11**, Eric Posner is Kirkland & Ellis Distinguished Service Professor of Law and Aaron Director Research Scholar at the University of Chicago. Adrian Vermeule - John H. Watson, Jr. Professor of Law – Harvard Law School, The Executive Unbound [electronic resource] : After the Madisonian Republic, Oxford University Press, USA, 2011. 01/01/2011 1 online resource (256 p.) Language: English, pg 139-141, jj

**Katyal’s argument** is relevant because the mechanisms he discusses¶ might be understood as signaling devices, but his overall approach **is**¶ **conceptually flawed**, on two grounds. First, **the assumption that second**-¶ **best constraints on the executive should reproduce the Madisonian**¶ **separation of powers within the executive branch is never defended**. The¶ idea seems to be that this is as close as we can get to the first-best, while¶ holding constant everything else in our constitutional order. But the¶ general theory of second-best states that approaching as closely as possible¶ to the first-best will not necessarily be the preferred strategy; 65 the best¶ approach may be to adjust matters on other margins as well, in potentially¶ unpredictable ways. If the Madisonian system has failed in the ways Katyal¶ suggests, the best compensating adjustment might be, for all we know, to¶ switch to a parliamentary system. (We assume that no large-scale changes¶ of this sort are possible, whereas Katyal seemingly assumes that they are,¶ or at least does not make clear his assumptions in this regard.) Overall,¶ Katyal’s view has a kind of fractal quality—each branch should reproduce¶ within itself the very same separation-of-powers structure that also¶ describes the whole system—but it is not explained why the constitutional¶ order should be fractal.¶ Second, **Katyal’s proposals for internal separation of powers are**¶ **self-defeating: the motivations that Katyal ascribes to the executive are**¶ **inconsistent with the executive adopting or respecting the prescriptions**¶ Katyal recommends. 66 **Katyal** never quite says so explicitly, but he clearly¶ **envisions the executive as a power-maximizing actor, in the sense that the**¶ **president seeks to remove all constraints on his current choices**. 67 **Such an**¶ **executive would not adopt or enforce the internal separation of powers to**¶ **check himself**. This is the problem with the frequently heard claim that the¶ Justice Department’s Office of Legal Counsel should exert a greater check¶ on the executive than it has in the past (notably, when it endorsed controversial¶ interrogation practices and warrantless wiretapping during the¶ Bush administration). If it did, nothing would prevent the executive from¶ marginalizing it. Indeed, presidents have established a competing office in¶ the White House, which is more closely subject to presidential control¶ than the Justice Department is. The White House Counsel’s Office can¶ provide advice and, if need be, legal justification, should the Office of Legal¶ Counsel ever prove obstreperous.¶ **Executive signaling is not, even in principle, a solution to the lack**¶ **of constraints on a power-maximizing executive in the sense Katyal implicitly**¶ **intends**. Although an ill-motivated executive might bind himself to¶ enhance his strategic credibility, as explained above, he would not do so in¶ order to restore the balance of powers. **Nor is it possible, given Katyal’s**¶ **premise of legislative passivity or abdication, that Congress would force**¶ **the internal separation of powers on the executive**. In what follows, we¶ limit ourselves to proposals that are consistent with the motivations,¶ beliefs, and political opportunities that we ascribe to the well-motivated¶ executive, to whom the proposals are addressed. This limitation ensures¶ that the proposals are not self-defeating, whatever their costs.¶ The contrast here must not be drawn too simply. A well-motivated executive,¶ in our sense, might well attempt to increase his power. The very point¶ of demonstrating credibility is to encourage voters and legislators to¶ increase the discretionary authority of the executive, where all will be¶ made better off by doing so. Scholars such as Katyal who implicitly distrust¶ the executive, however, do not subscribe to this picture of executive motivations.¶ Rather, **they see the executive as an unfaithful agent of the voters**;¶ **the executive attempts to maximize his power even where fully-informed**¶ **voters would prefer otherwise. An actor of that sort will have no incentive**¶ **to adopt proposals intended to constrain that sort of actor.**

1. ***If the CP solves the aff, then there’s no net benefit --- if they restore war-making authority to Congress then they trigger the executive flexibility link***
2. ***Perm do the CP***

***5) Agent CPs are a voting issue – they steal aff ground and trviliaze debate --- kills education by relying on minute distinctions --- no offense --- agent DAs, Federal Government ground, and years of agent debates check any ground or education loss – uniquely abusive because they fiat the object of the resolution***

1. ***Links to politics***

**Ulrich ’08**, Marybeth P. Ulrich, European Studies – Wilson Center, June 2008, Strategic Studies Institute of the US Army War College (SSI), National Security Powers: Are the Checks in Balance?, online, jj

Executive orders have mainly been used in three areas: to combat various forms of discrimination¶ against citizens, to increase White House control over the executive branch, and to maintain secrets.21 **When Congress perceives that executive orders are taken to bypass Congress on controversial**¶ **issues, they may elicit great political controversy and be a source of conflict between the two**¶ **branches. This is why the congressional reaction to** President George W. **Bush’s series of executive**¶ **orders authorizing the** National Security Agency (**NSA) to eavesdrop on the conversations of**¶ **Americans without warrants** as required in the Foreign Intelligence Surveillance Act (FISA) **has**¶ **been uncharacteristically strong**. **Members of Congress on both sides of the aisle saw the action as a**¶ **challenge to the Congress’ power vis-à-vis the executive**.¶ **Even the prospect of an executive order being issued can erupt in *major political controversy* as**¶ **was the case with** President Bill **Clinton’s proposal to lift the ban on gays serving in the military**.¶ There was no question that the President had the legitimate authority to issue such an order as¶ President Truman had done to integrate the armed forces in 1948, but **the political backlash was so**¶ **strong in 1993 that President Clinton abandoned the idea in order to salvage his domestic agenda**¶ **before Congress**.22

***Condo is bad – causes 2ac time and strat skew and argument irresponsibility which jacks ground – counter-interp – they get 1 cp, 1 k***

**Pres powers 2AC [1:45]**

1. ***The aff’s an impact turn --- deference to the executive causes recklessness and group-think that makes intervention and heg collapse inevitable***
2. ***Turn --- we don’t eliminate any presidential role, just guarantee a congressional one. That’s best***

Two heads are better than one

**Pearlstein ’09**, Deborah N. Pearlstein\*\* Visiting Scholar and Lecturer in Public and International Affairs, Woodrow Wilson School of Public & International Affairs, Princeton University, July, 2009¶ CONNECTICUT LAW REVIEW¶ 41 Conn. L. Rev. 1549, Article: Form and Function in the National Security Constitution, Lexis, jj

*\*gender modified*

This brings us to the new functionalists' role effectiveness approach. For whatever one researcher (especially, the new functionalists would suggest, legal researchers) might find in the empirical literature informing the nature of security threats and emergency responses, **the new functionalists' more forthright argument is that institutional competences make the executive better positioned to consider this information and make decisions accordingly**. Indeed, in a linear comparison of institutional competences, the differences among the branches that flow from institutional structure are of course real. The judiciary, for example, can only act in the event of a case or controversy. The administrative agency and national security apparatus may put information, in the first instance, in the hands of the executive rather than Congress or the courts. Moreover, the new functionalists add, the judiciary lacks the expertise and the procedural and evidentiary resources to make good judgments in an emergency; judicial resources are too scarce to require individualized determinations as to many hundreds or thousands of detainees it is assumed, as a matter of raw effectiveness, it will be necessary to detain. And given its own resource constraints and motives, the executive is [\*1598] unlikely to exaggerate the danger posed by an individual, or detain too many people. n168 Accordingly, **the new functionalists tend to favor a decision- making structure with loose (if any), emergency-driven congressional engagement and deferential (if any) judicial review**.¶ But **such comparative competence accounts are misleading in several ways.** **They ignore the complexity of current government decision-making structures**. **The vast executive branch decision-making apparatus means decisions rarely come down to the speed possible with one [person] ~~man~~ acting alone, and Congress and the courts have at their institutional disposal multiple means to enable the sharing of information among the branches**. Such accounts also critically ignore the possibility of collective organizational capacity, a notion Justice Jackson's Youngstown concurrence seemed squarely to contemplate. n169 The executive acting alone may be better than the courts acting alone in some circumstances, but ***the executive plus*** the courts (or ***Congress) may be more effective than the executive alone***.¶ Perhaps most important, the new functionalist role effectiveness view ignores the structural reality that national security policy (indeed all government decision- making) is channeled through a set of existing organizations, each with its own highly elaborated set of professional norms and responsibilities, standard procedures and routines, identities and culture, all of which constrain and guide behavior-often in ways that centrally affect the organization's ability to perform its functions. Considering how such pathologies affect decision-making, **one may find a far more sophisticated-and more meaningful-set of comparisons between decision-making structures than asking, for example, whether the executive can make decisions faster than courts**. The next section explores a role effectiveness approach that could take this reality into account.

1. ***Plan’s a key middle ground:***
2. ***Requiring Congressional approval doesn’t hurt flexibility in a crisis***

The plan helps flex --- knee-jerk decisions made by the executive limit flexibility in the long term

**Streichler ’08**, Stuart Streichler, Adjunct Faculty, Seattle University School of Law. Ph.D., Johns Hopkins University; J.D., University of Michigan Law School; B.S., Bowling Green State University, Winter, 2008¶ Journal Of Law And Politics¶ 24 J. L. & Politics 93, ARTICLE: Mad about Yoo, or Why Worry about the Next Unconstitutional War, Lexis, jj

 [\*123] **When Yoo discusses the need for flexibility** in the process for warmaking, **he creates a false dilemma**. **He suggests that the president has discretionary power to start wars or that the president must secure prior authorization from Congress through a "fixed, legalistic process**." n230 For Yoo, the latter would inevitably hamper the government's ability to respond to terrorist threats. n231 **Yet even if Congress has the power to decide whether to go to war, the presi-dent retains substantial powers to respond quickly to defend the country**. **No lawmaker would insist on Congress delib-erating while terrorists set off *w*eapons of *m*ass *d*estruction in the United States**. Americans who lived with the risk of nuclear attack during the Cold War accepted the president's authority to respond to the Soviet Union without waiting for the results of legislative debate. Additionally, **Congress has demonstrated that it can move quickly to authorize the use of military force.** **Three days after September 11, the Senate voted 98-0 to authorize the president to use force in response to the attacks**, n232 and the House approved the measure a few hours later (420-1). n233 Another four days passed before the president signed it. n234 **The last time Congress declared war in response to an attack on the United States, it did not take lawmakers long to do so**. **The Senate** (82-0) and the House (388-1) **issued a declaration of war thirty-three minutes after** President Franklin D. **Roosevelt's "Day of Infamy" speech**. n235 Furthermore, whatever their capacity for dynamic response, **presidents do not always react to security threats with speed and energy**. **While Yoo cleverly aligns his position with flexibility, there is more to constructing an adaptive foreign policy than letting the president initiate military hostilities. Executive decisions on war that appear, in the short term, to reflect a flexible approach may limit policy options over the long run, constraining foreign policymakers and military planners.**

1. ***Congressional deliberation during peace time is key to leadership***

**Zelizer ’11**, Julian E. Zelizer is a professor of history and public affairs at Princeton University. He is the author of "Jimmy Carter," published by Times Books, and editor of a book assessing former President George W. Bush's administration, published by Princeton University Press. June 27, 2011, CNN, War powers belong to Congress and the president, <http://www.cnn.com/2011/OPINION/06/27/zelizer.war.powers/index.html>, jj

**The** second **cost of presidents going to war rather than Congress doing so is that major mistakes result when decisions are made so quickly**. **When there is not an immediate national security risk involved, the slowness of the legislative process does offer an opportunity to force policymakers to prove their case before going to war**.¶ ***Speed is not always a virtue***. **In the case of Iraq, the president started the war based on the shoddiest of evidence about WMD**. **The result was an embarrassment for the nation, an operation that undermined U.S. credibility abroad**.¶ **Even in military actions that have stronger justifications, there are downsides to speed.** **With** President **Obama and the surge in Afghanistan, there is considerable evidence that the administration went in without a clear strategy and without a clear objective. With Libya, there are major concerns about what the administration hopes to accomplish and whether we are supporting rebel forces that might be connected with terrorist networks intent on harming the U.S.**

1. ***We improve war-making --- congressional approval causes public confidence and support***

**Whitman ’10**, Alex J. Whitman, Judicial Clerk to the Honorable W. Royal Furgeson, Jr., United States Senior District Judge for the Northern District of Texas; J.D., with honors, Emory University School of Law (2010); B.A., cum laude, University of Florida (2007), FROM THE SHORES OF TRIPOLI TO THE DESERTS OF IRAQ: CONGRESS AND THE PRESIDENT IN OFFENSIVE AND DEFENSIVE WARS, <http://ehis.ebscohost.com/eds/pdfviewer/pdfviewer?sid=5e2a18f5-c9b4-40ff-ab6a-def73487309d%40sessionmgr104&vid=1&hid=115>, jj

**One could plausibly argue that such a system would restrict the** ¶ **President’s ability to effectively prosecute a war initiated by another** ¶ **nation**.135 Indeed, **certain scholars have rejected the necessity of congressional involvement of any sort when war is imposed upon the nation**. John C. **Yoo**, in the context of the Barbary Wars, **argued** that ¶ “**Presidents should not have to wait to seek authorization from Congress when another nation has already attacked or declared war upon** ¶ **the United States**.”136 This criticism of a deferential approach to ¶ Congress reflects Alexander Hamilton’s concern that the President ¶ would need to exercise the full might of the nation’s military to respond to attack without restriction.137 This can be countered in two ¶ ways. **First, the nature and importance of the substantive policy implications of extending a war to an offensive posture is the reason** ¶ **that the power was placed in the hands of Congress in the first** ¶ **place**.138 **Second**, throughout the history of the nation, **Congress has** ¶ **consistently acquiesced to a presidential request for authorization to** ¶ **use force when the nation has been attacked**.139 Even dubious assertions of foreign attacks on American troops abroad, such as the supposed North Vietnamese attacks on American patrol boats in the Gulf ¶ of Tonkin in August of 1964, have led to congressional acquiescence ¶ for the use of force.140 **If the President can effectively make a case** ¶ **that a foreign attack on the United States requires an offensive reaction, he still has the ability to convince Congress of the legitimacy of that position**.141 ***Further, the symbolic power of congressional approval of war can be essential to public confidence and approval***.142¶ Even Alexander **Hamilton, who was among the foremost proponents** ¶ **of executive** power in the years after the Constitutional Convention, ¶ **recognized the symbolic importance of a congressional role in the** ¶ **decision to use force**; as Kenneth B. Moss observed, **“[a] congressional decision to use force** or declare war was a check on executive power that Hamilton realized **needed to be in place to ensure public confidence and trust in the decision itself**.”143 **The question of whether** ¶ **war is desirable**, as John Hart Ely observed, “**is precisely what Congress is supposed to decide**.”144

***Turns the disad***

**Gallagher ’11**, Joseph V. Gallagher III served as an F/A-18C Pilot, Air Officer, and F/A-18C/D ¶ Flight Instructor in the US Marine Corps operating forces. He worked Security Assistance ¶ initiatives for the US European Command and most recently as a Joint Planner in the ¶ USEUCOM J3 and J5. Gallagher is currently assigned to the Joint Staff, PakistanAfghanistan Coordination Cell. 3-24-11, Strategic Studies Institute, Unconstitutional War: ¶ Strategic Risk in the Age of ¶ Congressional Abdication, <http://strategicstudiesinstitute.army.mil/pubs/parameters/Articles/2011summer/Gallagher.pdf>, jj

T¶ here is an imbalance of constitutional power across the branches of the ¶ US government. Congress has failed to preserve its constitutional privileges, specifically its sole authority to declare war.1¶ Over the past 60 years, ¶ through a combination of executive initiative and congressional abdication, **the** ¶ **United States has engaged in large scale offensive wars absent congressional** ¶ **war declarations**, despite Congress’s constitutional authority and requirement ¶ to formally declare the nation’s wars.2¶ For the 162 notable military deployments after World War II, Congress ¶ never declared war, opting instead to pass resolutions that effectively circumvented the constitutional war declaration process. **Arguably, in its major** ¶ **military actions since 1950, the nation has failed to articulate political objectives commensurate with its sacrifice of blood and resources**.3¶ **This dubious** ¶ **record stands in stark contrast to the ends obtained from wars that Congress** ¶ **actually declared.** ¶ Congressional resolutions are an insufficient substitute for war declarations for a number of reasons. The resolution process undercuts the framers’ ¶ well-conceived declaration process designed to assure popular support for the ¶ nation’s wars. Thorough congressional deliberation is imperative for arguably ¶ the most important decision the Congress has the authority to make—committing the nation to war.¶ **The executive branch’s recent practice of engaging in war without** ¶ **exercising the process of declaring war has left the nation’s military repeatedly** **engaged in open-ended conflict**. **The ensuing uncertainty exacerbates an** ¶ **already complicated strategy formulation process and often leads to truncated**, ¶ **incoherent, or episodic military strategies**. As the keeper of the nation’s treasury, ***Congress determines the sustainability of any military effort.*** Ultimately, ¶ ***all war strategy depends on*** the nation’s ways and means, along with the ***national*** ¶ ***will to sustain the effort to meet desired ends***.¶ Whether a result of executive ambition, congressional abdication, or a ¶ combination of the two, committing US military forces to “war” without the ¶ benefit of the constitutional declaration process has not served the long-term ¶ interests of the nation. In addition to its questionable constitutionality, the resolution process has led to insufficiently defined national objectives. It constantly ¶ exposes strategy to political machinations. Finally, **it fails over time to provide** ¶ **sufficient resources to achieve the uncertain objectives of the military actions** ¶ **that began extraconstitutionally**.

***Congressional co-op k2 deterrence***

**Newton ’12**, Michael A. Newton, Professor of the Practice of Law, Vanderbilt University Law School, CASE WESTERN RESERVE JOURNAL OF INTERNATIONAL LAW·VOL.45·2012, Inadvertent Implications of the ¶ War Powers Resolution, [http://law.case.edu/journals/JIL/Documents/45CaseWResJIntlL1&2.10.Article.Newton.pdf](http://law.case.edu/journals/JIL/Documents/45CaseWResJIntlL1%262.10.Article.Newton.pdf), jj

The corollary to this modern reality, and the second of three ¶ inadvertent implications of the Resolution, is that our enemies now ¶ focus on American political will as the Achilles heel of our vast ¶ capabilities. **Prior to the War Powers Resolution**, President ¶ **Eisenhower understood that it was necessary to “seek the cooperation** ¶ **of the Congress. Only with that can we give the reassurance needed** ¶ **to deter aggression**.”62 President **Clinton understood the importance of** ¶ **clear communication with the Congress and the American people in** ¶ **order to sustain the political legitimacy that is a vital element of** ¶ **modern military operations**. Justifying his bombing of targets in ¶ Sudan, he argued that **the “risks from inaction, to America and the** ¶ **world, would be far greater than action, for that would embolden our** ¶ **enemies, leaving their ability and their willingness to strike us** ¶ **intact.**”¶ 63 In his letter to Congress “consistent with the War Powers ¶ Resolution,” the president reported that the strikes “were a necessary ¶ and proportionate response to the imminent threat of further terrorist ¶ attacks against U.S. personnel and facilities” and “were intended to ¶ prevent and deter additional attacks by a clearly identified terrorist ¶ threat.”¶ 64 The following day, in a radio address to the nation, the ¶ president explained his decision to take military action, stating, “Our ¶ goals were to disrupt bin Laden’s terrorist network and destroy ¶ elements of its infrastructure in Afghanistan and Sudan. And our goal ¶ was to destroy, in Sudan, the factory with which bin Laden’s network ¶ is associated, which was producing an ingredient essential for nerve ¶ gas.”¶ 65 Citing “compelling evidence that the bin Laden network was ¶ poised to strike at us again” and was seeking to acquire chemical ¶ weapons, the president declared that we simply could not ignore the ¶ threat posed, and hence ordered the strikes.66 Similarly, President ¶ Clinton understood that intervention in Bosnia could not be ¶ successful absent some national consensus, which had been slow to ¶ form during the long Bosnian civil war.67¶ Secretary of State George Schultz provided perhaps the most ¶ poignant and pointed example of this truism in his testimony to ¶ Congress regarding the deployment of US Marines into Lebanon to ¶ separate the warring factions in 1982. On September 21, 1983, he ¶ testified before the Senate Foreign Relations Committee and provided ¶ a chilling premonition of the bombing that would come only one ¶ month later and kill 241 Americans, which was the bloodiest day in ¶ the Marine Corps since the battle of Iwo Jima.68 Seeking to bolster ¶ legislative support and to better explain the strategic objectives, he ¶ explained that:¶ It is not the mission of our marines or of the [Multinational ¶ Force in Lebanon] as a whole to maintain the military balance ¶ in Lebanon by themselves. Nevertheless, their presence remains ¶ one crucial pillar of the structure of stability. They are an ¶ important deterrent, a symbol of the international backing ¶ behind the legitimate Government of Lebanon, and an ¶ important weight in the scales.¶ To remove the marines would put both the Government and ¶ what we are trying to achieve in jeopardy. **This is why our** ¶ **domestic controversy over the war powers has been so** ¶ **disturbing. Uncertainty about the American commitment can** ¶ **only weaken our effectiveness. Doubts about our staying power** ¶ **can only cause political aggressors to discount our presence or to** ¶ **intensify their attacks in hopes of hastening our departure**.¶ **An accommodation between the President and Congress to** ¶ **resolve this dispute will help dispel those doubts about our** ¶ **staying power and strengthen our political hand**.69

**2ac debt ceiling**

***No PC on debt ceiling***

Mike **Lillis**, The Hill, **9/15**/13, http://thehill.com/video/sunday-shows/322313-obama-vows-no-debate-on-debt-ceiling

President **Obama** in an interview broadcast Sunday **amplified his warning that he** ***won't negotiate*** with GOP leaders ***on raising the debt ceiling***. With the government expected to hit its spending limit in mid-October, Speaker John Boehner (R-Ohio) and other Republicans are planning to use that deadline as leverage to exact steep spending cuts from the Democrats. But **Obama** in the interview, recorded Friday**, vowed** that the strategy won't work. "I’m happy to have a conversation with him [Boehner] about how we can deal with the so-called sequester, which is making across-the-board cuts on stuff that we shouldn’t be cutting," Obama said in an interview with ABC's "This Week" program. "What **I haven’t been willing to negotiate**, ***and I will not negotiate***, is **on the debt ceiling**."

***A) Shutdown is inevitable***

Ezra **Klein**, Washington Post, “A government shutdown just became a bit more likely. That might be a good thing.”, **Sept 12th** 2013, http://www.washingtonpost.com/blogs/wonkblog/wp/2013/09/12/a-government-shutdown-just-became-a-bit-more-likely-that-might-be-a-good-thing/?wprss=rss\_ezra-klein&clsrd

1) House **Republicans pulled their bill to fund the government**. The House was expected to vote Wednesday on a bill to continue funding the federal government. **The** initial **whip count showed the bill 18 votes short of passage**, so the vote didn't happen. Why is the bill 18 votes short of passage? Obamacare, of course. 2) The GOP's small Obamacare problem. The vote was delayed because **the** House **GOP can't decide on what to do about Obamacare**. Hardcore conservatives want to refuse to fund the government as long as any of that funding goes to Obamacare — which is to say, they want to shut down the government over Obamacare. This is a fight that House leadership believes they will lose, and lose very badly. So Team Boehner tried to finesse it. The funding bill required a vote on defunding Obamacare. But House conservatives quickly realized that they would lose the vote in the Senate and the result would be the federal government would get funded, and Obamacare would be funded along with it. So they turned on the bill, and, fearing for its passage, House leadership delayed the vote. 3) The GOP's big Obamacare problem. Behind all this is a simple fact: The GOP has lost on Obamacare. They didn't have the votes to stop it from passing in 2010. They didn't have the votes to repeal it in 2011. They didn't have the votes to win the presidency and the Senate by campaigning against it in 2012. And they really have no way to stop it in 2013. Now it's going into effect, and once it goes into effect and begins delivering health insurance to tens of millions of people, it's pretty much here to stay. But conservatives don't want to believe they've lost on Obamacare, and the rest of the Republican Party is scared to admit they've lost on Obamacare. So **as their situation becomes more desperate** **their tactics become more desperate**, too. That's what you get when your position is a mixture of delusion and fear. 4) **There isn't much time to pass a bill funding the government. So the GOP doesn't know how to pass a bill** funding the government because they don't know what to do about Obamacare — and **they don't seem on the verge of figuring it out, either**. Meanwhile, time is running short. As Jonathan Chait writes, "**a bill needs to pass by September 30**, **and Congress has a rigorous vacation schedule** to adhere to, giving it precious little time to accomplish the goal of not shutting down the government."

***B) That makes Debt Ceiling increase inevitable regardless of political capital***

Ezra **Klein**, Washington Post, “A government shutdown just became a bit more likely. That might be a good thing.”, **Sept 12th** 2013, http://www.washingtonpost.com/blogs/wonkblog/wp/2013/09/12/a-government-shutdown-just-became-a-bit-more-likely-that-might-be-a-good-thing/?wprss=rss\_ezra-klein&clsrd

5) **A government shutdown wouldn't be the worst thing** in the world. It's breaching the debt ceiling that would be a disaster. There are two fiscal crack-ups on offer this fall. One is a government shutdown. That's bad, but it's not a catastrophe. The other is breaching the debt ceiling. That's a complete and utter catastrophe. The timeline here is cold and unforgiving: Absent action, the government shutdown will happen at the end of this month. The debt ceiling could collapse as soon as Oct. 18. If **the GOP *needs to lose a giant showdown in order to empower more realistic voices*** and move forward, **it's better that showdown happens** over a government shutdown then a debt-ceiling breach**. A government shutdown is highly visible and dramatic, but** it ***won't actually destroy the economy.*** So an "optimistic" case might be that **there's a shutdown for the first few days of October, the GOP gets creamed in public opinion, the hostage-taking strategies** of the party's right flank **are discredited, and Washington is at a much better equilibrium by the time the debt ceiling needs to be raised.**

***The agenda is dead despite shift on Syria***

* No PC despite focus shift to Syria. It will still dominate and overshadow the agenda. Gop and dems still mad at him
* Job creation stagnant – hurts Obama’s credibility and messaging
* Obama has no major accomplishments

Doug **Schoen 9/18**, Contributor, I'm a political strategist, pollster, author and commentator, Obama's Path Forward, <http://www.forbes.com/sites/dougschoen/2013/09/18/obamas-path-forward/>, jj

It goes without saying that President ***Obama has had a rough summer***. ***Despite what appears to be a favorable development with Syria***, **few Democrats and Republicans are supportive of the administration**. **As Congress braces for a divisive debate over the debt ceiling, job creation remains stagnant**, **with August coming in below expectations and the Labor Department revising its July numbers to reflect a significantly weaker report**. Given that both **Syria** and the debt ceiling **are likely to dominate Washington’s agenda** for the remainder of September, it’s highly unlikely that Mr. Obama will advance key elements of his domestic policy agenda before the end of the year. ***This couldn’t come at a worse time***: less than a year ago, **the administration** was approaching its second term with great ambition. Today, **it’s not only digging itself out of self-inflicted holes, but it’s also left without strong policy accomplishments heading into the 2014 election**. By this time in his second term, President Clinton had successfully negotiated with a Republican-led Congress both the State Children’s Health Insurance Program and Balanced Budget Act of 1997. Despite the scandals that plagued his final years in the White House, historians broadly agree on his ability to move legislation through a tough political climate.

***And Obama’s being blasted on war powers now***

**Nelson, 9/5** (Colleen, 9/5/2013, “Obama's Curbs on Executive Power Draw Fire,” <http://online.wsj.com/article/SB10001424127887323893004579057463262293446.html>))

President Barack Obama, who pledged to push his second-term domestic agenda through executive actions when Congress wouldn't cooperate, has moved in the opposite direction on international affairs in recent months as he created new checks on executive authority.

**By asking Congress to authorize military action against Syria, proposing some constraints on National Security Agency surveillance programs and placing limits on drone strikes, the president *voluntarily has ceded some authority* in foreign policy and national security, legal experts say**.

The president's moves on national-security issues reflect a mix of political pragmatism as well as personal principles, and exactly how much power Mr. Obama actually has given up is the subject of debate. He has walked a fine line on Syria, for example, saying he wasn't required to seek sign-off from lawmakers for a military strike but asking for their approval anyway.

A senior administration official said that while the new drone-strike policy does rein in executive authority, the NSA and Syria proposals weren't a reduction of power but an effort to increase transparency and build public confidence.

Still, **the president**, who was criticized for seizing too much power through recess appointments and other steps that some said circumvented Congress, now **is being *criticized by veterans of past Republican administrations* for weakening the presidency**.

John **Yoo**, a Justice Department official in the George W. Bush administration, **said** Mr. **Obama had unnecessarily limited his own authority. He noted that it is rare to see a president restrict his powers.**

Mr. Obama "has been trying to reduce the discretion of the president when it comes to national security and foreign affairs," said Mr. Yoo, now a law professor at the University of California at Berkeley. "These proposals that President Obama is making really run counter to why we have a president and a constitution."

***\*Energy floor debates thump***

Amy **Harder 9/12**, and Clare Foran, National Journal, "The Energy Debate That Wasn't", 2013, www.nationaljournal.com/daily/the-energy-debate-that-wasn-t-20130912?mrefid=mostViewed

**The second day of the Senate's first floor debate on** an **energy** bill in six years ***was marked by obstruction, opposition, and frustration***.¶ Sen. David **Vitter**, R-La., **held firm in his refusal to allow debate to move forward** to an energy-efficiency bill **until Senate leaders agree on a time to vote on his amendment related to** President Obama's **health care** law. Vitter first interfered with the energy debate Wednesday afternoon, shortly after Senate Majority Leader Harry Reid, D-Nev., moved to the bill in place of the Syria resolution that was put on hold.¶ **Vitter's stance put an uncontroversial measure with broad support on a *difficult legislative obstacle course***.¶ "Senators who have talked about energy policy for years and years now say they want to have their issues that are unrelated to energy advance today, even though they have the potential to undermine this bill," Senate Energy and Natural Resources Chairman Ron Wyden, D-Ore., said on the floor, showing clear frustration. "I don't know how that adds up, if you give a lot of speeches at home about sensible energy policy and then take steps to undermine it."¶ Wyden didn't name any names, but he didn't have to.¶ "Since they were all directed at my activity, I want to respond," said Vitter just moments after Wyden concluded his comments. "I have nothing against this bill, I applaud that work. I did hear a lot this summer—quite frankly, I didn't hear about this bill or any provision of this bill. But I'm not denigrating it."¶ **Vitter isn't the only Republican seeking to pivot the debate.** Senate Minority Leader Mitch **McConnell**, R-Ky., **also filed an amendment to the energy bill seeking to delay a key part of Obamacare**. He spoke about the amendment Thursday morning but didn't mention the energy bill at all.¶ **A number of other Republican senators also used floor time to voice opposition to the health care law**, including John Barrasso of Wyoming, Dan Coats of Indiana, and Jeff Flake of Arizona.¶ Among the GOP voices, Vitter's was the loudest. **Whether senators will actually get to debate energy**—even ***controversial issues like*** the ***Keystone*** XL pipeline ***and*** climate-change ***regulations*—now hinges on whether Vitter either backs down from his amendment or comes to an agreement** with Senate leaders on another path to vote on it down the road.¶ ***Even if a deal is reached with Vitter, more obstacles await***. Sens. John **Hoeven**, R-N.D., **and** Mary **Landrieu**, D-La., **introduced an amendment** Thursday **that would declare** the **Keystone** pipeline **to be in the national interest**. A decision on a permit for the controversial project is still pending at the State Department.¶ On ***another thorny issue***, Sens. Joe Donnelly, D-Ind., and Roy Blunt, R-Mo., introduced **an amendment that would ban the E**nvironmental **P**rotection **A**gency **from requiring** costly carbon-capture and **sequestration technology** to be used in order to comply with climate-change regulations. The amendment would instead require the EPA to develop technology standards for different fuels and different sources of emissions.¶ **Barrasso is also pushing an amendment to block the agency's upcoming climate rules** unless they are approved by Congress. The EPA is expected to issue regulations limiting carbon emissions for new power plants very soon.

***Plan doesn’t cost political capital --- Obama wouldn’t push the plan***

***The plan pits moderate republicans against conservative republicans***

**Denver Post ’11**, 6-20, Libya has exposed GOP divide over U.S. role in world, <http://www.denverpost.com/ci_18312620>, jj

WASHINGTON — **Republicans are facing a widening fissure over the U.S. role on the world stage as party leaders decide whether to confront** President Barack **Obama** this week **over** U.S. policy toward **Libya**.¶ House Speaker John **Boehner,** R-Ohio, **and other congressional Republican leaders have said** that **U.S. involvement** in NATO's bombing campaign, which hit the 90-day mark Sunday, **violates the War Powers Act.** The House could seek to cut off money for the war as it takes up the annual Pentagon spending bill late this week.¶ Meantime, **several of the party's potential presidential candidates have called for the U.S. to quit the fight in Libya and questioned the depth of U.S. involvement in Afghanistan**.¶ **Other Republican**¶ **figures have begun pushing back, criticizing what they see as a growing "isolationist" agenda within the party**. **The result is that** ¶ **Republicans, once relatively unified on foreign policy issues, now have a division** that parallels the long-standing split in Democratic ranks.¶ Divide out in open¶ **The debate was on public display** Sunday **as two of the GOP's leading figures** on defense and foreign policy, Sens. John **McCain** of Arizona **and** Lindsey **Graham** of South Carolina, **sharply criticized Republican presidential hopefuls and congressional figures who question the country's military intervention around the world**.¶ "**There has always been an isolationist strain in the Republican Party**," McCain said on ABC's "This Week," **"but now it seems to have moved more center stage**. . . . That is not the Republican Party that has been willing to stand up for freedom for people all over the world."¶ Graham said on NBC's "Meet the Press" that any debate over cutting money for the Libya war would encourage resistance by Libyan leader Moammar Khadafy.¶ "Congress should sort of shut up," he said.¶ McCain and Graham also criticized the apparent front- runner for the party's presidential nomination, former Massachusetts Gov. Mitt Romney, for referring to the fighting in Afghanistan as a "war for independence" that the U.S. should leave to others.¶ "I wish that candidate Romney and all the others would sit down" with U.S. commanders "and understand how this counterinsurgency is working and succeeding," McCain said.¶ Timing sharpens rift¶ **The rift** among Republicans has been developing for some time but **is coming into sharper relief as the wars become increasingly unpopular** and as the election year nears. The arguments became louder last week after the White House released its rationale for not asking Congress to authorize the Libya conflict.¶ Boehner, who is trying to balance the conflicting positions within the Republican caucus, gave a carefully worded answer on the subject late last week, hinting at a possible move to cut off money.¶ The Republican skeptics about Libya and Afghanistan tend to frame their arguments in fiscal rather than foreign policy terms. **The** $700 million **cost of the Libya operation has fueled their opposition to what** Sen. Rand **Paul**, R-Ky., **called "an overreaching and sometimes unnecessary foreign policy**."¶ At the same time, **the GOP has a strong interventionist faction that has long opposed most efforts to restrain presidential power**. **Many prominent Republicans have argued for years**, for example, **that the War Powers Act is unconstitutional**, a position Graham repeated Sunday.

***That’s key to the agenda***

**Dickerson 1/18**/13 (John, Chief Political Correspondent at the Slate, Political Director of CBS News, Covered Politics for Time Magazine for 12 Years, Previous White House Correspondent, Go for the Throat!, http://tinyurl.com/b7zvv4d)

On Monday, President Obama will preside over the grand reopening of his administration. It would be altogether fitting if he stepped to the microphone, looked down the mall, and let out a sigh: so many people expecting so much from a government that appears capable of so little. A second inaugural suggests new beginnings, but this one is being bookended by dead-end debates. Gridlock over the fiscal cliff preceded it and gridlock over the debt limit, sequester, and budget will follow. After the election, the same people are in power in all the branches of government and they don't get along. There's no indication that the president's clashes with House Republicans will end soon.

Inaugural speeches are supposed to be huge and stirring. Presidents haul our heroes onstage, from George Washington to Martin Luther King Jr. George W. Bush brought the Liberty Bell. They use history to make greatness and achievements seem like something you can just take down from the shelf. Americans are not stuck in the rut of the day.

But this might be too much for Obama’s second inaugural address: After the last four years, how do you call the nation and its elected representatives to common action while standing on the steps of a building where collective action goes to die? That **bipartisan** bag of tricks has been tried and it didn’t work. People don’t believe it. Congress' approval rating is 14 percent, the lowest in history. In a December Gallup poll, 77 percent of those asked said the way Washington works is doing “serious harm” to the country.

The challenge for President Obama’s speech is the challenge of his second term: how to be great when the **environment stinks**. Enhancing the president’s legacy requires something more than simply the clever application of predictable stratagems. Washington’s **partisan rancor**, the size of the problems facing government, and the limited amount of **time** before Obama is a lame duck all point to a single conclusion: The president who came into office speaking in lofty terms about **bipartisanship** and cooperation can only cement his legacy if he **destroys the GOP**. If he wants to transform American politics, he must **go for the throat**.

President Obama could, of course, resign himself to tending to the achievements of his first term. He'd make sure health care reform is implemented, nurse the economy back to health, and put the military on a new footing after two wars. But he's more ambitious than that. He ran for president as a one-term senator with no executive experience. In his first term, he pushed for the biggest overhaul of health care possible because, as he told his aides, he wanted to make history. He may already have made it. There's no question that he is already a president of consequence. But there's no sign he's content to ride out the second half of the game in the Barcalounger. He is approaching gun control, climate change, and immigration with wide and excited eyes. He's not going for caretaker.

How should the president proceed then, if he wants to be bold? The Barack Obama of the first administration might have approached the task by finding some Republicans to deal with and then start agreeing to some of their demands in hope that he would win some of their votes. It's the traditional approach. Perhaps he could add a good deal more schmoozing with lawmakers, too.

That's the old way. **He has abandoned that**. He doesn't think it will work and he doesn't have the time. As Obama explained in his last press conference, he thinks the Republicans are dead set on opposing him. They cannot be unchained by schmoozing. Even if Obama were wrong about Republican intransigence, other constraints will limit the chance for cooperation. Republican lawmakers worried about primary challenges in 2014 are not going to be willing partners. He probably has at most 18 months before people start dropping the lame-duck label in close proximity to his name.

Obama’s **only remaining option is to pulverize**. Whether he succeeds in passing legislation or not, given his ambitions, his goal should be to delegitimize his opponents. Through a series of **clarifying fights over controversial issues**, he can force Republicans to either side with their coalition's most extreme elements or cause a rift in the party that will leave it, at least temporarily, in disarray.

This theory of political transformation rests on the weaponization (and slight bastardization) of the work by Yale political scientist Stephen Skowronek. Skowronek has written extensively about what distinguishes transformational presidents from caretaker presidents. In order for a president to be transformational, the old order has to fall as the orthodoxies that kept it in power exhaust themselves. Obama's gambit in 2009 was to build a new post-partisan consensus. That didn't work, but by exploiting the weaknesses of today’s Republican Party, Obama has an opportunity to hasten the demise of the old order by increasing the political cost of having the GOP coalition defined by Second Amendment absolutists**, climate science deniers**, supporters of “self-deportation” and the pure no-tax wing.

***The plan is popular***

**Gelb & Slaughter, 05** (Leslie H. Gelb, is a former correspondent for [The New York Times](http://en.wikipedia.org/wiki/The_New_York_Times) and is currently President Emeritus of the [Council on Foreign Relations](http://en.wikipedia.org/wiki/Council_on_Foreign_Relations). ¶ & Anne-Marie Slaughter, contributing editor at the Atlantic, the Bert G. Kerstetter '66 University Professor of Politics and International Affairs at Princeton University. Beginning in September 2013, she will assume the presidency of the New America Foundation, , and will become a professor emerita at Princeton. From 2009–2011 she served as Director of Policy Planning for the United States Department of State, Prior to her government service, Dr. Slaughter was the Dean of Princeton's Woodrow Wilson School of Public and International Affairs from 2002–2009 and the J. Sinclair Armstrong Professor of International, Foreign, and Comparative Law at Harvard Law School from 1994-2002.¶ November 07, 2005, American Foreisng Policy: “It’s Time to Stop slipping into armed conflict,” http://www.theatlantic.com/doc/200511/declare-war)

Passing this legislation might not be easy. But the time is right. **Liberals and conservatives alike have become increasingly concerned about the carelessness and costs of wars** over the past forty years. **A law that established a clear and solemn process for taking the nation to war, while acknowledging the joint responsibility of Congress and the president, *could command broad support*—especially if it were framed as a return to our constitutional roots. Moderates and liberals would presumably go along. The bill would satisfy their concerns about how easily the United States has gone to war, with subsequent regrets about either the war itself or how it was fought**. **But in the wake of the Iraq War such a law might also appeal to many conservatives and neo-conservatives—particularly those who have come to feel that the United States is not getting the foreign-policy results it should, despite its awesome military power**. Since the Vietnam War, **hawks have felt that we tend to lose wars not on the battlefield but at home**. The public, they correctly argue, becomes disenchanted with combat as casualties and costs mount, particularly if no steady progress toward victory can be seen. Demands to bring the troops home begin. The enemy becomes emboldened, and we begin to lose—first psychologically and then literally.

**( ) No link - The disad is not an opportunity cost – Congress could do the plan and pass CIR**

***PC theory is wrong***

**Hirsh, 2-7** – National Journal chief correspondent, citing various political scientists

[Michael, former Newsweek senior correspondent, "There’s No Such Thing as Political Capital," National Journal, 2-9-13, www.nationaljournal.com/magazine/there-s-no-such-thing-as-political-capital-20130207]

**There’s No Such Thing as Political Capital**

The idea of political capital—or mandates, or momentum—is so poorly defined that presidents and pundits often get itwrong. On Tuesday, in his State of the Union address, President Obama will do what every president does this time of year. For about 60 minutes, he will lay out a sprawling and ambitious wish list highlighted by gun control and immigration reform, climate change and debt reduction. In response, the pundits will do what they always do this time of year: They will talk about how unrealistic most of the proposals are, discussions often informed by sagacious reckonings of how much “political capital” Obama possesses to push his program through. Most of **this** talk **will have no bearing on what actually happens** over the next four years. Consider this: Three months ago, just before the November election, if someone had talked seriously about Obama having enough political capital to oversee passage of both immigration reform and gun-control legislation at the beginning of his second term—even after winning the election by 4 percentage points and 5 million votes (the actual final tally)—this person would have been called crazy and stripped of his pundit’s license. (It doesn’t exist, but it ought to.) In his first term, in a starkly polarized country, the president had been so frustrated by GOP resistance that he finally issued a limited executive order last August permitting immigrants who entered the country illegally as children to work without fear of deportation for at least two years. Obama didn’t dare to even bring up gun control, a Democratic “third rail” that has cost the party elections and that actually might have been even less popular on the right than the president’s health care law. And yet, for reasons that have very little to do with Obama’s personal prestige or popularity—variously put in terms of a “mandate” or “political capital”—chances are fair that both will now happen. What changed? In the case of gun control, of course, it wasn’t the election. It was the horror of the 20 first-graders who were slaughtered in Newtown, Conn., in mid-December. The sickening reality of little girls and boys riddled with bullets from a high-capacity assault weapon seemed to precipitate a sudden tipping point in the national conscience. One thing changed after another. Wayne LaPierre of the National Rifle Association marginalized himself with poorly chosen comments soon after the massacre. The pro-gun lobby, once a phalanx of opposition, began to fissure into reasonables and crazies. Former Rep. Gabrielle Giffords, D-Ariz., who was shot in the head two years ago and is still struggling to speak and walk, started a PAC with her husband to appeal to the moderate middle of gun owners. Then she gave riveting and poignant testimony to the Senate, challenging lawmakers: “Be bold.” As a result, momentum has appeared to build around some kind of a plan to curtail sales of the most dangerous weapons and ammunition and the way people are permitted to buy them. It’s impossible to say now whether such a bill will pass and, if it does, whether it will make anything more than cosmetic changes to gun laws. But one thing is clear: The **political tectonics** have **shift**ed **dramatically in very little time**. Whole new possibilities exist now that didn’t a few weeks ago. Meanwhile, the Republican members of the Senate’s so-called Gang of Eight are pushing hard for a new spirit of compromise on immigration reform, a sharp change after an election year in which the GOP standard-bearer declared he would make life so miserable for the 11 million illegal immigrants in the U.S. that they would “self-deport.” But this turnaround has very little to do with Obama’s personal influence—his political mandate, as it were. It has almost entirely to do with just two numbers: 71 and 27. That’s 71 percent for Obama, 27 percent for Mitt Romney, the breakdown of the Hispanic vote in the 2012 presidential election. Obama drove home his advantage by giving a speech on immigration reform on Jan. 29 at a Hispanic-dominated high school in Nevada, a swing state he won by a surprising 8 percentage points in November. But the movement on immigration has mainly come out of the Republican Party’s recent introspection, and the realization by its more thoughtful members, such as Sen. Marco Rubio of Florida and Gov. Bobby Jindal of Louisiana, that without such a shift the party may be facing demographic death in a country where the 2010 census showed, for the first time, that white births have fallen into the minority. It’s got nothing to do with Obama’s political capital or, indeed, Obama at all. The point is not that “political capital” is a meaningless term. Often it is a synonym for “mandate” or “momentum” in the aftermath of a decisive election—and just about every politician ever elected has tried to claim more of a mandate than he actually has. Certainly, Obama can say that because he was elected and Romney wasn’t, he has a better claim on the country’s mood and direction. Many pundits still defend political capital as a useful metaphor at least. “It’s an unquantifiable but meaningful concept,” says Norman Ornstein of the American Enterprise Institute. “You can’t really look at a president and say he’s got 37 ounces of political capital. But the fact is, it’s a concept that matters, if you have popularity and some momentum on your side.” The real problem is that the idea of **political capital**—or mandates, or momentum—is so poorly defined that presidents and pundits often get it wrong. “Presidents usually over-estimate it,” says George Edwards, a presidential scholar at Texas A&M University. “The best kind of political capital—some sense of an electoral mandate to do something—is very rare. It almost never happens. In 1964, maybe. And to some degree in 1980.” For that reason, **political capital** is a concept that **misleads** far more than it enlightens. **It is** **distortionary**. It conveys the idea that we know more than we really do about the ever-elusive concept of political power, and it ***discounts the way unforeseen events can suddenly change everything***. Instead, it suggests, erroneously, that a political figure has a concrete amount of political capital to invest, just as someone might have real investment capital—that a particular leader can bank his gains, and the size of his account determines what he can do at any given moment in history. Naturally, any president has practical and electoral limits. Does he have a majority in both chambers of Congress and a cohesive coalition behind him? Obama has neither at present. And unless a surge in the economy—at the moment, still stuck—or some other great victory gives him more momentum, it is inevitable that the closer Obama gets to the 2014 election, the less he will be able to get done. Going into the midterms, Republicans will increasingly avoid any concessions that make him (and the Democrats) stronger. But the abrupt emergence of the immigration and gun-control issues illustrates how suddenly shifts in mood can occur and how political interests can align in new ways just as suddenly. Indeed, the pseudo-concept of political capital masks a larger truth about Washington that is kindergarten simple: You just don’t know what you can do until you try. Or as Ornstein himself once wrote years ago, “**Winning wins.”** In theory, and in practice, depending on Obama’s handling of any particular issue, even in a polarized time, he could still deliver on a lot of his second-term goals, depending on his skill and the breaks. Unforeseen catalysts can appear, like Newtown. Epiphanies can dawn, such as when many Republican Party leaders suddenly woke up in panic to the huge disparity in the Hispanic vote. Some **political scientists** **who study** the elusive calculus of **how to pass legislation** and run successful presidencies **say** that **political capital is**, at best, **an empty concept**, and that **almost nothing in** the **academic literature** successfully quantifies or even defines it. “It can refer to a very abstract thing, like a president’s popularity, but there’s no mechanism there. That makes it kind of useless,” says Richard Bensel, a government professor at Cornell University. Even Ornstein concedes that the calculus is far more complex than the term suggests. **Winning** on one issue often **changes the** **calculation** for the next issue; there is never any known amount of capital. “The idea here is, if an issue comes up where **the conventional wisdom is that president is not going to get what he wants**, and [they]he gets it, then each time that happens, it changes the calculus of the **other actors**” Ornstein says. “If they think he’s going to win, they may **change positions to get on the winning side**. **It’s a bandwagon effect**.” ALL THE WAY WITH LBJ Sometimes, a clever practitioner of power can get more done just **because [they’re]*he’s*** aggressive and knows the hallways of Congress well. Texas A&M’s Edwards is right to say that the outcome of the 1964 election, Lyndon Johnson’s landslide victory over Barry Goldwater, was one of the few that conveyed a mandate. But one of the main reasons for that mandate (in addition to Goldwater’s ineptitude as a candidate) was President Johnson’s masterful use of power leading up to that election, and his ability to get far more done than anyone thought possible, given his limited political capital. In the newest volume in his exhaustive study of LBJ, The Passage of Power, historian Robert Caro recalls Johnson getting cautionary advice after he assumed the presidency from the assassinated John F. Kennedy in late 1963. Don’t focus on a long-stalled civil-rights bill, advisers told him, because it might jeopardize Southern lawmakers’ support for a tax cut and appropriations bills the president needed. “One of the wise, practical people around the table [said that] the presidency has only a certain amount of coinage to expend, and you oughtn’t to expend it on this,” Caro writes. (Coinage, of course, was what political capital was called in those days.) Johnson replied, “Well, what the hell’s the presidency for?” Johnson didn’t worry about coinage, and he got the Civil Rights Act enacted, along with much else: Medicare, a tax cut, antipoverty programs. He appeared to understand not just the ways of Congress but also the way to maximize the momentum he possessed in the lingering mood of national grief and determination by picking the right issues, as Caro records. “Momentum is not a mysterious mistress,” LBJ said. “It is a controllable fact of political life.” Johnson had the skill and wherewithal to realize that, at that moment of history, he could have unlimited coinage if he handled the politics right. He did. (At least until Vietnam, that is.)

[Matt note: gender paraphrased]

**Issues compartmentalized**

**Edwards 2k** [Distinguished Professor of Political Science, director of the Center for Presidential Studies, Texas A&M University (George C. III, March. “Building Coalitions.” Presidential Studies Quarterly, Vol. 30, Iss. 1.)]

Besides not considering the full range of available views, members of Congress are **not** generally **in a position to make trade-offs** between policies. Because of its **decentralization**, Congress usually considers policies **serially**, that is, **without reference to other policies**. Without an integrating mechanism, members have few means by which to set and enforce priorities and to emphasize the policies

***No debt ceiling econ impact***

Michael **Tanner 11**, National Review, “No Surrender on Debt Ceiling”, Jan 19, <http://www.nationalreview.com/articles/257433/no-surrender-debt-ceiling-michael-tanner>

Of course the **Obama administration is already warning of Armageddon if Congress doesn’t raise the debt ceiling**. Certainly it would be a shock to the economic system. The bond market could crash. The impact would be felt at home and abroad. But **would it necessarily be** worse than the alternative? While Congress has never before refused to raise the debt ceiling, it has in fact frequently taken its time about doing so. **In 1985, for example, Congress waited nearly three months after the debt limit was reached** before it authorized a permanent increase. **In 1995, four and a half months passed** between the time that the government hit its statutory limit and the time Congress acted. **And in 2002, Congress delayed raising the debt ceiling for three months**. It took three months to raise the debt limit back in 1985 as well. ***In none of those cases did the world end.*** More important, what will be the consequences if the U.S. government fails to reduce government spending? What happens if we raise the debt ceiling then continue merrily on our way spending more and running up ever more debt? Already Moody’s and Standard & Poor’s have warned that our credit rating might be reduced unless we get a handle on our national debt. We’ve heard a lot recently about the European debt crisis, but, as one senior Chinese banking official recently noted, in some ways the U.S. financial position is more perilous than Europe’s. “We should be clear in our minds that the fiscal situation in the United States is much worse than in Europe,” he recently told reporters. “In one or two years, when the European debt situation stabilizes, [the] attention of financial markets will definitely shift to the United States. At that time, U.S. Treasury bonds and the dollar will experience considerable declines.” Moreover, unless we do something, federal spending is on course to consume 43 percent of GDP by the middle of the century. Throw in state and local spending, and government at all levels will take 60 cents out of every dollar produced in this country. Our economy will not long survive government spending at those levels.

**2AC – A2: Econ Impact**

***Economy turns heg – that’s Mack – keeps sea lanes open and maintains trade.***

***Intervention makes economic collapse inevitable***

**Bandow ’12**, Doug Bandow is a senior fellow at the Cato Institute and former special assistant to President Ronald Reagan. March 12, 2012, CATO Institute, Americans for Permanent War: Target Syria, <http://www.cato.org/publications/commentary/americans-permanent-war-target-syria>, jj

Moreover, the U.S. would have to act without international sanction. It is one thing to war unilaterally to defend America. It is quite another to initiate another illegal attempt at international social engineering. And every time Washington acts lawlessly it loses credibility to criticize other states — say China or Russia — for doing the same.¶ Finally, **Americans cannot afford to continue a policy of promiscuous military intervention. Washington’s authority and resources are increasingly limited. The best way to husband them would be to avoid unnecessary wars** — starting with Syria.

***Even massive economic decline has zero chance of war***

Robert **Jervis 11**, Professor in the Department of Political Science and School of International and Public Affairs at Columbia University, December 2011, “Force in Our Times,” Survival, Vol. 25, No. 4, p. 403-425

Even if war is still seen as evil, the security community could be dissolved if severe conflicts of interest were to arise. Could the more peaceful world generate new interests that would bring the members of the community into sharp disputes? 45 A zero-sum sense of status would be one example, perhaps linked to a steep rise in nationalism. More likely would be **a worsening of** the **current economic difficulties,** which **could** itself **produce greater nationalism, undermine democracy and bring back old-fashioned beggar-my-neighbor economic policies**. **While these dangers are real**, ***it is hard to believe that the conflicts could be great enough*** **to lead** the **members of the community to contemplate fighting each other. It is not so much that economic interdependence** has proceeded to the point where it **could not be reversed** – states that were more internally interdependent than anything seen internationally have fought bloody civil wars. **Rather it is that** ***even if the more extreme versions of free trade and economic liberalism become discredited***, **it is** **hard to see how** without building on a preexisting high level of political conflict **leaders and mass opinion would come to believe that their countries could prosper by impoverishing or** even **attacking others**. Is it possible that problems will not only become severe, but that people will entertain the thought that they have to be solved by war? **While a pessimist could note that this argument does not appear as outlandish as it did before the financial crisis**, **an optimist could reply (correctly**, in my view) **that the very fact that we have seen** ***such a sharp economic down-turn*** **without** ***anyone*** **suggesting that force** of arms **is the solution** **shows that** ***even if bad times bring about greater economic conflict***, ***it will not make war thinkable.***

***Resilience makes the impact impossible***

**Zakaria 2009** – PhD in political science from Harvard, editor of Newsweek International, former managing editor of Foreign Affairs (12/12, Fareed, Newsweek, “The Secrets of Stability”, http://www.newsweek.com/id/226425/page/2, WEA)

**One year ago, the world seemed** as if **it might be coming apart**. The global financial system, which had fueled a great expansion of capitalism and trade across the world, was crumbling. All the certainties of the age of globalization—about the virtues of free markets, trade, and technology—were being called into question. **Faith in the American model had collapsed**. The financial industry had crumbled. Once-roaring emerging markets like China, India, and Brazil were sinking. Worldwide trade was shrinking to a degree not seen since the 1930s.

Pundits whose bearishness had been vindicated predicted we were doomed to a long, painful bust, with cascading failures in sector after sector, country after country. In a widely cited essay that appeared in The Atlantic this May, Simon Johnson, former chief economist of the International Monetary Fund, wrote: "The conventional wisdom among the elite is still that the current slump 'cannot be as bad as the Great Depression.' This view is wrong. What we face now could, in fact, be worse than the Great Depression."

Others predicted that these economic shocks would lead to political instability and violence in the worst-hit countries. At his confirmation hearing in February, the new U.S. director of national intelligence, Adm. Dennis Blair, cautioned the Senate that "the financial crisis and global recession are likely to produce a wave of economic crises in emerging-market nations over the next year." Hillary Clinton endorsed this grim view. And she was hardly alone. Foreign Policy ran a cover story predicting serious unrest in several emerging markets.

Of one thing everyone was sure: nothing would ever be the same again. Not the financial industry, not capitalism, not globalization.

**One year later, how much has the world really changed?** Well, Wall Street is home to two fewer investment banks (three, if you count Merrill Lynch). **Some** regional **banks have gone bust**. There was some turmoil in Moldova and (entirely unrelated to the financial crisis) in Iran. Severe problems remain, like high unemployment in the West, and we face new problems caused by responses to the crisis—soaring debt and fears of inflation. But overall, things look nothing like they did in the 1930s. **The predictions of** economic and political **collapse have not materialized** at all.

A key measure of fear and fragility is the ability of poor and unstable countries to borrow money on the debt markets. So consider this: the sovereign bonds of tottering Pakistan have returned 168 percent so far this year. All this doesn't add up to a recovery yet, but it does reflect a return to some level of normalcy. And that rebound has been so rapid that even the shrewdest observers remain puzzled. "The question I have at the back of my head is 'Is that it?' " says Charles Kaye, the co-head of Warburg Pincus. "We had this huge crisis, and now we're back to business as usual?"

This revival did not happen because markets managed to stabilize themselves on their own. Rather, governments, having learned the lessons of the Great Depression, were determined not to repeat the same mistakes once this crisis hit. By massively expanding state support for the through central banks and national treasuries—they buffered the worst of the damage. (Whether they made new mistakes in the process remains to be seen.) The extensive social safety nets that have been established across the industrialized world also cushioned the pain felt by many. Times are still tough, but things are nowhere near as bad as in the 1930s, when governments played a tiny role in national economies.

It's true that the massive state interventions of the past year may be fueling some new bubbles: the cheap cash and government guarantees provided to banks, companies, and consumers have fueled some irrational exuberance in stock and bond markets. Yet these rallies also demonstrate the return of confidence, and confidence is a very powerful economic force. When John Maynard Keynes described his own prescriptions for economic growth, he believed government action could provide only a temporary fix until the real motor of the economy started cranking again—the animal spirits of investors, consumers, and companies seeking risk and profit.

Beyond all this, though, I believe **there's a fundamental reason why we have not faced global collapse** in the last year. **It is the same reason that we weathered** the stock-market crash of **1987**, the recession of **1992**, the Asian crisis of **1997**, the Russian default of **1998**, and the tech-bubble collapse of **2000**. **The** current global economic **system is inherently** **more resilient than we think. The world today is characterized by three major forces for stability, each reinforcing the other** and each historical in nature.

**The first is** the spread of **great-power peace. Since the end of the Cold War, the world's major powers have not competed with each other in geomilitary terms.** There have been some political tensions, but measured by historical standards the globe today is stunningly free of friction between the mightiest nations. **This** lack of conflict **is extremely rare in history**. You would have to go back at least 175 years, if not 400, to find any prolonged period like the one we are living in. The number of people who have died as a result of wars, civil conflicts, and terrorism over the last 30 years has declined sharply (despite what you might think on the basis of overhyped fears about terrorism). And no wonder—three decades ago, the Soviet Union was still funding militias, governments, and guerrillas in dozens of countries around the world. And the United States was backing the other side in every one of those places. That **clash of superpower proxies caused enormous bloodshed and instability**: recall that 3 million people died in Indochina alone during the 1970s. **Nothing like that is happening today**.

Peace is like oxygen, Harvard's Joseph Nye has written. When you don't have it, it's all you can think about, but when you do, you don't appreciate your good fortune. **Peace allows for the possibility of a stable economic life and trade**. The peace that flowed from the end of the Cold War had a much larger effect because it was accompanied by the discrediting of socialism. The world was left with a sole superpower but also a single workable economic model—capitalism—albeit with many variants from Sweden to Hong Kong.

**This consensus enabled the expansion of the global economy**; in fact, it created for the first time a single world economy in which almost all countries across the globe were participants. **That means everyone is invested in the same system.** Today, while the nations of Eastern Europe might face an economic crisis, **no one is suggesting that they abandon free-market capitalism and return to communism.** In fact, around the world you see the opposite: even in the midst of this downturn, there have been few successful electoral appeals for a turn to socialism or a rejection of the current framework of political economy. Center-right parties have instead prospered in recent elections throughout the West.

**The second force for stability is the victory**—after a decades-long struggle—**over** the cancer of **inflation**. Thirty-five years ago, much of the world was plagued by high inflation, with deep social and political consequences. **Severe inflation can be far more disruptive than a recession, because while recessions rob you of better jobs** and wages that you might have had in the future, **inflation robs you of what you have now by destroying your saving**s. **In** many countries in **the 1970s, hyperinflation led to the destruction of the middle class, which was the background condition for** many of the **political dramas** of the era—coups in Latin America, the suspension of democracy in India, the overthrow of the shah in Iran. But then in 1979, the tide began to turn when Paul Volcker took over the U.S. Federal Reserve and waged war against inflation. Over two decades, central banks managed to decisively beat down the beast. At this point, only one country in the world suffers from -hyperinflation: Zimbabwe. Low inflation allows people, businesses, and governments to plan for the future, a key precondition for stability.

Political and economic stability have each reinforced the other. And **the third force** that has underpinned the resilience of the global system **is technological connectivity.** Globalization has always existed in a sense in the modern world, but until recently its contours were mostly limited to trade: countries made goods and sold them abroad. **Today the information revolution has created a much more deeply connected global system.**

Managers in Arkansas can work with suppliers in Beijing on a real-time basis. The production of almost every complex manufactured product now involves input from a dozen countries in a tight global supply chain. And the consequences of connectivity go well beyond economics. Women in rural India have learned through satellite television about the independence of women in more modern countries. Citizens in Iran have used cell phones and the Internet to connect to their well-wishers beyond their borders. Globalization today is fundamentally about knowledge being dispersed across our world.

This diffusion of knowledge may actually be the most important reason for the stability of the current system. **The majority of the world's nations have learned some basic lessons about political well-being and wealth creation**. They have taken advantage of the opportunities provided by peace, low inflation, and technology to plug in to the global system. And they have seen the indisputable results. **Despite all the turmoil of the past year, it's important to remember that more people have been lifted out of poverty over the last two decades than in the preceding 10**. Clear-thinking citizens around the world are determined not to lose these gains by falling for some ideological chimera, or searching for a worker's utopia. They are even cautious about the appeals of hypernationalism and war. Most have been there, done that. And they know the price.

**Legalism 2AC**

***1. Our framework is plan focus – we get to weigh the 1AC – it’s key to clash and fairness and productive debate***

***Prioritize policy relevance over theoretical investigation—key to hold the government accountable --- [turns Schlag, if they read it]***

Ewan E. **Mellor** – European University Institute, Political and Social Sciences, Graduate Student, Paper Prepared for BISA Conference 20**13**, “Why policy relevance is a moral necessity: Just war theory, impact, and UAVs”, online

**This section of the paper considers** more generally **the need for** just war **theorists to engage with policy debate about the use of force**, as well as to engage with the more fundamental moral and philosophical principles of the just war tradition. **It draws on John Kelsay’s conception of just war thinking as being a social practice**,35 **as well as on** Michael **Walzer’s understanding of the role of the social critic in society**.36 It argues that **the just war tradition is a form of “practical discourse” which is concerned with questions of “how we should act.**”37¶ Kelsay argues that:¶ [T]he criteria of jus ad bellum and jus in bello provide a framework for structured participation in a public conversation about the use of military force . . . citizens who choose to speak in just war terms express commitments . . . [i]n the process of giving and asking for reasons for going to war, those who argue in just war terms seek to influence policy by persuading others that their analysis provides a way to express and fulfil the desire that military actions be both wise and just.38¶ He also argues that “**good just war thinking involves continuous and complete deliberation**, in the sense that one attends to all the standard criteria at war’s inception, at its end, and throughout the course of the conflict.”39 **This is important as it highlights the need for** just war **scholars to engage with the ongoing operations in war and the specific policies that are involved**. The question of whether a particular war is just or unjust, and the question of whether a particular weapon (like drones) can be used in accordance with the jus in bello criteria, only cover a part of the overall justice of the war. **Without an engagement with the reality of war, in terms of the policies used in waging it, it is impossible to engage with the “moral reality of war,”**40 **in terms of being able to discuss it and judge it in moral terms**.¶ Kelsay’s description of just war thinking as a social practice is similar to Walzer’s more general description of social criticism. **The** just war **theorist, as a social critic, must be involved with his or her own society and its practices**. In the same way that the social critic’s distance from his or her society is measured in inches and not miles,41 **the** just war **theorist must be close to and must understand the language through which war is constituted, interpreted and reinterpreted**.42 **It is only by understanding the values and language that their own society purports to live by that the social critic can hold up a mirror to that society to**¶ **demonstrate its hypocrisy and to show the gap that exists between its practice and its values**.43 **The tradition** itself provides a set of values and principles and, as argued by Cian O’Driscoll, **constitutes a “language of engagement” to spur participation in public and political debate.**44 This language is part of “our common heritage, the product of many centuries of arguing about war.”45 These principles and this language provide the terms through which people understand and come to interpret war, not in a deterministic way but by providing the categories necessary for moral understanding and moral argument about the legitimate and illegitimate uses of force.46 **By spurring and providing the basis for political engagement the just war tradition ensures that the acts that occur within war are considered according to just war criteria and allows policy-makers to be held to account on this basis**.¶ **Engaging with the reality of war requires recognising that war is**, as Clausewitz stated, **a continuation of policy**. **War**, according to Clausewitz, **is subordinate to politics and to political choices and these political choices can, and must, be judged and critiqued**.47 ***Engagement and political debate are morally necessary as the alternative is disengagement and moral quietude, which is a sacrifice of the obligations of citizenship***.48 ***This engagement must bring*** just war ***theorists into contact with the policy makers and will require work that is accessible and relevant to policy makers***, **however this does not mean a sacrifice of critical distance or an abdication of truth in the face of power**. By engaging in detail with the policies being pursued and their concordance or otherwise with the principles of the just war tradition **the policy-makers will be forced to account for their decisions and justify them in just war language**. In contrast to the view, suggested by Kenneth Anderson, that “the public cannot be made part of the debate” and that “[w]e are necessarily committed into the hands of our political leadership”,49 **it is incumbent upon** just war **theorists to ensure that the public are informed and are capable of holding their political leaders to account**. To accept the idea that the political leadership are stewards and that accountability will not benefit the public, on whose behalf action is undertaken, but will only benefit al Qaeda,50 is a grotesque act of intellectual irresponsibility. As Walzer has argued, **it is precisely because it is “our country” that we are “especially obligated to criticise its policies**.”51

***2. The plan doesn’t whitewash war—defensive wars are justified and we stop the Bush doctrine --- this K is just solvency defense***

**Whitman ’10**, Alex J. Whitman, Judicial Clerk to the Honorable W. Royal Furgeson, Jr., United States Senior District Judge for the Northern District of Texas; J.D., with honors, Emory University School of Law (2010); B.A., cum laude, University of Florida (2007), FROM THE SHORES OF TRIPOLI TO THE DESERTS OF IRAQ: CONGRESS AND THE PRESIDENT IN OFFENSIVE AND DEFENSIVE WARS, <http://ehis.ebscohost.com/eds/pdfviewer/pdfviewer?sid=5e2a18f5-c9b4-40ff-ab6a-def73487309d%40sessionmgr104&vid=1&hid=115>, jj

**One of the most important powers the Constitution granted to** ¶ **Congress was the power to “declare war**.”1¶ In over two centuries since ¶ the Constitution was enacted, this monumental power has only been ¶ exercised in five conflicts: the War of 1812, the Mexican War, the ¶ Spanish-American War, World War I, and World War II.2¶ On all five ¶ of these occasions, the President sought a declaration of war from ¶ Congress, and Congress proceeded to grant the President’s request.3¶ However, the concept of “undeclared war” has been in existence ¶ since before the founding of the nation;4¶ even in the early 19th century, American servicemen found themselves in combat against foreign powers without being authorized by a congressional declaration ¶ of war.5¶ Nonetheless, questions remain to this day as to when a decla-ration of war by Congress is required, when the President may act ¶ without the approval of Congress, or when some form of congressional approval less than a declaration of war is sufficient. ¶ **This article proposes a framework distinguishing between offensive war, in which the decision should be made by Congress, and defensive war, where the President can act without congressional approval**. This article ultimately determines that when the United ¶ States initiates a conflict, Congress should follow the Constitution’s ¶ instructions and issue a declaration of war, but when a defensive war ¶ shifts to an offensive character, the President must seek congressional ¶ authorization that can be short of an actual declaration of war. This ¶ framework is based on the early views and practices of the Framers ¶ for the appropriate role of the President and Congress regarding the ¶ war-making power, drawing particularly from two of the United ¶ States’ earliest undeclared wars known as the Barbary Wars. While ¶ these intermittent American conflicts with the Barbary States of ¶ North Africa in the early part of the 19th century are among the lesser-known conflicts in the history of the United States, the actions of ¶ the executive and legislative branches in these conflicts can help interpret the Framers’ original understanding of the proper role for ¶ both Congress and the President in undeclared war.6¶ **Determining** ¶ **those proper roles is especially relevant because wars conducted** ¶ **without a formal declaration from Congress have become increasingly common over the last sixty years; all five of the major conflicts in** ¶ **the post-World War II era7**¶ **were not accompanied by a congressional** ¶ **declaration of war**.8¶ Regarding the 2003 invasion of Iraq, this article ¶ argues that **the policy of preemptive war promoted by the Bush administration is inherently offensive because the United States is the** ¶ **nation initiating the conflict**. **The adoption of this policy calls for a** ¶ **revival of the declaration of war in the limited circumstance of initiat-ing an offensive war to restore Congress to its properly intended role**. ¶ This way, **Congress takes the strongest possible action in its arsenal**, ¶ **provides an effective check on the President in the crucial decision to** ¶ **go to war, and places the policy-making role in terms of the war power in the hands of Congress, where the early practices of the Framers** ¶ **indicated it should be**.

***3. Perm do both—pure critique of law throws the baby out with the bathwater and stunts progress***

Anthony V. **Alfieri ‘98**, Professor of Law and Director, Center for Ethics and Public Service, University of Miami School of Law, La Raza Law Journal, Spring, 1998, 10 La Raza L.J. 1647, BOOK REVIEW: Black And WhiteCritical Race Theory: The Cutting Edge. Edited By Richard Delgado. +, Lexis, jj

**Constructive engagement in law** and legal advocacy **demands a liberal faith in reason and incremental reform**. ***Part of that faith entails a tolerance for imperfection and halting progress.*** **Neither faith nor tolerance informs the postmodern sensibility**. Like the theoreticians of the Law and Economics and Critical Legal Studies movements, **the metaphysicians of** law and **postmodernism display an impatience with and a distaste for the practical.** Rooted in a higher aspiration for law that is laudable, nonetheless, **the upshot is a disdain for liberal legalism that condemns the victims of procedural bias and substantive prejudice to hardship**. **The tensions bearing on the liberal/postmodern and theory/practice divide thus persist unabated.**

***4. No masking or whitewashing link—their K makes the perfect the enemy of the good and ignores benefits of a pragmatic liberal approach to the law***

Alex **Stein ‘93**, Professor of Law. Benjamin N. Cardozo School of Law., 22 Anglo-Am. L. Rev. 194 (1993) ,Defending Liberal Law: A Review Article, HeinOnline, online, jj

Despite this Altman maintains that **it would be a mistake to dismiss liberal legal protection as fictitious and unduly “reifying**,” viz., **as one which merely disguises the contingency and oppressiveness of existing power relationships by presenting them as objective and/or socially necessary**. **Any such dismissal is derived from an unwarrantedly perfectionist premise that the rule of law was designated to be an unqualified human good, a panacea for all human sins and evils.** **Liberal law is certainly not capable of fulfilling such expectations, but it can still be justified as a least oppressive and therefore the best political framework among the currently known ones.** **CLS’s attempts to refute this defence of liberalism analytically**, let alone by socioa political experience, **have so far not been successful**. All that these attempts did, was to show that liberal law does not eliminate oppression as well as many other evils. By unveiling this and other shortcomings of liberalism, **CLS can merely contribute to a more critical understanding of the liberal legal doctrine rather than demolish it** (pp.1548 and 196201).

***5. Try-or-die for pragmatic reform—the alternative to incremental fixes is a totally unconstrained executive—causes authoritarianism***

William E. **Scheuerman 12** is Professor of Political Science and West European Studies at Indiana University. Summer, 2012, Law & Social Inquiry, 37 Law & Soc. Inquiry 743, REVIEW ESSAY: Emergencies, Executive Power, and the Uncertain Future of US Presidential Democracy, Lexis, jj

So why do Posner and Vermeule think they can join analytic forces with Schmitt while avoiding his theory's unattractive political preferences? Even if liberal legalism fails to restrain the executive, important political checks on the executive operate efficaciously in systems like our own. In fact, they suggest that even though legal and constitutional restraints have evaporated, independent political mechanisms potentially restrain the executive today more effectively than in the past. Most important, executives need to have elite and popular support if they are to advance their policy preferences; in wealthy and educated countries, both elites and broader publics are well positioned to deny such support. No wonder that recent holders of the presidency can seem--depending on the circumstances--either astonishingly powerful or altogether impotent. In contrast, for Schmitt, legal--and what we might loosely describe as political--liberalism are necessarily two sides of the same coin: if you abandon core elements of the rule of law and separation of powers, you can forget about keeping robust legislatures, a freewheeling independent public opinion and civil society, or elections that really amount to very much, at least from an identifiably liberal democratic perspective. n15 Schmitt provided many reasons for this view, but his underlying intuition was by no means a farfetched one: **a political system dominated by an executive unchecked by legal** and constitutional **means is unlikely to take an identifiably liberal democratic form. Civil and political rights will be insecure; free elections will in reality be dominated by the executive, who is particularly well positioned to manipulate public opinion. Without liberal legalism, in short, you will end up with an authoritarian regime, even if it perhaps continues to rest on some sort of mass-based political support.**

***6. We must use the institutions that exercise power to change them***

Lawrence **Grossburg**, University of Illinois, We Gotta Get Outta This Place, **1992**, p. 391-393

The Left needs institutions which can operate within the systems of governance, understanding that such institutions are the mediating structures by which power is actively realized. **It is often** by directing opposition against specific institutions **that** power can be challenged. **The Left has assumed from some time now that, since it has so little access to the apparatuses of agency, its only alternative is to seek a public voice in the media through tactical protests.** The Left **does in fact need more visibility, but it also** needs greater access to the entire range of apparatuses of decision making and power**. Otherwise, the Left has nothing but its own self-righteousness.** It is not individuals who have produced **starvation and the other** social disgraces **of our world,** although it is individuals who must take responsibility for eliminating them. But to do so, they must act within organizations, and within the system of organizations which in fact have the capacity **(as well as the moral responsibility)** to fight them. **Without such organizations, the only models of political commit­ment are self-interest and charity. Charity suggests that we act on behalf of others who cannot act on their own behalf. But we are all precariously caught in the circuits of global capitalism, and every­one’s position is increasingly precarious and uncertain. It will not take much to change the position of any individual in the United States, as the experience of many of the homeless, the elderly and the “fallen” middle class demonstrates. Nor are there any guarantees about the future of any single nation. We can imagine ourselves involved in a politics where acting for another is always acting for oneself as well, a politics in which everyone struggles with the resources they have to make their lives (and the world) better, since the two are so intimately tied together! For example, we need to think of affirmation action as in everyone’s best interests, because of the possibilities it opens. We need to think with what Axelos has described as a “planetary thought” which “would be a coherent thought—but not a rationalizing and ‘rationalist’ inflection; it would be a fragmentary thought of the open totality—for what we can grasp are fragments unveiled on the horizon of the totality. Such a politics will not begin by distinguishing between the local and the global (and certainly not by valorizing one over the other) for the ways in which the former are incorporated into the latter preclude the luxury of such choices.** Resistance is always a local struggle, even when **(as in parts of the ecology movement)** it is imagined to connect into its global structures of articulation**: Think globally, act locally. Opposition is predicated precisely on locating the points of articulation between them, the points at which the global becomes local, and the local opens up onto the global. Since the meaning of these terms has to be understood in the context of any particular struggle, one is always acting both globally and locally: Think globally, act appropriately! Fight locally because that is the scene of action, but aim for the global because that is the scene of agency. “Local struggles directly target national and international axioms, at the precise point of their insertion into the field of imma­nence. This requires the imagination and construction of forms of unity, commonality and social agency which do not deny differences. Without such commonality, politics is too easily reduced to a ques­tion of individual rights (i.e., in the terms of classical utility theory); difference ends up “trumping” politics, bringing it to an end. The struggle against the disciplined mobilization of everyday life can only be built on affective commonalities, a shared “responsible yearning: a yearning out towards something more and something better than this and this place now.” The Left, after all, is defined by its common commitment to principles of justice, equality and democ­racy (although these might conflict) in economic, political and cultural life. It is based on the hope, perhaps even the illusion, that such things are possible.** The construction of an affective commonal­ity attempts to mobilize people in a common struggle, despite the fact that they have no common identity or character, recognizing that they are the only force capable of providing a new historical and oppositional agency. It strives to organize minorities into a new majority.

***7. They cede the political***

Martha T. **McCluskey ‘07** +, + William J. Magavern Faculty Scholar and Professor, State University of New York at Buffalo, Buffalo Law Review, January, 2007, 54 Buffalo L. Rev. 1191, Book Review: Thinking with Wolves: Left Legal Theory After the Right's Rise, Lexis, jj

But in the context of early 21st century America, **criticism of "liberal" ideals has become so loud, pervasive,** [\*1196] **and banal that some progressives might wonder why we need the left or intellectuals to add to the** din. n12 **By joining and sharpening the attacks on liberal legalism by the right-wing "wolves," the book may leave some readers worried** (or hopeful) **that it ultimately will do more to advance right-wing anti-liberal legalism and less to advance progressive alternatives to liberal law reforms**. n13 If so, **the book might reinforce the tendency to blame unrestrained theory for the left's failures** n14 - **the very tendency the book wants to refute**. Instead, this review essay argues that the shortcomings of the book support its main argument. Left Legalism/Left Critique risks enhancing the rise of the right not because of too much bold critique, but because of not quite enough. n15 In particular, the book does not have enough bold left theory about what counts as theory versus praxis, law versus policy, and identity politics versus distributional politics. **The book tends to undercut the promise of left critique by suggesting that the move toward left theory requires a move away from a focus on politics, law**, and identity. **By** [\*1197] **positioning** rigorous, foundation-shaking **reason against practical activism, law reform, and** identity-based **politics, the book uncritically reinforces the liberal conceptual framework that constrains left theory and politics - § Marked 20:03 § and that strengthens right-wing power**. The fact that the left generally has been less successful than the right in promulgating politically viable alternatives to "liberal" law in recent years is not primarily a problem of too much or too little impractical left theory. Rather, **the left has failed because it has not matched the right in mobilizing politics, law, and identity to change the dominant theoretical framework - a framework that in turn maintains and constrains the mainstream debate about politics, law, and identity so that more progressive possibilities remain unimaginable.**

***8. Alt fails***

Sanford **Levinson ‘83**, Professor of Law, University of Texas at Austin. Duke University, B.A., 1962; Harvard University, Ph.D., 1969; Stanford University, J.D., 1973. Harvard Law Review, APRIL, 1983, 96 Harv. L. Rev. 1466, BOOK REVIEW: ESCAPING LIBERALISM: EASIER SAID THAN DONE, Lexis, jj

Although several authors emphasize their commitment to the victims of oppression, n15 none of the essays in the book seriously professes to embrace the teleological Marxist view of history. Indeed, **to the extent that there is any emphasis on the hegemony of liberal legalism in our culture, the** book's **mood is** sometimes **reminiscent of the extreme pessimism** of Herbert Marcuse's One Dimensional Man, in which "Marxism" ultimately turns in one itself once the essential faith in the working class is lost; for some of the critical legal scholars, as for Marcuse, the denouement of historical development is not liberation, but the awfulness of monopolistic, alienated, consumer-oriented capitalism itself. n16 **This vision fails to provide an analysis of political change that can guide radical practice**. Rather, **many of the critical scholars have limited their work to either denunciation of the present order or articulation of what can only be described as utopian fantasies.**

**The failure to develop a convincing alternative to liberal legalism manifests itself** at four levels: (1) **a deep ambivalence toward the place of "law" in radical theory**, (2) a failure to indicate the extent of the rejection of liberal assumptions about civil liberties, (3) an inability successfully to attack the foundations of liberal theories of distributive justice, and (4) **the adoption of a tone and style of argument that are guaranteed** [\*1470] **to alienate the uncommitted from participation in the idealistic -- albeit hitherto unsuccessful -- attempt to move beyond liberal legalism.**

***\*\*\*\*\*\*\*\*\*\*\*9. Realism is inevitable***

**Mearsheimer 1** (John, professor at the University of Chicago, The Tragedy of Great Power Politics)

The optimists' claim that security competition and war among the great powers has been burned out of the system is wrong. In fact, all of the major states around the globe still care deeply about the balance of power and are destined to compete for power among themselves for the foreseeable future. Consequently, realism will offer the most powerful explanations of international politics over the next century, and this will be true even if the debates among academic and policy elites are dominated by non-realist theories. In short, the real world remains a realist world. States still fear each other and seek to gain power at each other's expense, because international anarchy—the driving force behind great-power behavior—did not change with the end of the Cold War, and there are few signs that such change is likely any time soon. States remain the principal actors in world politics and there is still no night watchman standing above them. For sure, the collapse of the Soviet Union caused a major shift in the global distribution of power. But it did not give rise to a change in the anarchic structure of the system, and without that kind of profound change, there is no reason to expect the great powers to behave much differently in the new century than they did in previous centuries. Indeed, considerable evidence from the 1990s indicates that power politics has not disappeared from Europe and Northeast Asia, the regions in which there are two or more great powers, as well as possible great powers such as Germany and Japan. There is no question, however, that the competition for power over the past decade has been low-key. Still, there is potential for intense security competition among the great powers that might lead to a major war.

# 1ar

**K**

**#1 – Epist/Method Not First**

***Method arg is junk – their arg is legal restraints bad – just a question of solvency***

***Extend our framework --- we should get to weigh our advantages even if they point out methodological flaws --- otherwise they moot the 1AC and make clash impossible***

***Infinite Regress – endless items become the nexus question – discourages clash with the other 99% of the Aff.***

***The net benefit is policy relevance --- that’s Mellor --- shifting the frame to theorizing causes disengagement —debate over specific policy proposals stops the war machine and holds the government accountable.***

***-- Evaluate consequences – allowing violence for the sake of moral purity is evil***

**Isaac 2** (Jeffrey C., Professor of Political Science – Indiana-Bloomington, Director – Center for the Study of Democracy and Public Life, Ph.D. – Yale, Dissent Magazine, 49(2), “Ends, Means, and Politics”, Spring, Proquest)

As writers such as Niccolo Machiavelli, Max Weber, Reinhold Niebuhr, and Hannah Arendt have taught, an unyielding concern with moral goodness undercuts political responsibility. The concern may be morally laudable, reflecting a kind of personal integrity, but it suffers from three fatal flaws: (1) It fails to see that the purity of one’s intention does not ensure the achievement of what one intends. Abjuring violence or refusing to make common cause with morally compromised parties may seem like the right thing; but if such tactics entail impotence, then it is hard to view them as serving any moral good beyond the **clean conscience** of their supporters; (2) it fails to see that in a world of real violence and injustice, moral purity is not simply a form of powerlessness; it is often a form of complicity in injustice. This is why, from the standpoint of politics--as opposed to religion--pacifism is always a potentially immoral stand. In categorically repudiating violence, it refuses in principle to oppose certain violent injustices with any effect; and (3) it fails to see that politics is as much about **unintended consequences** as it is about intentions; it is the effects of action, rather than the motives of action, that is most significant. Just as the alignment with “good” may engender impotence, it is often the pursuit of “good” that generates evil. This is the lesson of communism in the twentieth century: it is not enough that one’s goals be sincere or idealistic; it is equally important, always, to ask about the effects of pursuing these goals and to judge these effects in pragmatic and historically contextualized ways. Moral absolutism inhibits this judgment. It alienates those who are not true believers. It promotes arrogance. And it undermines political effectiveness.

***Prior question fails***

**Jackson**, associate professor of IR – School of International Service @ American University, **‘11**

(Patrick Thadeus, The Conduct of Inquiry in International Relations, p. 57-59)

Perhaps the greatest irony of this instrumental, decontextualized importation of “falsification” and its critics into IR is the way that an entire line of thought that privileged disconfirmation and refutation—no matter how complicated that disconfirmation and refutation was in practice—has been transformed into a license to **worry endlessly about foundational assumptions.** At the very beginning of the effort to bring terms such as “paradigm” to bear on the study of politics, Albert O. **Hirschman** (1970b, 338) **noted this very danger**, suggesting that without “a little more ‘reverence for life’ and a little less straightjacketing of the future,” the **focus on** producing internally **consistent** packages of **assumptions instead of** actually examining **complex empirical situations would result in scholarly paralysis.** Here as elsewhere, Hirschman appears to have been quite prescient, inasmuch as the major effect of paradigm and research programme language in IR seems to have been a series of debates and discussions about whether the fundamentals of a given school of thought were sufficiently “scientific” in their construction. Thus **we have debates about how to evaluate scientific progress**, and attempts to propose one or another set of research design principles **as uniquely scientific**, and inventive, “reconstructions” of IR schools, such as Patrick James’ “elaborated structural realism,” supposedly for the purpose of placing them on a **firmer scientific footing** by making sure that they have all of the required elements of a basically Lakatosian19 model of science (James 2002, 67, 98–103).

The bet with all of this scholarly activity seems to be that if we can just get the fundamentals right, then scientific progress will inevitably ensue . . . even though this is the precise opposite of what Popper and Kuhn and Lakatos argued! In fact, all of this obsessive interest in foundations and starting-points is, in form if not in content, a lot closer to logical positivism than it is to the concerns of the falsificationist philosophers, despite the prominence of language about “hypothesis testing” and the concern to formulate testable hypotheses among IR scholars engaged in these endeavors. That, above all, is why I have labeled this methodology of scholarship neopositivist. While it takes much of its self justification as a science from criticisms of logical positivism, in overall sensibility it still operates in a visibly positivist way, attempting to construct knowledge from the ground up by getting its foundations in logical order before concentrating on how claims encounter the world in terms of their theoretical implications. This is by no means to say that neopositivism is not interested in hypothesis testing; on the contrary, neopositivists are extremely concerned with testing hypotheses, but **only after the fundamentals have been** soundly **established.** Certainty, not conjectural provisionality, seems to be the goal—a goal that, ironically, Popper and Kuhn and Lakatos would all reject.

**1AR #3, 4, 5 – Perm / Link Turn**

***Perm is the best methodological option --- corrects shortcomings of both***

Methodologies are always imperfect – endorsing multiple epistemological frameworks can correct the blindspots of each

**Stern and Druckman 00** (Paul, National Research Council and Daniel, Institute for Conflict Analysis and Resolution – George Mason University, International Studies Review, Spring, p. 62-63)

Using several distinct research approaches or sources of information in conjunction is a valuable strategy for developing generic knowledge. This strategy is particularly useful for meeting the challenges of measurement and inference. The nature of historical phenomena makes controlled experimentation—the analytic technique best suited to making strong inferences about causes and effects—practically impossible with real-life situations. Making inferences requires using experimentation in simulated conditions and various other methods, each of which has its own advantages and limitations, but none of which can alone provide the level of certainty desired about what works and under what conditions. We conclude that debates between advocates of different research methods (for example, the quantitative-qualitative debate) are unproductive except in the context of a search for ways in which different methods can complement each other. Because there is no single best way to develop knowledge, the search for generic knowledge about international conflict resolution should adopt an epistemological strategy of triangulation, sometimes called “**critical** **multiplism**.”53 That is, it should use multiple perspectives, sources of data, constructs, interpretive frameworks, and modes of analysis to address specific questions on the presumption that research approaches that rely on certain perspectives can act as **partial correctives** for the limitations of approaches that rely on different ones. An underlying assumption is that robust findings (those that hold across studies that vary along several dimensions) engender more confidence than replicated findings (a traditional scientific ideal, but not practicable in international relations research outside the laboratory). When different data sources or methods converge on a single answer, one can have increased confidence in the result. When they do not converge, one can interpret and take into account the known biases in each research approach. A continuing critical dialogue among analysts using different perspectives, methods, and data could lead to an understanding that better approximates international relations than the results coming from any single study, method, or data source.

***Perm works and net benefit is not ceding the political – 2AC #7 – far left attacks on the law cause right wing fill-in --McCluskey***

**CP**

**1ar perm do cp**

**Politics**

**Top**

Heg can survive economic decline --- heg has survided tons of financial crisis

Don’t have to win that theres tons of resiliency b/c we mitigate their internal link to the economy --- the debt ceiling is not catastrophic enough to collapse heg

***Heg will survive econ decline – also overall resilience***

**Ferguson 2009** – Laurence A. Tisch Professor at Harvard University and a member of the AI editorial board (Niall, The American Interest, Jan-Feb 09, “What “Chimerica” Hath Wrought”, http://www.the-american-interest.com/article.cfm?piece=533, WEA)

Yet **commentators should hesitate before prophesying the decline** and fall **of the United States. It has come through disastrous financial crises before—not just the Great Depression, but also** the Great **Stagflation of the 1970s—and emerged with its geopolitical position enhanced. That happened in the 1940s and again in the 1980s.**

Part of the reason it happened is that **the United States has long offered the world’s most benign environment for technological innovation and entrepreneurship.** The Depression saw a 30 percent contraction in economic output and 25 percent unemployment. But **throughout the 1930s American companies continued to pioneer new ways of making and doing things**: think of DuPont (nylon), Proctor & Gamble (soap powder), Revlon (cosmetics), RCA (radio) and IBM (accounting machines). In the same way, the **double-digit inflation of the 1970s didn’t deter** Bill Gates from founding **Microsoft** in 1975, **or** Steve Jobs from founding **Apple a year** **later**.

Moreover, **the** **American** political **system has repeatedly proved itself capable of producing leadership in a crisis**—leadership not just for itself but for the world. Both Franklin Roosevelt and Ronald Reagan came to power focused on solving America’s economic problems. But by the end of their presidencies they dominated the world stage, FDR as the architect of victory in World War II, Reagan performing a similar role in the Cold War. It remains to be seen whether Barack Obama will be a game-changing president in the same mold. But Americans voted for him in the hope that he is. Would Obama have won without the credit crunch, which destroyed what little remained of the Republican reputation for economic competence?

But the most important reason why **the United States bounces back from even the worst financial crises** is that **these crises, bad as they seem at home, always have worse effects on America’s rivals**. Think of the Great Depression. Though its macroeconomic effects were roughly equal in the United States and Germany, the political consequence in the United States was the New Deal; in Germany it was the Third Reich. Germany ended up starting the world’s worst war; the United States ended up winning it. The American credit crunch is already having much worse economic effects abroad than at home. It will be no surprise if it is also more politically disruptive to America’s rivals.

***Even massive economic decline has zero chance of war***

Robert **Jervis 11**, Professor in the Department of Political Science and School of International and Public Affairs at Columbia University, December 2011, “Force in Our Times,” Survival, Vol. 25, No. 4, p. 403-425

Even if war is still seen as evil, the security community could be dissolved if severe conflicts of interest were to arise. Could the more peaceful world generate new interests that would bring the members of the community into sharp disputes? 45 A zero-sum sense of status would be one example, perhaps linked to a steep rise in nationalism. More likely would be **a worsening of** the **current economic difficulties,** which **could** itself **produce greater nationalism, undermine democracy and bring back old-fashioned beggar-my-neighbor economic policies**. **While these dangers are real**, ***it is hard to believe that the conflicts could be great enough*** **to lead** the **members of the community to contemplate fighting each other. It is not so much that economic interdependence** has proceeded to the point where it **could not be reversed** – states that were more internally interdependent than anything seen internationally have fought bloody civil wars. **Rather it is that** ***even if the more extreme versions of free trade and economic liberalism become discredited***, **it is** **hard to see how** without building on a preexisting high level of political conflict **leaders and mass opinion would come to believe that their countries could prosper by impoverishing or** even **attacking others**. Is it possible that problems will not only become severe, but that people will entertain the thought that they have to be solved by war? **While a pessimist could note that this argument does not appear as outlandish as it did before the financial crisis**, **an optimist could reply (correctly**, in my view) **that the very fact that we have seen** ***such a sharp economic down-turn*** **without** ***anyone*** **suggesting that force** of arms **is the solution** **shows that** ***even if bad times bring about greater economic conflict***, ***it will not make war thinkable.***

***Resilience makes the impact impossible***

**Zakaria 2009** – PhD in political science from Harvard, editor of Newsweek International, former managing editor of Foreign Affairs (12/12, Fareed, Newsweek, “The Secrets of Stability”, http://www.newsweek.com/id/226425/page/2, WEA)

**One year ago, the world seemed** as if **it might be coming apart**. The global financial system, which had fueled a great expansion of capitalism and trade across the world, was crumbling. All the certainties of the age of globalization—about the virtues of free markets, trade, and technology—were being called into question. **Faith in the American model had collapsed**. The financial industry had crumbled. Once-roaring emerging markets like China, India, and Brazil were sinking. Worldwide trade was shrinking to a degree not seen since the 1930s.

Pundits whose bearishness had been vindicated predicted we were doomed to a long, painful bust, with cascading failures in sector after sector, country after country. In a widely cited essay that appeared in The Atlantic this May, Simon Johnson, former chief economist of the International Monetary Fund, wrote: "The conventional wisdom among the elite is still that the current slump 'cannot be as bad as the Great Depression.' This view is wrong. What we face now could, in fact, be worse than the Great Depression."

Others predicted that these economic shocks would lead to political instability and violence in the worst-hit countries. At his confirmation hearing in February, the new U.S. director of national intelligence, Adm. Dennis Blair, cautioned the Senate that "the financial crisis and global recession are likely to produce a wave of economic crises in emerging-market nations over the next year." Hillary Clinton endorsed this grim view. And she was hardly alone. Foreign Policy ran a cover story predicting serious unrest in several emerging markets.

Of one thing everyone was sure: nothing would ever be the same again. Not the financial industry, not capitalism, not globalization.

**One year later, how much has the world really changed?** Well, Wall Street is home to two fewer investment banks (three, if you count Merrill Lynch). **Some** regional **banks have gone bust**. There was some turmoil in Moldova and (entirely unrelated to the financial crisis) in Iran. Severe problems remain, like high unemployment in the West, and we face new problems caused by responses to the crisis—soaring debt and fears of inflation. But overall, things look nothing like they did in the 1930s. **The predictions of** economic and political **collapse have not materialized** at all.

A key measure of fear and fragility is the ability of poor and unstable countries to borrow money on the debt markets. So consider this: the sovereign bonds of tottering Pakistan have returned 168 percent so far this year. All this doesn't add up to a recovery yet, but it does reflect a return to some level of normalcy. And that rebound has been so rapid that even the shrewdest observers remain puzzled. "The question I have at the back of my head is 'Is that it?' " says Charles Kaye, the co-head of Warburg Pincus. "We had this huge crisis, and now we're back to business as usual?"

This revival did not happen because markets managed to stabilize themselves on their own. Rather, governments, having learned the lessons of the Great Depression, were determined not to repeat the same mistakes once this crisis hit. By massively expanding state support for the through central banks and national treasuries—they buffered the worst of the damage. (Whether they made new mistakes in the process remains to be seen.) The extensive social safety nets that have been established across the industrialized world also cushioned the pain felt by many. Times are still tough, but things are nowhere near as bad as in the 1930s, when governments played a tiny role in national economies.

It's true that the massive state interventions of the past year may be fueling some new bubbles: the cheap cash and government guarantees provided to banks, companies, and consumers have fueled some irrational exuberance in stock and bond markets. Yet these rallies also demonstrate the return of confidence, and confidence is a very powerful economic force. When John Maynard Keynes described his own prescriptions for economic growth, he believed government action could provide only a temporary fix until the real motor of the economy started cranking again—the animal spirits of investors, consumers, and companies seeking risk and profit.

Beyond all this, though, I believe **there's a fundamental reason why we have not faced global collapse** in the last year. **It is the same reason that we weathered** the stock-market crash of **1987**, the recession of **1992**, the Asian crisis of **1997**, the Russian default of **1998**, and the tech-bubble collapse of **2000**. **The** current global economic **system is inherently** **more resilient than we think. The world today is characterized by three major forces for stability, each reinforcing the other** and each historical in nature.

**The first is** the spread of **great-power peace. Since the end of the Cold War, the world's major powers have not competed with each other in geomilitary terms.** There have been some political tensions, but measured by historical standards the globe today is stunningly free of friction between the mightiest nations. **This** lack of conflict **is extremely rare in history**. You would have to go back at least 175 years, if not 400, to find any prolonged period like the one we are living in. The number of people who have died as a result of wars, civil conflicts, and terrorism over the last 30 years has declined sharply (despite what you might think on the basis of overhyped fears about terrorism). And no wonder—three decades ago, the Soviet Union was still funding militias, governments, and guerrillas in dozens of countries around the world. And the United States was backing the other side in every one of those places. That **clash of superpower proxies caused enormous bloodshed and instability**: recall that 3 million people died in Indochina alone during the 1970s. **Nothing like that is happening today**.

Peace is like oxygen, Harvard's Joseph Nye has written. When you don't have it, it's all you can think about, but when you do, you don't appreciate your good fortune. **Peace allows for the possibility of a stable economic life and trade**. The peace that flowed from the end of the Cold War had a much larger effect because it was accompanied by the discrediting of socialism. The world was left with a sole superpower but also a single workable economic model—capitalism—albeit with many variants from Sweden to Hong Kong.

**This consensus enabled the expansion of the global economy**; in fact, it created for the first time a single world economy in which almost all countries across the globe were participants. **That means everyone is invested in the same system.** Today, while the nations of Eastern Europe might face an economic crisis, **no one is suggesting that they abandon free-market capitalism and return to communism.** In fact, around the world you see the opposite: even in the midst of this downturn, there have been few successful electoral appeals for a turn to socialism or a rejection of the current framework of political economy. Center-right parties have instead prospered in recent elections throughout the West.

**The second force for stability is the victory**—after a decades-long struggle—**over** the cancer of **inflation**. Thirty-five years ago, much of the world was plagued by high inflation, with deep social and political consequences. **Severe inflation can be far more disruptive than a recession, because while recessions rob you of better jobs** and wages that you might have had in the future, **inflation robs you of what you have now by destroying your saving**s. **In** many countries in **the 1970s, hyperinflation led to the destruction of the middle class, which was the background condition for** many of the **political dramas** of the era—coups in Latin America, the suspension of democracy in India, the overthrow of the shah in Iran. But then in 1979, the tide began to turn when Paul Volcker took over the U.S. Federal Reserve and waged war against inflation. Over two decades, central banks managed to decisively beat down the beast. At this point, only one country in the world suffers from -hyperinflation: Zimbabwe. Low inflation allows people, businesses, and governments to plan for the future, a key precondition for stability.

Political and economic stability have each reinforced the other. And **the third force** that has underpinned the resilience of the global system **is technological connectivity.** Globalization has always existed in a sense in the modern world, but until recently its contours were mostly limited to trade: countries made goods and sold them abroad. **Today the information revolution has created a much more deeply connected global system.**

Managers in Arkansas can work with suppliers in Beijing on a real-time basis. The production of almost every complex manufactured product now involves input from a dozen countries in a tight global supply chain. And the consequences of connectivity go well beyond economics. Women in rural India have learned through satellite television about the independence of women in more modern countries. Citizens in Iran have used cell phones and the Internet to connect to their well-wishers beyond their borders. Globalization today is fundamentally about knowledge being dispersed across our world.

This diffusion of knowledge may actually be the most important reason for the stability of the current system. **The majority of the world's nations have learned some basic lessons about political well-being and wealth creation**. They have taken advantage of the opportunities provided by peace, low inflation, and technology to plug in to the global system. And they have seen the indisputable results. **Despite all the turmoil of the past year, it's important to remember that more people have been lifted out of poverty over the last two decades than in the preceding 10**. Clear-thinking citizens around the world are determined not to lose these gains by falling for some ideological chimera, or searching for a worker's utopia. They are even cautious about the appeals of hypernationalism and war. Most have been there, done that. And they know the price.

***No markets impact***

Peter **Lefkin 13**, Senior Vice President of Government and External Affairs for Allianz of North America, “Round 2 of the Debt-Ceiling Debate,” Allianz Global, 5/21, <http://us.allianzgi.com/Commentary/MarketInsights/Pages/5QuestionswithPeterLefkin.aspx>

**Expect more brinkmanship from Democrats and Republicans**. **Both parties will go through the rhetoric and the charade of partisan politics. After several years of political uncertainty, *markets generally discount dysfunction* in Washington.** But the political leverage has shifted: The fiscal cliff was a strategic loss for Republicans but it set the stage for them to stand pat on the sequester. The cards are now in their favor. And they’re going to play them. Earlier this year, **everyone expected Republicans to demand sweeping changes to entitlement spending as a condition of agreeing to raise the debt limit.** With the budget numbers improving, and the public already lulled into complacency about the deficit by low interest rates, many **Republicans realize that they may have to shift gears**. They could tie the debt-ceiling increase to something else. The Republican wish list includes comprehensive tax reform, entitlement reform and construction of the Keystone oil pipeline.

***Err aff---their authors exaggerate***

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

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

***Debt ceiling downgrade won’t hurt the economy---empirics***

Brian **Dooley 12**, "Will US debt rating be downgraded again?", 12/29, [www.royalgazette.com/article/20121229/BUSINESS08/712299981](http://www.royalgazette.com/article/20121229/BUSINESS08/712299981)

So **what happens when the world’s largest bond sector faces a potential downgrade due to political instability**, runaway budget deficits and an anaemic economic recovery?¶ **The answer might be found in what was witnessed last year at the time of the S&P downgrade**, which also involved longer term US securities being placed on “negative watch”. S&P said they believed “the fiscal consolidation plan that Congress and the Administration recently agreed fell short of what is necessary to stabilise the government’s medium term debt dynamics”. **The downgrade was prompted by the debt ceiling debate** which requires Congress to approve increases in America’s debt capacity at regular intervals.¶ **S&P argued that the predictability and effectiveness of American policymaking had** both **declined** to a level of concern and cited pessimism that Congress and the Administration could bridge the vast gulf between the two main political parties. In short, the agency took a “show me” attitude about America being able to hammer out an effective plan which put the country back on track.¶ Oddly enough, **Treasury bond prices had actually been increasing in the midst of the debt ceiling debate in** the summer of **2011 as investors grew sanguine about the prospects for a successful** budget **negotiation**. Prices rose and yields fell right up until the day of the downgrade after which bonds sold off sharply. On that day, the benchmark ten-year US Treasury bond yield ticked up to from 2.47 percent to 2.58 percent and prices of bonds declined across the curve.¶ ***Immediately after the*** S&P ***downgrade, however, investors shrugged off the news and Treasury bonds resumed their rally*** into the end of the year. Perhaps bond buyers were encouraged that an agreement had finally been struck and that Moody’s and Fitch, the two other major credit rating agencies had not followed the S&P action. **Massive bond buying the US Federal Reserve didn’t hurt either.**

**1AR Syria – A2 Focus Shift**

***The agenda is dead despite shift on Syria***

* No PC despite focus shift to Syria. It will still dominate and overshadow the agenda. Gop and dems still mad at him
* Job creation stagnant – hurts Obama’s credibility and messaging
* Obama has no major accomplishments

Doug **Schoen 9/18**, Contributor, I'm a political strategist, pollster, author and commentator, Obama's Path Forward, <http://www.forbes.com/sites/dougschoen/2013/09/18/obamas-path-forward/>, jj

It goes without saying that President ***Obama has had a rough summer***. ***Despite what appears to be a favorable development with Syria***, **few Democrats and Republicans are supportive of the administration**. **As Congress braces for a divisive debate over the debt ceiling, job creation remains stagnant**, **with August coming in below expectations and the Labor Department revising its July numbers to reflect a significantly weaker report**. Given that both **Syria** and the debt ceiling **are likely to dominate Washington’s agenda** for the remainder of September, it’s highly unlikely that Mr. Obama will advance key elements of his domestic policy agenda before the end of the year. ***This couldn’t come at a worse time***: less than a year ago, **the administration** was approaching its second term with great ambition. Today, **it’s not only digging itself out of self-inflicted holes, but it’s also left without strong policy accomplishments heading into the 2014 election**. By this time in his second term, President Clinton had successfully negotiated with a Republican-led Congress both the State Children’s Health Insurance Program and Balanced Budget Act of 1997. Despite the scandals that plagued his final years in the White House, historians broadly agree on his ability to move legislation through a tough political climate.

***And Obama’s being blasted on war powers now***

**Nelson, 9/5** (Colleen, 9/5/2013, “Obama's Curbs on Executive Power Draw Fire,” <http://online.wsj.com/article/SB10001424127887323893004579057463262293446.html>))

President Barack Obama, who pledged to push his second-term domestic agenda through executive actions when Congress wouldn't cooperate, has moved in the opposite direction on international affairs in recent months as he created new checks on executive authority.

**By asking Congress to authorize military action against Syria, proposing some constraints on National Security Agency surveillance programs and placing limits on drone strikes, the president *voluntarily has ceded some authority* in foreign policy and national security, legal experts say**.

The president's moves on national-security issues reflect a mix of political pragmatism as well as personal principles, and exactly how much power Mr. Obama actually has given up is the subject of debate. He has walked a fine line on Syria, for example, saying he wasn't required to seek sign-off from lawmakers for a military strike but asking for their approval anyway.

A senior administration official said that while the new drone-strike policy does rein in executive authority, the NSA and Syria proposals weren't a reduction of power but an effort to increase transparency and build public confidence.

Still, **the president**, who was criticized for seizing too much power through recess appointments and other steps that some said circumvented Congress, now **is being *criticized by veterans of past Republican administrations* for weakening the presidency**.

John **Yoo**, a Justice Department official in the George W. Bush administration, **said** Mr. **Obama had unnecessarily limited his own authority. He noted that it is rare to see a president restrict his powers.**

Mr. Obama "has been trying to reduce the discretion of the president when it comes to national security and foreign affairs," said Mr. Yoo, now a law professor at the University of California at Berkeley. "These proposals that President Obama is making really run counter to why we have a president and a constitution."

***Syria will cost Obama PC and wreck the agenda, even without a vote***

Naureen **Khan**, **9-11**-2013, “Obama pays high political price for fumbling on Syria,” Aljazeera, http://america.aljazeera.com/articles/2013/9/11/obama-pays-high-politicalpriceforhandlingofsyria.html

The **Obama** administration may **have found a temporary way to stave off defeat on** the question of **Syria, but the long-term political prognosis for the president**’s handling of the crisis **is dimmer: He will not emerge unscathed** from one of the biggest foreign policy challenges of his time in office. For the moment, the administration has pulled back from its original proposal to launch limited air strikes against Syrian President Bashar al-Assad, in the face of mounting opposition on Capitol Hill and around the country. In a prime-time address Tuesday night, the president asked Congress to postpone votes on a possible strike as the administration vetted a diplomatic solution put forward by Russia at the United Nations that would allow Syria to avert the attack by turning over its chemical weapons stockpiles to international control. Nine senators, meanwhile, worked on an alternate resolution to put Congress’ stamp of approval on the new international plan. The speech on Tuesday night capped off weeks of dizzying developments on Syria during which Obama seemed to be walking a tightrope -- selling the idea of military force to a war-weary public and Congress while also feverishly trying to avoid it. “Obviously, this has not been well handled, and the president’s made a couple of 180-degree turns, from the 'red line' to doing nothing to then the military action, and now this diplomatic solution,” said Larry Sabato, political scientist at the University of Virginia. “Here’s his problem: Democrats, Republicans, conservatives, liberals, independents are all opposed to going into Syria. Good luck.” Sabato said that **the diplomatic solution looks like the best exit strategy for the president but that there have already been holes punched in his credibility**. “Some **damage is done because he does look indecisive**,” Sabato said. **All probable resolutions are still rife with peril** for a president who was elected, as he said last week, “to end wars, not start them.” Syria's War A **diplomatic agreement with Russia** and Syria will allow the White House to save face and scrap an intensely unpopular plan for military action but **will** almost certainly **be viewed** by some **as a retreat**. There are legitimate questions about how such disarmament would work in practice and whether Syria or Russia should be trusted. If Obama overrides Congress and pursues strikes over lawmakers' objections, he would burn all good will with a body he must work with to reach a deal on the debt ceiling and pass a budget in the fall. There would also almost certainly be increased rumblings about impeachment proceedings if, after extolling the virtues of a constitutional democracy, he decided to do as he wanted. Public-opinion polls showed disapproval of the strikes actually hardening as Obama pushed for authorization. A poll released by the Pew Research Center for the People and the Press Monday showed American opposition to the strikes surging within the last week from 48 percent to 63 percent. The president's approval rating is also in negative territory at 44 percent, with only a third of Americans favoring his approach to foreign policy -- an all-time low. Opponents of the administration seized on the less-than-flattering moment to criticize Obama's entire approach to engaging with the world as well as his blunders on Syria. “The world just hasn’t cooperated with the president’s vision or his hopes,” Senate Minority Leader Mitch McConnell, R-Ky., said on the Senate floor Tuesday shortly after announcing that he would oppose the strikes. “We’ve learned the hard way that being nice to our enemies doesn’t make them like you.” During a testy exchange at a House Armed Services Committee hearing Tuesday morning, Rep. Jeff Miller, R-Fla., rebuked Secretary of State John Kerry for the administration’s course changes. When Kerry said the Senate was delaying votes in light of a possible diplomatic resolution, Miller interjected, “Because they don’t have the votes, Mr. Secretary. That’s why they’ve delayed. You know that.“ Fire came from usually friendly quarters too. Liberal Sen. Bernie Sanders, I-Vt., assailed the president and Congress for not focusing on a domestic agenda. “What about our kids?” he asked. “What kind of future are they going to have in a country where the middle class continues to disappear?” **Obama’s priorities ar**e indeed **on hold** for the short term. **Immigration reform has not been discussed** at all this week, **and even** pressing **debt-ceiling** negotiations **are on the back burner**. Ron Bonjean, a former GOP aide to House and Senate leadership, said **the president has weakened his hand on upcoming issues by burning his political capital on Syria**. “**If members of Congress are willing to stand up to him on Syria**, and it looks like they can win, **then there’s no reason they wouldn’t take him on other issues as well** -- over the debt ceiling and the budget talks that will happen this fall,” said Bonjean. “Accidental diplomacy,” he said, was no way to exude leadership.

***Triggers focus link***

Ted **Barrett and** Tom **Cohen**, CNN, **9-12-’13**, Congress shifts its focus away from Syria resolution, <http://www.cnn.com/2013/09/11/politics/syria-congress/index.html>, jj

"***Congress will be watching these negotiations very closely***," Senate Majority Leader Harry **Reid**, a Nevada Democrat, **warned** Wednesday. "If there is any indication they're not serious or they're being used as a ploy to delay, then **Congress stands ready to return to that Syria resolution**" that would authorize a military strike on Syria.

**1AR—GOP Division Link Turn [1:00]**

***War powers breaks the GOP***

Rand Paul, the Tea Party, and democrats push the plan --- that causes backlash from Obama and hawks like McCain

**Strassel, 11**(June 24th, Kimberly, a member of Wall Street Journal Editorial Board, Since 2007 she has written the Potomac Watch column WSJ: “The GOP's War Powers Opportunism,” http://online.wsj.com/article/SB10001424052702304569504576403941879147666.html)

This week should have been Barack Obama's moment under the national-security klieg lights, a time for the nation to wonder about a commander in chief who would precipitously end his own Afghanistan surge, and who once again has failed to explain a half-hearted strategy in Libya. But **what fun is there in criticizing Democrats on national security when the GOP is offering up a much more embarrassing spectacle?** In their rush to score points on the president, what **congressional Republicans have actually managed to** do is **hurt themselves.** **They've highlighted their own divisions** **and given voters reason to question whether the party is throwing over principle in favor of political opportunism or, more worrisome, a new form of GOP isolationism**. In the space of a few months, **Republicans have gone from coherently criticizing** Mr. **Obama**'s timid approach to the Arab awakening, **to a few weeks ago incoherently losing 87 members to antiwar Democrat Dennis Kucinich's resolution to end military engagement in Libya.** **This caused an *open rift* in the party, compelling Sen. John McCain to stand up for U.S. victory and sponsor a resolution giving Mr. Obama freedom of action for another year**. House Republicans have very publicly let it be known that they intend to hold a vote on Mr. McCain's resolution—solely so that they can very publicly vote him down. Not satisfied that this is an ample enough rebuke to those who would win a war, **the GOP is now working to pass legislation to defund the president's Libya mission**. **That's right, House Republicans (not House Democrats) intend to kneecap a commander in chief**. How has the GOP come to this pass? It began, in fairness, with genuine frustration with a president who failed to consult Congress prior to hostilities (a courtesy that would have won him friends) and has largely refused to answer congressional questions (a snub that made him outright opponents). Mr. **Obama's meek deferral to NATO and the United Nations and his failure to make his case to the American public have made it hard for Republicans to explain or defend Libya to their own constituents. Yet rather than pressure the president to do Libya right, the GOP reflex has been to use his mistakes as an excuse for their own**. **House leaders are of the view that failing to take action against the president is the equivalent of letting him "get away" with his snubs and bad policy and to "win" on this issue.** The only real winner of a Libya withdrawal is, of course, a terrorist named Moammar Gadhafi. But try telling that to a GOP that has come full circle to congressional Democrats, circa 2006, who masked their ambitions to undermine President Bush behind lofty arguments of Iraq "oversight."¶ Speaking of 2006, some of this is also the consequence of a party with no obvious leader. Mr. Bush kept his caucus (barely) on Iraq only by constantly reminding members of the stakes. **Those GOP candidates who would follow Mr. Bush have been mostly craven on Libya and Afghanistan**, with Mitt Romney and Michele Bachmann more worried about winning the next public-opinion poll than winning a war. **House Speaker John Boehner remains reluctant to openly engage his excitable freshmen.** Rather than lead on Libya, his default has been to try to make the best of a fractious GOP—for instance, by offering up a less-bad version of the Kucinich resolution. **To the extent there is political pressure, it comes from the tea party, which has no interest in foreign policy but is instead focused on spending and federal powers. This has helped to drive the growing group of self-described constitutionalists and war-deficit-hawks who are giving rise to a new brand of Republican isolationism.** **The prevailing antigovernment feeling has allowed folks like Kentucky Sen. Rand Paul to spin the Libya mission as some sort of affront to the Constitution, since Mr. Obama failed to beg Congress's approval for Libya, as required by the 1973 War Powers Act. Never mind that conservative scholars will point out that it is the War Powers Act itself that is unconstitutional. That used to be the general GOP view, but with "Obama violated the Constitution" making for such a delicious sound bite among base voters, Republicans are willing to forget the past**. **Never mind too that some of the very Republicans now complaining that it "costs" too much to be in Libya, or Afghanistan, are the same states-rights Republicans who like to argue that the federal government is constitutionally constrained to funding only a few items. You know, like national security.** The GOP's obsessive focus on deficits has already risked losing it the upper hand on the growth-and-jobs argument. **Its accountant mentality now risks costing it a clear view on defense.** ¶ **It risks far more. Mr. Boehner said this week he didn't want to do anything to "undermine NATO," but the mere passage of the Republican resolutions will do just that. The GOP can then share responsibility with Mr. Obama for losing in Libya and emboldening a tin-pot dictator.** How's that for an electoral pitch?

***Key to the agenda***

Payroll tax proves --- empirically effective political strategy --- better than negotiating with PC

**Alexander ’13**, Rachel Alexander is the editor of the Intellectual Conservative., Jan 28, 2013, Obama's Divide the GOP and Conquer Strategy, <http://townhall.com/columnists/rachelalexander/2013/01/28/obamas-divide-the-gop-and-conquer-strategy-n1499435/page/full>, jj

**Obama has figured out how to force his** left wing **agenda through even though he was reelected with a divided country**. ***He cherry picks issues which divide the Republican Party***. **The Republican Party ends up fighting within itself, diverting the public's attention to its chaos rather than Obama's agenda. The Republican Party is left looking unprincipled, confused and hypocritical**.¶ **Look at the most recent high-profile political battles**. With the help of the complicit liberal media, **Obama made extending the payroll tax cut to avoid the “fiscal cliff” one of the biggest issues**. It is not a clear-cut Republican versus Democrat issue, because while Republicans are generally in favor of lower taxes, government spending is out of control. **Every time the extension has come up for a vote, Republicans are split**. If they vote to extend it, they look fiscally irresponsible. If they vote to end it, they look like they support a tax increase. Either way **they will be skewered by both the left and the right** for deserting their principles, **and Obama skates away free to pursue his agenda with little scrutiny**. **The Democrats escape scrutiny** on the payroll tax cut extension votes because they don't claim to be the party of fiscal responsibility or friend of the taxpayers. They merely claim to stand for murky concepts like “caring about Americans.”

***Outweighs their link***

Even if plan weakens Obama --- divided GOP can’t capitalize on that

Byron **York**, Jewish World Review August 20, 20**13**, Fractured GOP struggles to expose Obama's weakness, <http://www.jewishworldreview.com/0813/york.php3#.UhZ20NLqmSo>

**Republicans are buzzing about a new** Gallup **poll showing public approval of** President **Obama's handling of the economy has fallen** to 35 percent, **while disapproval has risen** to an astonishing 62 percent. **With showdowns coming over Obamacare, spending, and debt, the president's weakness could create a huge opportunity for the GOP. But the fact is, Republicans are too disorganized, splintered, and unfocused to take advantage of it.**

***Alternate theories of agenda success ignore key facts.***

**Dickerson 13** [John, Chief Political Correspondent at the Slate, Political Director of CBS News, Covered Politics for Time Magazine for 12 Years, Previous White House Correspondent, They Hate Me, They Really Hate Me, http://tinyurl.com/arlxupq]

When you are on the Fox News’ ticker for the wrong reasons, it's time to put things into context.

On the eve of the president's inauguration, I wrote a piece about what President Obama needs to do to be a transformational rather than caretaker president. I was using a very specific definition of transformational presidencies based on my reading of a theory of **political science** and the **president's own words** about transformational presidencies from the 2008 campaign. It was also based on these givens: The president is ambitious, has picked politically controversial goals, has little time to operate before he is dubbed a lame-duck president, and has written off working with Republicans. "Bloodier-minded when it comes to beating Republicans,” is how Jodi Kantor put it in the New York Times. Given **these facts**, there is **only one logical conclusion** for a president who wants to transform American politics: He must take on Republicans—aggressively.

For me, this was a **math problem** with an **unmistakable conclusion**. Some people thought I was giving the president my personal advice. No. My goal was to make a compelling argument based on the facts. I used words like "war" and “pulverize,” and some have responded with threats to me and my family. (“Go for his throat!” some have counseled, echoing the headline.) These words have also liberated some correspondents (USUALLY THE ONES THAT TYPE IN ALL CAPS!!!!) from reading the piece or reading it in the spirit in which it was written. But there were also almost 2,000 other words in the piece, which should put that provocative language in context. What's been lost in the news ticker and Twitter threats is the argument of the piece: This is the **only plausible path** for a bold, game-changing second term for a president who has positioned himself the way President Obama has. Indeed, the piece accurately anticipated the forceful line the president ultimately took in his inaugural address with his call for collective action and failure to reach out to Republicans. Brit Hume said Obama’s speech confirms for all time the president’s essential liberalism. The New Republic’s Noam Scheiber precisely identified the speech not merely as liberal but an argument for liberalism.

Some correspondents have asked why I didn't advocate that Obama embrace House GOP spending plans or some other immediate compromise, a more pleasant outcome than the prospect of even more conflict in Washington. There's **no evidence**, however, that the president is in a compromising mood. (Again, see second inaugural.) This piece was written from the viewpoint of the reality as it stands, not a more pleasing future we would all prefer to inhabit. That reality (and the initial piece) includes an unpleasant fact to some Republicans: The GOP is in a state of disequilibrium. For evidence of that disarray, I rely on Rep. Tom Cole, Sen. Rand Paul, participants at the House GOP retreat, and Ramesh Ponnuru at the National Review. (As I mentioned in the piece, Democrats have their own tensions, too.)

***Our argument is based in academia and cites empirics.***

**Dickerson 13** [John, Chief Political Correspondent at the Slate, Political Director of CBS News, Covered Politics for Time Magazine for 12 Years, Previous White House Correspondent, Go for the Throat!, http://tinyurl.com/b7zvv4d]

Obama’s only remaining option is to pulverize. Whether he succeeds in passing legislation or not, given his ambitions, his goal should be to delegitimize his opponents. Through a series of clarifying fights over controversial issues, he can force Republicans to either side with their coalition's most extreme elements or cause a rift in the party that will leave it, at least temporarily, in disarray.

This theory of political transformation rests on the weaponization (and slight bastardization) of the work by **Yale political scientist** Stephen Skowronek. Skowronek has written extensively about what distinguishes transformational presidents from caretaker presidents. In order for a president to be transformational, the old order has to fall as the orthodoxies that kept it in power exhaust themselves. Obama's gambit in 2009 was to build a new post-partisan consensus. That didn't work, but by exploiting the weaknesses of today’s Republican Party, Obama has an opportunity to hasten the demise of the old order by increasing the political cost of having the GOP coalition defined by Second Amendment absolutists, climate science deniers, supporters of “self-deportation” and the pure no-tax wing.

The president has the ambition and has picked a second-term agenda that can lead to clarifying fights. The next necessary condition for this theory to work rests on the Republican response. Obama needs two things from the GOP: overreaction and charismatic dissenters. They’re not going to give this to him willingly, of course, but mounting pressures in the party and the personal ambitions of individual players may offer it to him anyway. Indeed, Republicans are serving him some of this recipe already on gun control, immigration, and the broader issue of fiscal policy.

On gun control, the National Rifle Association has overreached. Its Web video mentioning the president's children crossed a line.\* The group’s dissembling about the point of the video and its message compounds the error. (The video was also wrong). The NRA is whipping up its members, closing ranks, and lashing out. This solidifies its base, but is not a strategy for wooing those who are not already engaged in the gun rights debate. It only appeals to those who already think the worst of the president. Republicans who want to oppose the president on policy grounds now have to make a decision: Do they want to be associated with a group that opposes, in such impolitic ways, measures like universal background checks that 70 to 80 percent of the public supports? Polling also suggests that women are more open to gun control measures than men. The NRA, by close association, risks further defining the Republican Party as the party of angry, white Southern men.

The president is also getting help from Republicans who are calling out the most extreme members of the coalition. New Jersey Gov. Chris Christie called the NRA video "reprehensible." Others who have national ambitions are going to have to follow suit. The president can rail about and call the GOP bad names, but that doesn't mean people are going to listen. He needs members inside the Republican tent to ratify his positions—or at least to stop marching in lockstep with the most controversial members of the GOP club. When Republicans with national ambitions make public splits with their party, this helps the president.

(There is a corollary: The president can’t lose the support of Democratic senators facing tough races in 2014. Opposition from within his own ranks undermines his attempt to paint the GOP as beyond the pale.)

If the Republican Party finds itself destabilized right now, it is in part because the president has already **implemented a version** of this strategy. In the 2012 campaign, the president successfully transformed the most intense conservative positions into liabilities on immigration and the role of government. Mitt Romney won the GOP nomination on a platform of “self-deportation” for illegal immigrants—and the Obama team never let Hispanics forget it. The Obama campaign also branded Republicans with Romney's ill-chosen words about 47 percent of Americans as the party of uncaring millionaires.

Now Republican presidential hopefuls like Chris Christie, Marco Rubio, and Bobby Jindal are trying to fix the party's image. There is a general scramble going on as the GOP looks for a formula to move from a party that relies on older white voters to one that can attract minorities and younger voters.

Out of fear for the long-term prospects of the GOP, some Republicans may be willing to partner with the president. That would actually mean progress on important issues facing the country, which would enhance Obama’s legacy. If not, the president will stir up a fracas between those in the Republican Party who believe it must show evolution on issues like immigration, gun control, or **climate change** and those who accuse those people of betraying party principles.

That fight will be loud and in the open—and in the short term unproductive. The president can stir up these fights by poking the fear among Republicans that the party is becoming defined by its most extreme elements, which will in turn provoke fear among the most faithful conservatives that weak-willed conservatives are bending to the popular mood. That will lead to more tin-eared, dooming declarations of absolutism like those made by conservatives who sought to define the difference between legitimate and illegitimate rape—and handed control of the Senate to Democrats along the way. For the public watching from the sidelines, these intramural fights will look confused and disconnected from their daily lives. (Lip-smacking Democrats don’t get too excited: This internal battle is the necessary precondition for a GOP rebirth, and the Democratic Party has its own tensions.)

This approach is not a path of gentle engagement. It **requires confrontation** and bright lines and tactics that are more aggressive than the president demonstrated in the first term. He can't turn into a snarling hack. The posture is probably one similar to his official second-term photograph: smiling, but with arms crossed.

The president already appears to be headed down this path. He has admitted he’s not going to spend much time improving his schmoozing skills; he's going to get outside of Washington to ratchet up public pressure on Republicans. He is transforming his successful political operation into a governing operation. It will have his legacy and agenda in mind—and it won’t be affiliated with the Democratic National Committee, so it will be able to accept essentially unlimited donations. The president tried to use his political arm this way after the 2008 election, but he was constrained by re-election and his early promises of bipartisanship. No more. Those days are done.

Presidents don’t usually sow discord in their inaugural addresses, though the challenge of writing a speech in which the call for compromise doesn’t evaporate faster than the air out of the president’s mouth might inspire him to shake things up a bit. If it doesn’t, and he tries to conjure our better angels or summon past American heroes, then it will be among the most forgettable speeches, because the next day he’s going to return to pitched political battle. He has no time to waste.

**O won’t spend PC/won’t get involved**

***Obama won’t spend capital to defend WOT war powers***

**Wall St Journal July 28, 2013**, “Absent on Presidential Power,”

<http://online.wsj.com/article/SB10001424127887323610704578630102919888438.html>, KEL

**Does** President **Obama privately want Congress to rein in his antiterror surveillance programs**? **That's the question some of our friends on Capitol Hill are asking after barely defeating an effort in the House to gut the N**ational **S**ecurity **A**gency**'s** **collection of metadata** to prevent terrorist attacks. Opponents defeated the right-left coalition on Wednesday, but by only 217-205. **Most of the heavy lifting was done by Republicans**, who backed the President 134-94. Most Democrats voted against their own party leader, 111-83, including House heavyweights like George Miller and Henry Waxman. The amendment would almost surely have passed without the determined advocacy of House Intelligence Chairman Mike Rogers, who has credibility with his GOP colleagues. As for the President, Director of National Intelligence James Clapper and the NSA worked hard, but our sources say **White House aides were otherwise either asleep or deliberately AWOL**. The press secretary issued a statement opposing the amendment, but only late on the night before the vote after House leaders warned of defeat. Even then it was a tepid statement, calling and measure a "blunt approach" that was "not the product of an informed, open, or deliberative process." How about a danger to national security? **This passivity has become a familiar pattern, with** Mr. **Obama utilizing the security programs he inherited from** President **Bush but *spending zero political capital* to explain them to maintain public support**. **As the House vote shows, that soon won't be good enough—unless** Mr. **Obama really is trying to undermine his own war-making power.**