**NDT 1AC**

**Advantage 1 – Deterrence**

***Advantage 1 is Deterrence:***

***It’s collapsing now because of presidential bluffing***

Barry **Pavel 9/9/13** is a vice president at the Atlantic Council and served as special assistant for defense policy and strategy on the National Security Council staff for President George W. Bush and President Barack Obama from 2008 to 2010. September 9, 2013, US News, The World Is Watching Obama Stumble, <http://www.usnews.com/opinion/blogs/world-report/2013/09/09/obamas-bumbling-syria-plan-emboldens-north-korea-and-iran>, jj

**When Obama declared a year ago that Syrian chemical weapons use would be a "red line" and would change his "calculus," he was issuing a deterrent threat**. The essence of any such threat contains two elements: first, the certainty of severe and timely punishment for transgression of the line that was drawn, and second, uncertainty about the exact nature of the punishment ("the threat that leaves something to chance," in the words of famous deterrence theorist Thomas Schelling). **When Assad's forces used chemical weapons earlier this year, with no such punishment from the U.S. military, the Syrians undoubtedly decided that Obama was not going to back up his threat. So they used chemical weapons again, this time on a much larger scale**. ***Deterrence had broken down***. **U.S. allies around the world**, already concerned about deep U.S. defense budget cuts, **waited to see what the White House would do**. At that point, even Obama realized that action had to be taken to restore deterrence. The U.S. national security machinery grinded into action, headed toward the severe, prompt military response that would make it clear to the Syrian leadership that it should never use weapons of mass destruction again. If such an attack were executed swiftly and robustly, there is little doubt that Assad and his advisors would have understood, and they would have relented. They would have, at minimum, felt their offices and headquarters shaking around them, as warheads exploded on multiple military targets for a terrifying, extended period of time. Some of them even would have lost their lives. But just as the response plans began to kick into gear, **the White House broke all the rules of deterrence**. Officials repeatedly leaked details of the plans, and, in other cases, the president himself stated that the operation would be "limited" and "narrow," that it would involve roughly fifty targets attacked only by cruise missiles, and that neither regime change nor changing the balance of power in the Syrian civil war were the goals. **The message to Assad and his cronies was clear: you have nothing to fear.** The folly of the president's subsequent announcement on Labor Day weekend that he would he seek congressional authorization for the planned, short, and limited operation – unprecedented in modern presidential history – was compounded by the fact that he would not even ask Congress to return from vacation for the vote. Syrian use of weapons of mass destruction was important enough for the nation to go to war, but not important enough to call members of Congress back from vacation. This means that the vote would not occur for another ten days at the earliest, further weakening any deterrent effect that remains. Swift, effective Operation "Syrian Response" had become Operation "Slow Motion Pinprick." In one week – albeit in the context of President Obama's consistent emphasis on withdrawing the U.S. military from foreign entanglements – **the president ruptured the critical link between U.S. strategy, diplomacy and the threat of military force. Close U.S. allies and partners from Israel to Saudi Arabia in the Middle East, to South Korea and Japan in the Pacific, grew alarmed by their perceptions of reduced U.S. commitment to come to their defense if attacked. Potential military adversaries such as North Korea and Iran no doubt are emboldened**, seeing a pusillanimous U.S. president hemmed in by domestic politics, reduced budgets and a lack of resolve to wield American power when needed.

***This makes aggression inevitable in the status quo - the perception of political will for conflict is key***

MICHAEL S. **GERSON**, research analyst at the Center for Naval Analyses, a federally funded research center in Alexandria, Va, Conventional Deterrence in the Second Nuclear Age, Parameters, August 20**09**, http://strategicstudiesinstitute.army.mil/pubs/parameters/articles/09autumn/gerson.pdf

The importance of the credibility of US conventional capabilities remains relevant. Future adversaries may discount conventional threats in the mistaken belief that they could circumvent US forces via a fait accompli strategy or otherwise withstand, overcome, or outmaneuver the United States on the conventional battlefield. But **a singular focus on the capabilities part of the credibility equation** ***misses the critical importance of an adversary’s judgment of US political resolve***. In future conventional deterrence challenges, **perceptions of US political willpower are likely to be** ***as important for deterrence credibility as military capabilities***. **One of the key challenges facing the United States** in future conventional deterrence contingencies **is the perception that American public and political leaders are highly sensitive to** US **combat casualties and civilian collateral damage**.48 Regardless of the actual validity of this belief—and there is some evidence suggesting that the US public is willing to tolerate casualties if the conflict is viewed as legitimate or the public believes the United States has a reasonable chance of prevailing49—this view appears to be relatively widespread.50 **If conventional deterrence is largely based on the threat to rapidly engage the opponent’s forces** in combat, ***then the credibility of this threat depends on an opponent’s belief that the United States is willing to accept the human and fiscal costs of conventional conflict***. Consequently, perceptions of casualty sensitivity can undermine the credibility and potential success of conventional deterrence. **A nation might be more inclined to attempt regional aggression if it believes that a sufficient US military response would be hindered** or prevented **by the political pressures associated with America’s alleged aversion** to casualties. ***A potential aggressor likely will try to exploit this perceived aversion*** to casualties **in its deterrence and warfighting strategies**. For example in future conventional contingencies an **opponent may attempt to deter US intervention by threatening to execute a protracted war of attrition,** thereby inflicting heavy casualties on US forces. In this scenario, the adversary is essentially turning the hallmark of conventional deterrence, the ability to execute a rapid and inexpensive victory, against the United States. Saddam Hussein tried this strategy in the run-up to the first Gulf War by threatening to create “rivers of blood” if US forces intervened. Saddam reportedly told US Ambassador to Iraq April Glaspie, “Yours is a society which cannot accept 10,000 dead in one battle.”51 In fact, perceptions of casualty aversion might actually encourage future adversaries to adopt protracted strategies in an effort to prevent US intervention. These strategies are based on the belief that such aggressors can accomplish their objectives by wearing down America’s political will through a long and bloody war of attrition.

***Obama’s deterrent threats are not credible now—bluffing and redlines will cause miscalculation and nuclear war***

George **Friedman 8/27**, is an American political scientist and author. He is the founder, chief intelligence officer, financial overseer, and CEO of the private intelligence corporation STRATFOR. AUGUST 27, 2013, Stratfor, Obama's Bluff, <http://www.stratfor.com/weekly/obamas-bluff>, jj

***This is no longer simply about Syria***. **The *U*nited *S*tates has stated a condition that commits it to an intervention**. **If it does not act when there is a clear violation of the condition, Obama *increases the chance of war* with other countries like North Korea and Iran**. One of the tools the United States can use to shape the behavior of countries like these without going to war is stating conditions that will cause intervention, allowing the other side to avoid crossing the line**. If these countries come to believe that the *U*nited *S*tates is actually bluffing, then the possibility of *miscalculation* soars**. **Washington could issue a red line whose violation it could not tolerate, like a North Korean *nuclear-armed missile*, but the other side could decide this was just another Syria and cross that line**. **Washington would have to attack, an attack that might not have been necessary had it not had its Syria bluff called.**

***Scenario 1 is Russia***

***Ukraine proves that unenforceable presidential redlines incentivize Russian expansionism—this risks regional instability***

**Mitchell, 3/8/14** (Small Wars Journal Discussion with A. Wess Mitchell, president of the Center for European Policy Analysis (CEPA), a U.S. foreign policy institute dedicated to the study of Central and Eastern Europe, Octavian Manea is pursuing, as a Fulbright student, an MA in International Relations with a focus on global security and post-conflict reconstruction at Maxwell School of Citizenship and Public Affairs, Syracuse University, “Responding to Crimea by Bolstering NATO’s Military Presence in Central and Eastern Europe” <http://smallwarsjournal.com/jrnl/art/responding-to-crimea-by-bolstering-nato%E2%80%99s-military-presence-in-central-and-eastern-europe>, jj)

SWJ: **How should we explain Putin’s escalation in Ukraine?** A. Wess Mitchell: There is a longstanding if somewhat repressed desire among the Russian political elite to repatriate lost limbs of the former Soviet empire. This impulse runs very deep in post-Cold War Russian strategic thinking. The conditions that developed in Ukraine over the last few months provided a political pretext for acting on that geopolitical impulse. The democratic backlash to President Viktor Yanukovich’s decision not to move his country closer to Europe at the EaP Summit and his ensuing ejection from Kyiv threatened the possibility of a more Westward oriented Ukraine on the doorstep of Russia. In both strategic and ideological terms, these developments were seen as being unacceptable for the interests of the Russian state and elite. **Recent U.S. diplomatic behavior** also **suggested to the Russians a permissive strategic environment in which Putin could act without incurring high costs**. **This created an opening for a kind of “rebate revisionism.” Putin seized it.** SWJ: ***Does the record of President Obama’s unenforced red-lines play a role in incentivizing Putin’s probing in Ukraine?*** A. Wess Mitchell: ***Yes***. SWJ: How do you see the implications of Russian aggression for the larger European security order? A. Wess Mitchell: **The post-Cold War European security order has been put on notice**. In territorial terms, the Crimea seizure marks the de facto revocation of at least four treaties – the Helsinki Final Act, the Budapest Memorandum, the NATO Founding Act and the Russo-Ukrainian Treaty of 1997. **It was an unprovoked** and, to date, unanswered **land grab that could undermine the foundations of the post-1989 geopolitical settlement in Europe, signaling the end of a stable territorial status-quo East of Poland and radiating insecurity into the eastern member states of the Alliance**. Once the legal basis of the territorial status quo has been effectively challenged in any international system, bad things typically follow. **Russia may be emboldened to try similar techniques elsewhere, and opportunities abound around its troubled periphery**. **Crimea- or South Ossetia-style land grabs** **by Russia suddenly become imaginable** **throughout the post-Soviet space—and, for that matter, the Baltic States, which possess many of the same triggers that were present in Ukraine and Georgia**. This in turn may lead small states both inside and outside of NATO to look for ways to bolster their security through a variety of mechanisms, perhaps **leading to sharpened security dilemmas like those facing U.S. allies in East Asia.**

***That causes global nuclear war***

**Blank 9** – Dr. Stephen Blank , Research Professor of National Security Affairs at the Strategic Studies Institute of the U.S. Army War College, March 2009, “Russia And Arms Control: Are There Opportunities For The Obama Administration?,” online: http://www.strategicstudiesinstitute.army.mil/pdffiles/pub908.pdf

Proliferators or nuclear states like China and Russia can then deter regional or intercontinental attacks either by denial or by threat of retaliation.168 Given a multipolar world structure **with little ideological rivalry among major powers**, **it is unlikely that they will go to war with each other**. Rather, like **Russia**, they **will strive for exclusive hegemony in their own “sphere of influence” and use nuclear instruments towards that end**. However, **wars may well break out** **between major powers and weaker “peripheral” states** or between peripheral and semiperipheral states given their lack of domestic legitimacy, the absence of the means of crisis prevention, the visible absence of crisis management mechanisms, and their strategic calculation that asymmetric wars might give them the victory or respite they need.169 Simultaneously,

The states of periphery and semiperiphery have far more opportunities for political maneuvering. **Since war remains a political option, these states may find it convenient to exercise their military power as a means for achieving political objectives**. Thus **international crises may increase in number**. **This has** two **important implications for the use of WMD**. First, **they may be** **used deliberately to offer a decisive victory** **(or in** **Russia’s case, to achieve “intra-war escalation control**”—author170) to the striker, **or for defensive purposes when imbalances in military capabilities are significant**; and second, **crises increase the possibilities of inadvertent or accidental wars involving WMD**.171

Obviously nuclear proliferators or **states that are expanding their nuclear arsenals like Russia can exercise a great influence upon world politics if they chose to defy the prevailing consensus and use their weapons** not as defensive weapons, as has been commonly thought, but **as offensive weapons to threaten other states** and deter nuclear powers. Their decision to go either for cooperative security and strengthened international military-political norms of action, or for individual national “egotism” will critically affect world politics. For, as Roberts observes,

But if they drift away from those efforts [to bring about more cooperative security], **the consequences could be profound**. At the very least, **the effective functioning of inherited mechanisms of world order**, such as the special responsibility of the “great powers” in the management of the interstate system, especially problems of armed aggression, under the aegis of collective security, **could be significantly impaired**. Armed with the ability to defeat an intervention, or impose substantial costs in blood or money on an intervening force or the populaces of the nations marshaling that force, **the newly empowered tier could** **bring an end to collective security operations**, **undermine the credibility of alliance commitments by the great powers**, [undermine guarantees of extended deterrence by them to threatened nations and states] **extend alliances of their own**, **and** perhaps **make wars of aggression on their neighbors or their own people**.172

***Scenario 2 is China***

***US deterrence credibility key to prevent US-China war***

**Solomon, 13** (Jonathan F. Solomon, former US Navy surface warfare officer, holds an MA from the Georgetown University Security Studies Program and a BA in international relations from Boston University. He currently works as a senior systems and technology analyst for Systems Planning and Analysis, Inc., in Washington, DC, Strategic Studies Quarterly ♦ Winter 2013, “Demystifying Conventional Deterrence Great-Power Conflict and East Asian Peace” <http://www.au.af.mil/au/ssq/digital/pdf/winter_13/2013winter-Solomon.pdf>)

Assuming this diplomatic communication is ultimately successful, one might think the ill-controlled-process logic means nuclear deterrence by punishment renders conventional deterrence by denial redundant. **As the United States learned during the 1950s**, nothing could be further from the truth. **Credible conventional deterrence** by denial **remains necessary**, **because even a risk-averse nuclear-armed opponent may rationally calculate** that a defender’s relatively weak in-theater conventional defenses and ***ambivalent political resolve*** **offer an enticing opportunity for coercive *brinksmanship***. **The opponent might also see a window for rapidly accomplishing limited objectives, such as selective seizure of isolated territories or neutralization of in-theater forces, using conventional methods** that seemingly limit “direct” contact between the two sides in time and space. **Nuclear-centric deterrence of conventional war therefore risks spectacular failure**, because the opponent may believe its strategy, doctrine, operational plans, and capabilities adequately mitigate vertical escalation risks.50 Should nuclear-centric deterrence fail to prevent a war, the conventional forces necessary to implement the situationally appropriate mix of intrawar pure and deterrent defenses over the course of a prolonged conflict are generally the same ones that would otherwise be necessary for prewar deterrence by denial.51

Sufficiently sized and deployed conventional forces also provide the defender’s leadership with wider and more flexible options for escalation across multiple warfare domains, which might increase the potential adversary’s uncertainties as well as its appreciation of the room for chance. This in turn could make the ill-controlled-process logic more credible, especially since the scenario most likely to lead to a direct test of nuclear deterrence is a local failure of conventional deterrence.52 Conventional equilibrium can also increase nuclear stability as, if conventional deterrence fails, the immediate pressure to nuclear escalation would likely be low.53 Given that an opponent’s risk tolerances are inherently dynamic over time in response to ever-changing domestic and international political environments, successful deterrence of great-power conventional war requires mutually reinforcing conventional and nuclear deterrence to cover the spectrum of conceivable contingencies. It follows that the true “last clear chance” to avoid a cataclysmic outcome—from which neither side can hope to emerge with a “better” domestic or geostrategic situation than if there had been no war—belongs to the side contemplating conventional aggression in the first place.

Nevertheless, **Chinese leaders may erroneously believe their US counterparts are the ones facing the “last clear chance” by virtue of the decision Washington would face on whether to intervene in a contingency**. They might also consider themselves, and not the United States, as the guardian of the status quo regarding a specific regional issue.54 This strongly argues for consistent and continuous multitrack diplomacy to ensure both sides understand and appreciate how their counterparts perceive the circumstances and stakes surrounding East Asian security issues. **For US leaders and their representatives, this means** **asserting a firm position** on what constitutes the status quo **and accordingly** ***emphasizing that the US deterrence policy articulated will be upheld***. To reinforce this certainty, US political and military leaders might need to increase the degree of overt, predeclared “automaticity” in their deterrent posture such that a PLA attack on US forces in East Asia would trigger a predefined response that effectively binds the United States to intervene with automation achieved by predelegating execution authority to the appropriate in-theater commanders. An example might include tit-fortat submarine-launched cruise missile attacks against campaign-critical PLA air and naval base infrastructures and their supporting air and missile defenses following a first strike against US Air Force and Navy bases in Japan. As noted earlier, the comingling of US and allied forces and military infrastructure at host-nation bases would also be especially useful for establishing automaticity.

***Global nuclear war***

**Hunkovic, 09** – American Military University (Lee, “The Chinese-Taiwanese Conflict,” <http://www.lamp-method.org/eCommons/Hunkovic.pdf>)

**A war between China, Taiwan and the United States has the potential to escalate into a nuclear conflict and a third world war**, therefore, **many countries** other than the primary actors **could be affected by such a conflict, including Japan, both Koreas, Russia, Australia, India and Great** **Britain, if they were drawn into the war, as well as all other countries in the world that participate in the global economy, in which the U**nited **S**tates **and China are the** two **most dominant** members. **If China were** able **to** successfully **annex Taiwan**, **the possibility exists that they could then plan to attack Japan and begin a policy of aggressive expansionism** in East and Southeast Asia, as well as the Pacific and even into India, **which could in** **turn create an international standoff and deployment of military forces to contain the threat**. In any case, **if China and the U**nited **S**tates engage **in a full-scale conflict, there are few countries in the world that will not be** economically and/or militarily **affected** by it. However, China, Taiwan and United States are the primary actors in this scenario, whose actions will determine its eventual outcome, therefore, other countries will not be considered in this study.

***Plan solves bluffing and results in less threats of force – enhancing credibility***

Matthew C. **Waxman**, adjunct senior fellow for law and foreign policy at the Council on Foreign Relations. He is also professor at Columbia Law School, “The Power to Threaten War”, Yale Law Journal, Vol. 123, 20**14** (Forthcoming), http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2316777

Even if Congress already wields informal political influence over threatened force, **more potent and formal requirements of legislative force authorization** or stricter enforcement of existing ones **would** probably **push U.S. policy toward a *narrower set of commitments and more reserved use of threats***—a **more selective coercive and deterrent strategy**—**in several ways**. **For a President, knowing that he requires legal authorization from Congress to follow through on threats *raises the expected political costs of making them*** (even very popular ones would require spending some political capital to obtain formal legislative backing). **A more formal and substantial role for Congress in authorizing the carrying out of threats would** also probably ***amplify some of the informational effects of executive-legislative dialogue and congressional debate*** described in the previous Section: **these processes**—which could become more prominent if they have greater legal significance—**make it difficult to conceal or misrepresent preferences about war and peace, and therefore reduce opportunities for bluffing. If stronger legislative checks on war and force** likely **mean a more narrowly selective policy of threatened force, then** the previous Sections’ analysis also suggests—**contrary to the common wisdom among presidentialists that tying the executive’s hands necessarily undermines the effectiveness of threats**—that **the credibility of those select threats may** in some cases ***be enhanced***. **Returning to the Iran example** with which this Article began, **although a presidency that is more legally constrained in using force would have less flexibility to dictate U.S. actions,** **a President’s decision to draw a red-line threat** ***could send an even more potent signal of resolve if legislation were ultimately required to carry it out, because it might more clearly communicate projected inter-branch unity behind the threat.*** As the next Part will explain, whether **more narrowly selective**—**but** perhaps **more credible—threats *would result in an overall improvement from a policy standpoint*** depends on shifting geopolitical context and other balances in U.S. strategy. The general point here is that the ultimate effects of any legal reform on war and peace will depend not just on the internal effects on U.S. government decision-making but the external perceptions of actors reading U.S. signals.

***Strong deterrence solves their DA impacts***

Colonel Robert H. **Reed**. “On Deterrence: A Broadened Perspective.” Sept. 2, 20**03**. http://www.airpower.maxwell.af.mil/airchronicles/aureview/1975/may-jun/reed.html. Accessed: July 26, 2010.

***The credibility of U.S. national and political will and the ability to display intent could be crucial in the deterrence or containment of regional conflict.*** These active security assistance programs are a positive although indirect indication of commitment. When a more direct manifestation of U.S. intent to protect its security interest is required, forward deployed conventional forces are appropriate. Such **an open display** of military capabilities **could reduce the initiation of regional conflict by conveying certainty of U.S. intent to honor its commitments, and the same forces could play a key role in countering aggression and deter-escalation should conflict erupt. For such forward deployed or "presence" to deter aggression effectively, they must possess a sufficiently credible military capability.**

**Advantage 2 – Warfighting**

***Advantage 2 is warfighting***

***Status quo warfighting follows a Vietnam model that disjoins Congressional authorization from defined objectives – this has produced disastrous results***

**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

**As the practice of declaring war has become passé**, **American strategy has likewise become** ***disjointed and disconnected*** **from national security objectives**. **Following World War II, an acquiescent Congress and an aggressive presidency have**, for decades, **fostered a strategic climate that failed to maintain the links between the political dimensions of the state and its strategy**. **The predominant** “NSC-68 **thinking**,” largely a product of executive national security panels that administrations have embraced and Congress has blithely followed, **provided inadequate guidance on how objectives and capabilities should be joined to produce *coherent overall strategy***.63 **This connection**, Clausewitz observed, ***is necessary for success in war***. For example, **US strategy following World War II ironically came to resemble the German strategy of the early 20th century**, **relying heavily on military ways and means that failed to address the political and economic components of warfare**.64 Historians are quick to extol the superiority of the German military machine, but Germany lost two world wars. **Similarly, the United States has pursued a strategy built on loosely linked operational and tactical successes.** Unfortunately, **without concretely defined end states specified in a coherent all-encompassing strategy, these successes have not achieved national strategic ends**. In Vietnam, Afghanistan, and Iraq, our leaders failed to properly define the national strategic ends, so the attendant strategies have been inchoate. Leaders’ attempts to match ways and means to fluctuating or poorly defined ends resulted in unacceptable levels of uncertainty and risk. **These protracted and strategically uncertain conflicts are alien to America’s strategic culture**, **which has little tolerance for long, risky, or uncertain conflicts**.65 More recently, **as the executive branch exercises greater authority in directing military interventions, the gap between risk and strategy becomes wider**. **Theater commanders** **charged with developing adequate or complete strategies** with sound ends and feasible ways to achieve them ***lack confidence in congressional support to provide the means necessary to achieve these strategic objectives***.66 **As the world’s only superpower, the United States can expect asymmetrical conflict as the norm**. **Future adversaries will increasingly focus on the strategic target of the American people’s collective will in their efforts to *subvert our national strategy***.67 The tragic military and political experience of Vietnam was spawned by an aggressive president promoting foreign policy absent congressional and public blessings.68 **Vietnam War strategy affirms how congressional abdication on war matters resulted in *protracted disaster***. As historian George Herring points out, “America’s failure in Vietnam and the tragedy that resulted also make clear what can happen when major decisions are made without debate or discussion.”69 After Congress passed the Gulf of Tonkin Resolution, the strategy formulation and decision process operated vacuously, failing to determine strategic objectives and the means to obtain them.70 President Johnson made numerous decisions concerning the strategy and operations of the war, resulting in a strategy of incremental gradualism. **Despite some tactical successes, Vietnam strategy never developed sufficient coherence nor the sustained support of the American people**. ***Through executive design***, **Congress and the people never fully vetted the value of the political objective in the context of large-scale military intervention** before **President Johnson** committed forces to combat.71 As a result, President Johnson lacked the top cover of a war declaration. This prevented him from unleashing the nation’s enormous military capability to achieve full, quick military success. Instead, he **implemented a strategy that he thought was least likely to jeopardize his legislative agenda, upset the domestic apple cart, or threaten his reelection**.72 In retrospect, **the incoherence of the Vietnam strategy reflected the real value of the political objective in the eyes of the American people;** they could not have cared less about Vietnam.73 Afghanistan and Iraq Strategies **The strategies for the ongoing conflicts in Iraq and Afghanistan have both failed to properly incorporate national strategic ends, ways, and means in a consistent manner across the whole of government.** In the absence of a national consensus on strategic ends, Congressman James Marshall (D-GA) not surprisingly identified: The mismatches among the needs of post-conflict stability operations in Afghanistan and Iraq, the size and the types of military forces available, and the pitiful scarcity of capability in the civilian branches of our government to effect nation-building efforts, as well as, our utter incompetence as a government in strategic communications.74 US Afghanistan strategy has continually morphed from 2001 to the present. The sweeping language in the September 2001 congressional resolution did little to shape the effort and focus the nation on acceptable long-term national ends.75 A careful analysis of coalition command and control structures indicates how the United States, partners, and allies prosecuted any number of operational strategies.76 Strategic priorities changed from counterterrorism to counterinsurgency, to nation building, back to counterterrorism, then eventually to a combination of all of them. During the lead-up to Operation Iraqi Freedom, significant executive power may have subjected the strategy to unnecessary risk. Indeed, **failure of Congress to deliberate a declaration of war may have resulted in poorly defined national objectives and shoddy strategy**.77 **Significant executive powers facilitated side-stepping full disclosure of policy risk.** The president’s obsession with regime change subordinated other key elements crucial to a comprehensive strategy, particularly with respect to clear strategic ends. This obsession obscured full debate and railroaded the nation into a course of action fraught with unexamined risk. Additionally, it masked the real cost of the strategy in terms of lives and dollars and inevitably compromised support for the effort when the strategy did not unfold as planned.78 Eventually, the wars in Iraq and Afghanistan and their strategies became focal points in the 2008 presidential campaign. Similar to President Johnson on Vietnam, candidate Obama politicized the Iraq and Afghanistan conflicts, promising on the campaign trail that, if elected, he would redeploy US combat forces out of Iraq and refocus on Afghanistan as the central front on the war against extremism. This **politicalization of the war efforts may have removed strategic considerations from decisionmaking, exposing the strategies to additional, unnecessary risk at a crucial time**.79 Another Cry for Reform In 2009, The National War Powers Commission, a bipartisan group commissioned under the auspices of the University of Virginia’s Miller Center for Public Affairs, reviewed the existing WPR and addressed executive overreach with respect to military intervention. Chaired by Warren Christopher and James Baker, the 2009 War Powers Commission concluded that the 1973 WPR does not function as intended and needs replacement.80 Commission members testified before the House Foreign Affairs Committee and Senate Foreign Relations Committee recommending a policy to restore the constitutional grounding for mandatory congressional war declaration for “large” force deployments and “significant armed conflict.”81 The Commission recommended replacing the 1973 WPR with the War Powers Consultation Act of 2009 that adds fidelity to the size, scope, and types of conflict subject to the Act. Most significantly, it directs the president to consult with Congress before introducing troops into “significant armed conflict.”82 Despite the bipartisan clout of former Secretaries of State Warren Christopher and James Baker, the Commission’s recommendations still lacked the necessary political power to prevent the president from deploying forces into significant armed conflict without the full blessing of Congress.83 Conclusion Reminiscent of the 1973 WPR, the National War Powers Commission’s effort to redress war power authority hoists another warning flag about war power overreach and executive presumption of constitutional power. But it is insufficient to have an academic debate over the constitutionality of war authority. **Since the end of World War II, an assertive executive branch has run roughshod over an abdicating Congress, which has compromised US military efficacy**. It has repeatedly resulted in the expenditure of national blood and treasure for strategically hollow ends. The Constitution is, in itself, a strategic national security document. The founders’ wisdom imbued within **Articles I and II capture**, in the Clausewitzian sense, **the necessary prerequisites for successful prosecution of war. As the executive and congressional branches deviate from US constitutional foundations** with respect to war authority, **they increasingly leave** the military—and **the nation**—***vulnerable to unacceptable strategic risk***. **The current interpretations** or disregard for war power authority, as practiced today, **no longer maintain the necessary connective tissue between political and military muscle movements**. **As a result, US national and military strategy has become disjoined from legitimate political will**. **American military operations are hampered** by the leadership’s inability to harness the national will. ***If this nation declared war*** when it engaged in war, **as the Constitution requires**, ***the United States would wage fewer of them—and be far better positioned to win them***.

***Failure to achieve success in these wars results in the perception of the decline of American leadership and the rise of challengers***

Dr. LOUISE **FAWCETT,** author of International Relations of the Middle East, Oxford University, “The Iraq War ten years on: assessing the fallout”, International Affairs, 20**13** http://www.chathamhouse.org/sites/default/files/public/International%20Affairs/2013/89\_2/89\_2Fawcett.pdf

Had the war been more successful, history might have judged it differently. **As its short-term military achievements gave way to** widely advertised **long-term failures**, **this led to intense speculation about the** possible ***demise of US power and reputation in an emerging multipolar system.* There was** ***undoubtedly* reputational and soft power damage**—‘***a sharp drop in the attractiveness of the United States around the world***’;40 it was also true that the war’s immediate effect was to galvanize local and international opinion against the western ‘coalition of the willing’ and the policies it embodied. **This,** in turn, **presented new opportunities for other aspiring powers**, ***like Russia or China***, **to raise their international profile in a still evolving post-Cold War era**. Retrospectively **this was a kind of** ‘***Vietnam moment’*** **for the United States in which both its allies and its rivals became** ***more critical and assertive.*** In the medium term, **the Iraq War has certainly contributed to a shift in the policy priorities and choices of the US**, UK and other European **government**s, those most intimately involved in the conflict, for whom the ***war became a serious political liability***. **However, viewed from a longer-term** Arab Spring **perspective**, which has seen western powers acting—more often in concert than not—to influence the political future of the region, **it can hardly be said that the** **US** and European priorities, or their **propensity to intervene** where core interests appear threatened, have **suffered an irreversible setback**, even if the modality of intervention has, for the moment, changed. What was the effect of the Iraq War on US standing? **There was widespread domestic and international criticism of the invasion**, and of the prolonged occupation of Iraq that followed. **This was part of a wider critique about the nature and direction of post-Cold War US foreign policy** **in which terms like** unilateralism and **neo-imperialism predominated. There was scoffing at the naivety and hubris** demonstrated by President George W. Bush, as he outlined after the fall of Baghdad his ‘forward strategy of freedom’.41 Certainly, the Iraq War was a factor in the Republican defeat in the 2008 presidential election and in the reshaping of foreign policy-making under a new Democratic administration led by Barack Obama with initially a very different feel. Similarly, in Britain the Iraq War became a liability for the Labour administrations of Tony Blair and Gordon Brown, and a factor also in the latter’s replacement by the current coalition government in 2010. The results of the Iraq (Chilcot) Inquiry, launched in 2009, tasked with considering the different aspects of the UK’s involvement, are still awaited.42

***This perceived loss of leadership ensures lash-out and superpower conflicts – followed by an inward turn that results in the corrosion of the global commons***

**Brzezinski ’12** (Zbigniew Brzezinski, national security advisor under U.S. President Jimmy Carter, is author of the forthcoming book Strategic Vision: America and the Crisis of Global Power, Foreign Policy, After America¶ <http://www.foreignpolicy.com/articles/2012/01/03/after_america?page=0,1>, jj)

For **if America falters, the world is unlikely to be dominated by a single preeminent successor** -- not even China. **International uncertainty, increased tension among global competitors, and** even **outright chaos would be far more likely outcomes**. **While a sudden, massive crisis of the American system** -- for instance, another financial crisis -- **would produce a fast-moving chain reaction leading to global political and economic disorder, a steady drift by America into increasingly pervasive decay or endlessly widening warfare with Islam would be unlikely to produce, even by 2025, an effective global successor**. **No single power will be ready by then to exercise the role that the world,** upon the fall of the Soviet Union in 1991, **expected the United States to play: the leader of a new, globally cooperative world order**. **More probable would be** a protracted phase of rather inconclusive realignments of both global and regional power, with no grand winners and many more losers, in a setting of **international uncertainty and even of potentially fatal risks to global well-being. Rather than a world where dreams of democracy flourish, a Hobbesian world of enhanced national security based on varying fusions of authoritarianism, nationalism, and religion could ensue**. The leaders of the world's second-rank powers, among them India, Japan, Russia, and some European countries, are already assessing the potential impact of U.S. decline on their respective national interests. The Japanese, fearful of an assertive China dominating the Asian mainland, may be thinking of closer links with Europe. Leaders in India and Japan may be considering closer political and even military cooperation in case America falters and China rises. **Russia**, while perhaps engaging in wishful thinking (even schadenfreude) about America's uncertain prospects, **will almost certainly have its eye on the independent states of the former Soviet Union**. Europe, not yet cohesive, would likely be pulled in several directions: Germany and Italy toward Russia because of commercial interests, France and insecure Central Europe in favor of a politically tighter European Union, and Britain toward manipulating a balance within the EU while preserving its special relationship with a declining United States. **Others may move more rapidly to carve out their own regional spheres: Turkey in the area of the old Ottoman Empire, Brazil in the Southern Hemisphere, and so forth**. **None of these countries, however, will have the requisite combination of economic, financial, technological, and military power even to consider inheriting America's leading role**. China, invariably mentioned as America's prospective successor, has an impressive imperial lineage and a strategic tradition of carefully calibrated patience, both of which have been critical to its overwhelmingly successful, several-thousand-year-long history. China thus prudently accepts the existing international system, even if it does not view the prevailing hierarchy as permanent. It recognizes that success depends not on the system's dramatic collapse but on its evolution toward a gradual redistribution of power. Moreover, the basic reality is that **China is not yet ready to assume in full America's role in the world. Beijing's leaders themselves have repeatedly emphasized that on every important measure of development, wealth, and power, China will still be a modernizing and developing state several decades from now, significantly behind not only the United States but also Europe and Japan in the major per capita indices of modernity and national power**. Accordingly, **Chinese leaders have been restrained in laying any overt claims to global leadership.** At some stage, however, **a more assertive Chinese nationalism could arise** and damage China's international interests. **A swaggering, nationalistic Beijing would unintentionally mobilize a powerful regional coalition against itself**. None of China's key neighbors -- India, Japan, and Russia -- is ready to acknowledge China's entitlement to America's place on the global totem pole. They might even seek support from a waning America to offset an overly assertive China. **The resulting regional scramble could become intense, especially given the similar nationalistic tendencies among China's neighbors**. **A phase of acute international tension in Asia could ensue**. ***Asia of the 21st century could then begin to resemble Europe of the 20th century -- violent and bloodthirsty.*** At the same time, **the security of a number of weaker states located geographically next to major regional powers also depends on the international status quo reinforced by America's global preeminence -- and would be made significantly more vulnerable in proportion to America's decline. The states in that exposed position -- including Georgia, Taiwan, South Korea, Belarus, Ukraine, Afghanistan, Pakistan, Israel, and the greater Middle East -- are today's geopolitical equivalents of nature's most endangered species**. Their fates are closely tied to the nature of the international environment left behind by a waning America, be it ordered and restrained or, much more likely, self-serving and expansionist. A faltering United States could also find its strategic partnership with Mexico in jeopardy. America's economic resilience and political stability have so far mitigated many of the challenges posed by such sensitive neighborhood issues as economic dependence, immigration, and the narcotics trade. A decline in American power, however, would likely undermine the health and good judgment of the U.S. economic and political systems. ***A waning United States would likely be more nationalistic, more defensive about its national identity, more paranoid about its homeland security, and less willing to sacrifice resources* for the sake of others' development.** The worsening of relations between a declining America and an internally troubled Mexico could even give rise to a particularly ominous phenomenon: the emergence, as a major issue in nationalistically aroused Mexican politics, of territorial claims justified by history and ignited by cross-border incidents. **Another consequence of American decline could be a corrosion of the generally cooperative management of *the global commons* -- shared interests such as sea lanes, space, cyberspace, and the environment, whose protection is imperative to the long-term growth of the global economy and the continuation of basic geopolitical stability**. In almost every case, **the potential absence of a constructive and influential U.S. role would fatally undermine the essential communality of the global commons because the superiority and ubiquity of American power creates order where there would normally be conflict.** None of this will necessarily come to pass. Nor is the concern that America's decline would generate global insecurity, endanger some vulnerable states, and produce a more troubled North American neighborhood an argument for U.S. global supremacy. In fact, the strategic complexities of the world in the 21st century make such supremacy unattainable. But **those dreaming today of America's collapse would** probably **come to regret it. And as the world after America would be increasingly complicated and chaotic, it is imperative that the United States pursue a new, timely strategic vision for its foreign policy -- or start bracing itself for a dangerous slide into global turmoil.**

***Collapse of the global commons breaks down globalization causing war***

**Owen 11** John M. Owen Professor of Politics at University of Virginia PhD from Harvard "DON’T DISCOUNT HEGEMONY" Feb 11 [www.cato-unbound.org/2011/02/11/john-owen/dont-discount-hegemony/](http://www.cato-unbound.org/2011/02/11/john-owen/dont-discount-hegemony/)

Andrew **Mack and** his **colleagues** at the Human Security Report Project are to be congratulated. Not only do they **present a study with a** striking **conclusion**, **driven by data**, **free of** theoretical or **ideological bias**, but they also do something quite unfashionable: they bear good news. Social scientists really are not supposed to do that. Our job is, if not to be Malthusians, then at least to point out disturbing trends, looming catastrophes, and the imbecility and men dacity of policy makers. And then it is to say why, if people listen to us, things will get better. We do this as if our careers depended upon it, and perhaps they do; for if all is going to be well, what need then for us? Our colleagues at Simon Fraser University are brave indeed. That may sound like a setup, but it is not. I shall challenge neither the data nor the general conclusion that violent **conflict** around the world **has been decreasing** in fits and starts **since the Second World War. When it comes to violent conflict among and within countries, things have been getting better**. (The trends have not been linear—Figure 1.1 actually shows that the frequency of interstate wars peaked in the 1980s—but the 65-year movement is clear.) Instead I shall accept that Mack et al. are correct on the macro-trends, and focus on their explanations they advance for these remarkable trends. With apologies to any readers of this forum who recoil from academic debates, this might get mildly theoretical and even more mildly methodological. Concerning international wars, one version of the “nuclear-peace” theory is not in fact laid to rest by the data. It is certainly true that nuclear-armed states have been involved in many wars. They have even been attacked (think of Israel), which falsifies the simple claim of “assured destruction”—that any nuclear country A will deter any kind of attack by any country B because B fears a retaliatory nuclear strike from A. But the most important “nuclear-peace” claim has been about mutually assured destruction, which obtains between two robustly nuclear-armed states. The claim is that (1) rational states having second-strike capabilities—enough deliverable nuclear weaponry to survive a nuclear first strike by an enemy—will have an overwhelming incentive not to attack one another; and (2) we can safely assume that nuclear-armed states are rational. It follows that states with a second-strike capability will not fight one another. Their colossal atomic arsenals neither kept the United States at peace with North Vietnam during the Cold War nor the Soviet Union at peace with Afghanistan. But the argument remains strong that those arsenals did help keep the United States and Soviet Union at peace with each other. Why non-nuclear states are not deterred from fighting nuclear states is an important and open question. But in a time when calls to ban the Bomb are being heard from more and more quarters, we must be clear about precisely what the broad trends toward peace can and cannot tell us. They may tell us nothing about why we have had no World War III, and little about the wisdom of banning the Bomb now. Regarding the downward trend in international war, Professor **Mack is friendlier to** more palatable theories such as the “**democratic peace**” (democracies do not fight one another, and the proportion of democracies has increased, hence less war); the interdependence or “**commercial peace**” (states with extensive economic ties find it irrational to fight one another, and interdependence has increased, hence less war); **and the notion that people** around the world **are** more **anti-war** than their forebears were. Concerning the downward trend in civil wars, he favors theories of economic growth (where commerce is enriching enough people, violence is less appealing—a logic similar to that of the “commercial peace” thesis that applies among nations) and the end of the Cold War (which end reduced superpower support for rival rebel factions in so many Third-World countries). These are all plausible mechanisms for peace. What is more, none of them excludes any other; all could be working toward the same end. That would be somewhat puzzling, however. Is the world just lucky these days? How is it that an array of **peace-inducing factors happens to be working coincidentally** in our time, when such a magical array was absent in the past? The answer may be that one or more of these mechanisms reinforces some of the others, or perhaps some of them are mutually reinforcing. Some scholars, for example, have been focusing on whether economic growth might support democracy and vice versa, and whether both might support international cooperation, including to end civil wars. **We** would still **need to explain how this** charmed **circle of causes got started**, however. And here **let me raise** another factor, perhaps even less appealing than the “nuclear peace” thesis, at least outside of the United States. That factor is what international relations scholars call hegemony—specifically **American hegemony**. A theory that many regard as discredited, but that refuses to go away, is called hegemonic stability theory. The theory emerged in the 1970s in the realm of international political economy. It asserts that **for the global economy to remain open**—for countries to keep barriers to trade and investment low—**one** powerful **country must take the lead**. Depending on the theorist we consult, “taking the lead” **entails** paying for global public goods (**keeping** the **sea** lanes **open**, **providing liquidity** to the international economy), **coercion (threatening** to raise **trade** **barriers or withdraw military protection** from countries that cheat on the rules), **or both**. The theory is skeptical that international cooperation in economic matters can emerge or endure absent a hegemon. The distastefulness of such claims is self-evident: they imply that it is good for everyone the world over if one country has more wealth and power than others. More precisely, they imply that it has been good for the world that the United States has been so predominant. There is no obvious reason why **hegemonic stability** theory **could** not **apply to other areas** of international cooperation, **including** in **security affairs,** **human rights**, **i**nternational **law**, **peacekeeping** (UN or otherwise), **and so on**. What I want to suggest here—suggest, not test—is that American hegemony might just be a deep cause of the steady decline of political deaths in the world. How could that be? After all, the report states that United States is the third most war-prone country since 1945. Many of the deaths depicted in Figure 10.4 were in wars that involved the United States (the Vietnam War being the leading one). Notwithstanding politicians’ claims to the contrary, a candid look at U.S. foreign policy reveals that the country is as ruthlessly self-interested as any other great power in history. The answer is that U.S. **hegemony might** just **be a deeper cause of the proximate causes** outlined by Professor Mack. Consider **economic growth and** openness to foreign **trade** and investment, which (so say some theories) **render violence irrational**. American power and policies may be responsible for these in two related ways. First, at least since the 1940s **Washington has prodded other countries to embrace** the market capitalism that entails **economic openness** and produces sustainable economic growth. The United States promotes capitalism for selfish reasons, of course: its own domestic system depends upon growth, which in turn depends upon the efficiency gains from economic interaction with foreign countries, and the more the better. During the Cold War most of its allies accepted some degree of market-driven growth. Second, the U.S.-led western victory in the Cold War damaged the credibility of alternative paths to development—communism and import-substituting industrialization being the two leading ones—and left market capitalism the best model. The end of the Cold War also involved an end to the billions of rubles in Soviet material support for regimes that tried to make these alternative models work. (It also, as Professor Mack notes, eliminated the superpowers’ incentives to feed civil violence in the Third World.) What we call **globalization is caused** in part **by the emergence of the U**nited **S**tates **as the** global **hegemon**.

***Requiring a declaration of war for the initiating of hostilities is key to the successful prosecution of war***

KATHRYN L. **EINSPANIER**, Georgetown University Law Center, J.D, “Burlamaqui, the Constitution, and the Imperfect War on Terror”, Vol. 96:985 THE GEORGETOWN LAW JOURNAL, 20**08**

Because our country is a democracy, **not only is Congress’s authorization of war important to our constitutional structure**, ***it is essential to the successful prosecution of a war***.111 **War can be protracted and difﬁcult**. **If the American people and Congress are not forced to deliberate about the decision to go to war**, ***both Congress and the people will blame the President for his “unilateral” war when the popularity of the campaign falters***.112 **This lessens the military’s credibility with our enemies and strengthens the enemy’s resolve to ﬁght**, **knowing that the American public opinion may falter and the troops may be sent home.** ***This has happened several times in U.S. history***—the Vietnam War being the primary example.113**Where the goals of a war are ambitious**, **such as regime change, or when the war will likely be a perfect war,** ***a declaration of war,*** **because of its seriousness and formality,** ***requires further deliberation by Congress and the people***.114 **A declaration is not a mere formality or anachronism**, **but rather serves an important function in our democratic system**. This practicality of congressional authorization for war, and **declarations of war** for perfect wars in particular, **is almost unwittingly conceded by advocates of presidential war-making authority**. Robert Bork surmised that “Presidential use or support of force abroad will succeed when the public approves and fail when it disapproves.”115 **To ensure public accountability and solid policy, wars should not be waged by the President;** ***they should be declared by Congress***. **Thus, the policy behind congressional deliberation and declaration of war** is not only essential to a democratic government, it ***is essential to a successful war effort***.

***Plan is key to the sustainability of US leadership***

**Wagner & Haas 5-28-‘13**, Margaret Wagner, Richard Haass is the president of the Council on Foreign Relations and author of Foreign Policy Begins at Home: The Case for Putting America's House in Order, Time, PBS, 5-28-13, Is the U.S. Overreaching Abroad?, <http://www.pbs.org/newshour/bb/world/jan-june13/haas_05-28.html>, jj

**Yes, there were some things we needed to do after 9/11, but most of what we have done abroad in the last 20 or so years I would say were wars of choice**. And in many cases, **our vital national interests weren't at stake**. Presidents got pressured. And more often than not, they gave into the pressure. In some cases, **the president just decided, like George W. Bush, that we would embark on a major adventure to remake the Middle East**.¶ **And I simply think it was ill-advised. At the same time, they didn't tend for the most part on things at home. So we funded, for example, a new prescription drug benefit program. Well, where's that going to come from? Or we had the Simpson-Bowles commission under this administration. It gets reintroduced and then essentially it gets orphaned. And we're not doing anything now, so five, 10, 20 years from now when all the baby boomers are retired, we have got enough to take care of them**.¶ MARGARET WARNER: Now, you're not saying all wars are to be avoided. Only, we have to be more discriminating.¶ RICHARD HAASS: Absolutely.¶ MARGARET WARNER: What's the criteria?¶ RICHARD HAASS: This is not an isolationist book.¶ I actually want us to do more in Asia, where the great powers, the economic powers of the day are increasingly colliding. **Wars of necessity, where our vital national interests are at stake, where there are not good alternatives, we ought to fight those**. But **something like Syria, which is very much in the news, is not a vital national interest**.¶ There are alternatives to the United States getting heavily involved. We have always got to ask ourselves two questions: Can we make a difference, given local realities? And, second of all, do we have the luxury, if you will, of focusing on one square of a chessboard, given everything else in the world and everything here at home?¶ And what I try to write is something of a guide to working through those challenges.¶ MARGARET WARNER: All right, but that is where your doctrine will be most immediately put to the test is what to do about Syria. So what are the alternatives? You're saying don't get involved at all militarily? Are you say no to no-fly zone? Are you saying no to even further arming the rebels?¶ RICHARD HAASS: I'm OK with selectively arming rebels. That's an indirect form of involvement.¶ I'm OK conceivably with certain very, very limited military actions, for example, cruise missile strikes if chemical weapons are used. But, no, **I don't want to set up no-fly zones. I don't want the U.S. Air Force involved. I certainly don't want soldiers on the ground. *I don't want to be responsible for trying to put Humpty Dumpty back together again***.¶ If and when the Assad regime goes, that's when the really difficult stuff is going to begin. That's what **we should have learned from Afghanistan. That's what we should have learned from Iraq, a little bit of humility. There are limits to what American to power can do**.¶ Instead, we ought to focus it in foreign policy, where we really know our tools can be useful. And, more important, **we ought to focus it here at home**. **We want to be a leader for the long haul. We don't want to be a short-term power**. I have recently written, **we want the 21st century to be a second American century. It will only be that if we first get strong again, and that means fixing things here at home**.¶ MARGARET WARNER: And what are the consequences if we don't?¶ RICHARD HAASS: Interesting enough, **the alternative to an American-led world, it is not a China-led world. It's not an India- or Europe- or Japan-led world. It's a world that no one leads**.¶ **That's a world that's chaotic.** And what we have learned is the world is not Las Vegas. What happens there doesn't stay there. It comes here. So **a world in which there's chaos out there, that chaos will come here in the form of terrorists, the form of a breakdown of economic relations, in the form of climate change, in the form of nuclear proliferation. We have got to stay involved, but, again, we will only be able to do it if we're strong.**

**Advantage 3 – New**

***Advantage 3 is internationalism***

***Obama has argued mutual defense treaties allow him to use armed forces without Congressional authorization***

Christopher **Collins**, Examiner, May 9th 20**12**, <http://www.examiner.com/article/panetta-use-of-military-force-can-be-granted-by-un-or-nato-not-congress>

(Paulding County, Georgia) **The Obama administration** and Defense Secretary Panetta **are contending that when offensive military action is needed**, ***it does not have to go to Congress*** first for permission **but that** **international agreements, the UN or NATO can override Congressional acts of authorization of war or use of force.** At a hearing that was held in Washington on March 7, 2012, Sen. Sessions of the Senate Armed Services Committee questioned not only Defense Secretary Leon Panetta but also of Joint Chiefs of Staff Chairman Gen. Martin Dempsey about offensive military action and the permissions that are needed. Both Panetta and General Dempsey indicated that "**international permission," rather than Congressional approval, provided a 'legal basis' for military action by the United States. In other words, they explained that they didn’t need permission by the Congress and can pursue offensive military action without Congress’ involvement** and that the UN would dictate when and how the hostilities would occur, therefore **bypassing the War Powers Act.**

***This “weak internationalism” will be the new method for Presidents to bypass Congress***

John **Samples**, director of the Center for Representative Government at the Cato Institute, “Congress Surrenders the War Powers Libya, the United Nations, and the Constitution”, October 27, 20**11**, http://www.cato.org/sites/cato.org/files/pubs/pdf/pa687.pdf

**What will the future practice of limited wars look like**? **Libya is a limited war** fought for no vital interest **at the command of a president who sought legitimacy for the war from international institutions while ignoring Congress**. In this way, President ***Obama has quietly moved the practice of limited wars toward presidentialism in service to weak internationalism***. **This change is incremental**; it is too soon to say that weak internationalism provides the regime for the exercise of the war powers in the United States. But **Obama has taken an important step in Libya**, ***and the next president may well be more inclined to see the UN as more an authorizer than a national interest***. At least **a weak internationalist president could appeal to current claims by Obama to justify his declaration of a future limited war**; ***such is the way practices become norms and law.*** By acting “as if” international approval mattered, **President Obama has strengthened the expectation that international institutions should legitimate an American use of force.**

***Plan is necessary to prevent Congressional blowback against the UN that destroys alliances***

**Stromseth 95** – Jane E. Stromseth, Associate Professor of Law at the Georgetown University Law Center, “Collective Force and Constitutional Responsibility: War Powers in the Post-Cold War Era”, University of Miami, October, 50 U. Miami L. Rev. 145, Lexis

IV. Conclusion

If Somalia and Haiti are any guide, we can expect to see several trends at work when the ***U***nited ***S***tates participates in U.N.-authorized military operations in the years ahead. First, Congress will scrutinize the objectives of future U.N. operations closely, and will demand a detailed, ongoing account of their goals, costs, and benefits. Even if the President acts unilaterally in deploying U.S. forces, the anticipated congressional scrutiny that is ***sure to follow*** will have ***significant constraining effects***. In Haiti, for example, the Clinton Administration deliberately tailored the objectives for U.S. forces narrowly, insisted that a U.S. general be placed in charge of the second phase of the operation, and did a better job than in Somalia of anticipating the challenges involved in making the transition to a U.N.-led operation. In Rwanda, the Administration held back from making any substantial force deployment and opted for a very limited and short-term humanitarian role. More generally, the Administration has taken a cautious stance in the Security Council in voting for and shaping the mandate of future peacekeeping operations.

Second, Congress will ***use its power of the purse more aggressively*** not only to limit U.S. contributions to peacekeeping in general, but also to limit U.S. involvement in ongoing conflicts, as in Somalia. In the case of Rwanda, for example, Congress made sure that the President's decision to deploy U.S. forces on a limited humanitarian mission would not lead to another Somalia by imposing a funding cut-off and stipulating [\*180] that any change in the U.S. mission from one of strict refugee relief to "peace-enforcing" or "nation-building" not be implemented without the approval of Congress. n159 By virtue of its power of the purse, the Congress ultimately cannot avoid taking a stand when American forces are deployed in U.N. peacekeeping or peace enforcement operations.

Third, in situations involving delicate diplomacy and ongoing efforts to resolve a conflict peacefully, as in Haiti, Congress will be reluctant to impose binding prospective limits on the President's military options. This reflects a well-founded concern about undermining the President's ability to engage in coercive diplomacy in a fluid and flexible manner. If the President fails to pursue a coherent and well-articulated policy, however, Congress will step in to fill the policy vacuum, as it did toward the end of the Somalia operation.

In the end, the United States Congress, despite its newfound assertiveness, will continue to look to the President to play the leading role in shaping U.S. foreign policy goals for the post-Cold War period. Regardless of who is in the White House, one goal of U.S. foreign policy should be to strengthen the United Nations as a valuable instrument for conflict resolution. Yet because Congress is becoming more willing to challenge the President's foreign policy choices (at least in cases that do not involve threats to core U.S. security interests), the importance of sharing responsibility for decisions to send U.S. forces into hostile situations in U.N.-authorized military operations is increasing.

In the years ahead, a continuation of the Cold War "tacit deal" in the U.N. context would deprive the American people of full deliberation by both the executive and legislative branches before American forces are placed in harm's way. A failure to secure and sustain strong domestic support for American involvement in U.N. operations also would leave American policy especially vulnerable to sudden reversal by Congress, which could ***undermine U.S. credibility among*** both our ***allies and*** our ***adversaries, and erode the U***nited ***N***ation***'s ability to respond effectively to*** the ***conflict*** at hand. Building a domestic consensus in favor of American military involvement in U.N. operations often will not be easy. But if Presidents choose to remain on ***executive-power autopilot***, they risk ***unleashing a congressional counterreaction*** that could ultimately harm America's ability to maintain a posture of constructive international engagement in the challenging times ahead.

***Only the plan makes alliances durable***

**Moss 8** (Kenneth B., Professor and Chair of the Department of National Security Studies at the Industrial College of the Armed Forces, National Defense University, Formerly affiliated with the Siemens Corporation, the Woodrow Wilson Center, and the House Foreign Affairs Committee, Undeclared War and the Future of U.S. Foreign Policy, p. 220-221)

While **the Constitution’s** authors would rightly view the current U.S. situation with dismay, they would be honored by the fact that their **concerns about military power and** the **need for strong constitutional control over** its **use became a framework for many constitutions that followed**. In fact, the historical development of the American system toward stronger control over military force by the president contrasts sharply with a pattern in several democracies during the closing decades of the twentieth century to establish stronger constitutional control over the military y giving more authority to an elected legislature. Furthermore, in parts of Europe and elsewhere, a desire to try to rid the world of major conflicts resulting from the competitive state system has attempted to base states’ actions less on their own constitutions and more on the tenets of international law. The United States shared in this movement, which produced the United Nations and strengthened international law after the World War II, but it never conceded the superiority of international law over the Constitution. Disaffection with the UN and aspects of international law became stronger during the last decades of the twentieth century. **The implications of** this **increased concentration of presidential power and collision with** the reach of **international law are significant**. **Increased presidential power over** the **use of military force reinforces a tendency to more independent decisions that challenge** the limits of both national and **international law. How a government decides to use military force can** also **have a major bearing on how it then deploys and uses it. Certainly, not all democracies reflect this trend**. In fact, two of the oldest in Europe, France and Great Britain, have systems leaving more direction and power to the French president or the British prime minister and War Cabinet than the American president holds. **Yet if the trend toward** more **parliamentary control** and submitting decisions to use military force to international law **continues, the U.S. practice of strong executive prerogative may cause it to *disagree repeatedly with allies* and find it *more difficult to obtain their commitment to joint operations* elsewhere in the world, already a significant problem with** the international stabilization force in **Afghanistan, where some *N***orth ***A***tlantic ***T***reaty ***O***rganization **members restrict** their participating **forces to noncombat roles**. Congress certainly understands this last factor, but **if Congress is determined to restore** a better **balance in** presidential and **congressional control over using force**, senators and representatives must realize that **failure to do so could further *divide the U***nited ***S***tates ***from*** some ***international allies*** and friendly states. **Much of that community is *watching*** the 2007-8 debates **to ascertain whether *Congress will reject* assertive presidential claims and reestablish a better balance in the process by which the *U*nited *S*tates decides to use military force. They see such steps as correcting independent, impulsive features of U.S. decision making**. Admittedly, **some** American observers **believe** that such **distance may be inevitable**, even desirable, particularly if other governments are more concerned with how the United States adheres to international law when it makes decisions rather than the intent and outcome that Americans may see as justifying their actions. **Fairly or not, a sizable sector of informed opinion in allied capitals *judges the United States* not only for its policies but also for inattention**, even disregard, **of its own constitution in war and peace**.

***Allied cooperation solves multiple existential threats***

**Ikenberry 11** – G. John Ikenberry, Peter F. Krogh Professor of Global Justice at the School of Foreign Service at Georgetown University, “A World of Our Making”, Democracy: A Journal of Ideas, Issue #21, Summer, <http://www.democracyjournal.org/21/a-world-of-our-making-1.php?page=all>

Grand Strategy as Liberal Order Building

**American dominance** of the global system **will eventually yield to** the rise of **other powerful states. The unipolar moment will pass**. In facing this circumstance, American grand strategy should be informed by answers to this question: What sort of international order would we like to see in place in 2020 or 2030 when America is less powerful?

Grand strategy is a set of coordinated and sustained policies designed to address the long-term threats and opportunities that lie beyond the country’s shores. **Given** the **great shifts** in the global system and the crisis of liberal hegemonic order, **how should the *U***nited ***S***tates **pursue grand strategy in the coming years? The answer is that the *U***nited ***S***tates **should** work with others to rebuild and renew the institutional foundations of the liberal international order and along the way **re-establish its** own **authority as a global leader. The *U***nited ***S***tates **is going to need to invest in** alliances, partnerships, multilateral institutions, special relationships, great-power concerts, cooperative security pacts, and ***democratic security communities***. That is, the United States will need to return to the great tasks of liberal order building.

It is useful to distinguish between two types of grand strategy: positional and milieu oriented. With a positional grand strategy, a great power seeks to diminish the power or threat embodied in a specific challenger state or group of states. Examples are Nazi Germany, Imperial Japan, the Soviet bloc, and perhaps—in the future—Greater China. With a milieu-oriented grand strategy, a great power does not target a specific state but seeks to structure its general international environment in ways that are congenial with its long-term security. This might entail building the infrastructure of international cooperation, promoting trade and democracy in various regions of the world, and establishing partnerships that might be useful for various contingencies. My point is that under conditions of unipolarity, in a world of diffuse threats, and with pervasive uncertainty over what the specific security challenges will be in the future, this milieu-based approach to grand strategy is necessary.

The United States does not face the sort of singular geopolitical threat that it did with the fascist and communist powers of the last century. Indeed, compared with the dark days of the 1930s or the Cold War, America lives in an extraordinarily benign security environment. Rather than a single overriding threat, **the *U***nited ***S***tates **and other countries face a host of diffuse and evolving threats. *Global warming*, *nuclear proliferation*, *jihadist terrorism*, *energy security*, *health pandemics*—these and other dangers loom on the horizon. Any** of these threats **could endanger** Americans’ **lives** and way of life either directly or indirectly **by *destabilizing the global system* upon which** American **security and prosperity depends**. What is more, these threats are interconnected—and it is their interactive effects that represent the most acute danger. And if several of these threats materialize at the same time and interact to generate greater violence and instability, then **the *global order itself***, as well as the foundations of American national security, **would be put at risk**.

What unites these threats and challenges is that they are all manifestations of rising security interdependence. More and more of what goes on in other countries matters for the health and safety of the United States and the rest of the world. Many of the new dangers—such as health pandemics and transnational terrorist violence—stem from the weakness of states rather than their strength. At the same time, technologies of violence are evolving, providing opportunities for weak states or nonstate groups to threaten others at a greater distance. When **states** are **in a situation of security interdependence**, they **cannot go it alone. They must** negotiate and **cooperate** with other states **and seek *mutual restraints*** and protections. **The *U***nited ***S***tates can-not hide or protect itself from threats under conditions of rising security interdependence. It **must get out in the world and work with other states to build *frameworks of cooperation* and *leverage capacities for action* against this** unusually diverse, diffuse, and unpredictable **array of threats** and challenges.

This is why a milieu-based grand strategy is attractive. The objective is to shape the international environment to maximize your capacities to protect the nation from threats. To engage in liberal order building is to invest in international cooperative frameworks—that is, rules, institutions, partnerships, networks, standby capacities, social knowledge, etc.—in which the United States operates. To build international order is to increase the global stock of “social capital”—which is the term Pierre Bourdieu, Robert Putnam, and other social scientists have used to define the actual and potential resources and capacities within a political community, manifest in and through its networks of social relations, that are available for solving collective problems.

If American grand strategy is to be organized around liberal order building, what are the specific objectives and what is the policy agenda? There are five such objectives. First, **the *U***nited ***S***tates **needs to lead in** the **building** of **an *enhanced protective infrastructure* that helps prevent** the **emergence of threats and limits** the **damage if they** do **materialize**. Many of the threats mentioned above are manifest as socioeconomic backwardness and failure that cause regional and **international instability** and conflict. These are the sorts of threats that **are likely to arise with** the **coming** of **global warming and epidemic disease. What is needed** here **is institutional cooperation to strengthen the capacity of** governments and **the international com-munity to prevent *epidemics* or *food shortages* or *mass migrations* that create *global upheaval*—and mitigate** the **effects of** these **upheavals** if they occur. The international system already has a great deal of this protective infrastructure—institutions and networks that pro-mote cooperation over public health, refugees, and emergency aid. But as the scale and scope of potential problems grow in the twenty-first century, investments in these preventive and management capacities will also need to grow. Early warning systems, protocols for emergency operations, standby capacities, etc.—these safeguards are the stuff of a protective global infrastructure.

Second, **the *U***nited ***S***tates **should *recommit* to and *rebuild* its security alliances. The idea is to *update*** the **old bargains** that lie **behind** these **security pact**s. In NATO, but also in the East Asia bilateral partner-ships, the United States agrees to provide security protection to the other states and brings its partners into the process of decision-making over the use of force. In return, these partners agree to work with the United States—providing manpower, logistics, and other types of support—in wider theaters of action. **The *U***nited ***S***tates **gives up some autonomy** in strategic decision-making, although it is more an informal restraint than a legally binding one, **and in exchange** it **gets *cooperation* and *political support***.

***Prior authorization of internationally approved conflicts is key to public legitimacy which prevents abandonment – Comparatively outweighs the risks that Congress says “no”***

John **Samples**, director of the Center for Representative Government at the Cato Institute, “Congress Surrenders the War Powers Libya, the United Nations, and the Constitution”, October 27, 20**11**, http://www.cato.org/sites/cato.org/files/pubs/pdf/pa687.pdf

**A congressional authorization of a limited war would have advantages beyond constitutional propriety**. **If such wars are worth fighting**, **they should attract sufficient support from Congress.** After all, **Congress has been at times more hawkish than the executive** in the period surveyed here, and put to the choice and **forced to meet its constitutional obligations, Congress might well have approved all of the limited wars examined here**. **If such wars are worth fighting, casualties might be inevitable**, ***and congressional authorization would give such losses legitimacy***. **Of course**, as we have seen in the survey data, the public might believe that limited wars are not worth fighting, and **Congress might not authorize a future conflict**. Perhaps that denial will pose risks for the nation. But **those putative risks** ***should be balanced against the known shortcomings of the current practice of limited wars,*** failures that vitiate both the Constitution and the republican character of our government.

***Congress is key***

John **Samples**, director of the Center for Representative Government at the Cato Institute, “Congress Surrenders the War Powers Libya, the United Nations, and the Constitution”, October 27, 20**11**, http://www.cato.org/sites/cato.org/files/pubs/pdf/pa687.pdf

Finally, **Congress should enact a resolution denying that limited wars may be legitimated by international institutions. If it does not do so, a future** ***O***ffice of ***L***egal ***C***ounsel **could well conclude that Congress *did nothing*** in 2011 to push back on President Obama’s claim that a limited war could be legitimated by the United Nations Security Council. **In the practice of limited wars, *congressional silence is taken to be consent***, however improbably.

**Plan Text**

***The United States Congress should require a declaration of war for the initiation of an armed attack and/or hostilities by the President of the United States.***

***The United States Congress should allow an exception for repelling an invasion of and/or responding to a direct attack on the United States and/or United States Armed Forces. Congress should require immediate notice of such a determination, and shall require an authorization within 14 days or the executive shall cease such use of armed force. This authorization must include clearly defined political objectives.***

***For the purpose of this restriction Congress should define:***

***“initiation of an armed attack” as: The use of force of a magnitude that is likely to produce serious consequences, epitomized by territorial intrusions, human casualties, or considerable destruction of property against another nation that has not attacked the United States***

***“initiation of hostilities” as: a state of confrontation in which no shots have been fired but where there is a clear and present danger of armed conflict against another nation that has not attacked the United States***

**Solvency**

***Plan is the best middle ground – it preserves executive flexibility and a Congressional role – zero reason the President would need to circumvent***

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), University of Pennsylvania Journal of Constitutional Law, June 20**11**, 13 U. Pa. J. Const. L. 1363

A. Congress and the President in "Offensive" and "Defensive" War The original perspectives regarding undeclared war and their implementation during the Barbary Wars present an opportunity to forge a framework reflecting the original meaning of the Constitution for the proper roles of Congress and the President in war. **Where a foreign nation had actually attacked the United States or declared war on the United States**, **the President would have the power to respond immediately.** n117 **The scope of the President's power to respond to attack, however, was limited.** As Peter Raven-Hansen observed, "the history of the framing and ratification supports an implied constitutional authority of the President to repel a sudden attack. But nothing in that history suggests that this authority extends beyond literally repelling the attack." n118 It was generally acknowledged [\*1383] in the early years of the United States' existence that the president had to go to Congress if he wanted to go beyond self-defense and undertake offensive action. n119 Therefore, **in an undeclared war started by a foreign power, the President should be authorized by Congress to use of offensive force. By contrast, if the United States is to initiate or "declare" war, the Constitution explicitly places that power with Congress. n120** Based on the early views surrounding the war power, **the most plausible approach is that the need for congressional approval is triggered when the conflict takes an offensive character.** Congress, after all, was intended by the Framers to be the "policy-making branch" in the context of war; n121 the question of extending a war from defending the United States to offensive measures against the attackers is certainly a question of policy, not just a question of strategy. Furthermore, as Francis Wormuth and Edwin Firmage recognized, the Framers intended for the President's war power "to be limited ... by ... the responsibility to defer to the policy-making branch of the government at the earliest possible moment." n122 Saikrishna Prakash effectively summarized early presidential views: "No early President felt free to wage war merely because another nation had declared war on the United States. Each understood that to wage war was to declare it, a power the Constitution granted Congress and not the President." n123 **Having the President turn to Congress for authority to conduct offensive operations places that important policy-making responsibility in the hands of the branch that the Framers intended for it to be.** n124 This reflects the Jeffersonian view of warfare; as Louis Fisher observed, "Jefferson ... distinguished between defensive [\*1384] and offensive military operations, permitting presidential initiatives for the former but not the latter." n125 **The extent of Congress's involvement, however, need not always be a declaration of war**. ***An actual declaration is the strongest action that Congress could take***; **therefore**, **it is appropriate that Congress be required to declare war if the United States is to initiate hostilities without provocation**. **When the United States itself is attacked**, however, **the President should have the authority to defend the nation,** ***but must seek congressional approval to begin offensive operations***. **Because war has been initiated by another country,** **a declaration should be unnecessary**; **nonetheless**, ***congressional approval should be sought*** in a lesser form, **such as** simple **authorization to use offensive force. Both Barbary Wars reflect this proposed framework**. In the first Barbary War, President Jefferson sent ships to the Mediterranean in response to Tripolitan attacks on American shipping, which eventually culminated in a declaration of war on the United States by Tripoli. n126 American ships proceeded to act only in a defensive nature. American naval forces only took an offensive posture when Congress granted full authority to do so to the President in 1802. n127 President Madison immediately went to Congress upon the conclusion of the War of 1812 and received the authority to act offensively before he sent American naval forces to confront the Dey of Algiers's pirate vessels. n128 However, a declaration of war from Congress was unnecessary in both situations; war had already been declared by Tripoli and Algiers, respectively. Instead, congressional authorization to act offensively was sufficient, fulfilling its role as the policy-making branch in decisions of war. **This approach reflects upon the original preference for Congress to be the key decision-maker in matters of war, and also balances the necessity of the President's responsibility to act as Commander in Chief. Under this framework**, ***the President's ability to defend the nation is preserved***. **If the President acts defensively, the decision to go to war was made by another power, and the President's use of military force would not be acting outside of his constitutional authority.** However, by seeking authorization from Congress to undertake offensive action, the Framers' desire for the legislative branch to play a central role in the question of war powers is preserved. This reflects [\*1385] on Saikrishna Prakash's proposal of a "unitary war power" in Congress, in which Congress would have the authority to determine the parameters of war. n129 **Furthermore, it preserves Congress as the true decision-making body when it comes to war.** **Defending the nation from attack does not so much involve a decision to use force;** nations are essentially obligated to do so to defend their sovereignty and existence. n130 **The President would have no decision to make**; as Commander in Chief, he has the authority to direct the military to defend the nation, and the decision to use this force was made by the attacking nation. **However,** ***the ability to change the objectives of the war from defending the nation to an offensive posture***, possibly **involving attack and occupation**, ***is a policy decision to be made, and that crucial decision must rest with Congress.*** The fact that the Constitution vests the power to declare war in Congress indicates that the Framers wanted Congress to play at least some role in the decision to undertake offensive warfare, even if it stems from a defensive war that the President could unilaterally engage in. In his seminal book War and Responsibility, John Hart Ely laid out the reasons that such a momentous decision was placed in the hands of Congress: It was Congress's job not simply to insist on getting the facts straight before giving the president a functional declaration of war, but also to decide for itself just how great an emergency there was. That's why we have separate branches. That's why the war power is vested in Congress. n131 For these same reasons, Congress must have a say in a decision the Framers recognized was so important. Importantly, **under this framework**, **a declaration of war would not be necessary in all situations** where the United States uses force; **if war were to be thrust upon the United States by a foreign power,** ***the President could act defensively***. **He would merely need congressional authorization to take the war to an offensive footing**. n132 This factor emphasizes that Congress is the ultimate possessor of the war power. **If Congress were to decide not to authorize offensive war after the United States had been attacked, it would be its prerogative to do** [\*1386] **so**. n133 If the power to change the status between the United States and another nation from peace to war rests with Congress, then Congress should also have some input in the decision to expand a war from inherently defensive to actually offensive. President Jefferson adhered to this requirement, explicitly telling Congress that it was within its authority to authorize offensive measures. n134

***The plan solves – It would have required Bush to get a declaration of war for Iraq despite the “pre-emption” rationale***

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), University of Pennsylvania Journal of Constitutional Law, June 20**11**, 13 U. Pa. J. Const. L. 1363

E. The 2003 Invasion of Iraq: Initiating Purely Offensive War The second of the Bush administration's wars is more difficult to justify under the Barbary framework than the invasion of Afghanistan. **The characteristics of the 2003 invasion of Iraq are distinguishable from every previous conflict that the United States entered with congressional authorization short of a declaration of war because the United States** ***actually fired the first shot in the broader conflict without*** [\*1405] ***a declaration of war***. n245 In September of 2002, members of the Bush administration began announcing to the American public and the United Nations that Iraq had aided terrorist groups that had targeted the United States and was developing weapons of mass destruction that could be used against the United States or provided to terrorist groups. n246 **Congress passed the Authorization for Use of Military Force Against Iraq Resolution** of 2002, **authorizing the President "to use the Armed Forces of the United States as he determines to be necessary and appropriate" against Iraq**. n247 In March of 2003, an American-led force invaded Iraq, occupying the country by the beginning of May. n248 No weapons of mass destruction were ever found, n249 and American troops remain in Iraq as of this writing. Unlike the Barbary Wars, or other undeclared wars discussed earlier, ***the invasion of Iraq was not defensive in nature***. **The attack was premised on the Bush administration's policy of preemptive war,** as laid out under the National Security Strategy of the United States, published in 2002. n250 The policy of preemptive war asserts to be defensive in nature, attempting to stop threats to the United States from other nations before they are able to attack. n251 However, ***in a preemptive war, the United States would still initiate the conflict because there would yet to be an attack on the United States by a foreign nation***. **The Constitution gives the power to "declare" war to Congress, and, as discussed previously, a crucial decision like beginning a war is an actual policy decision and was meant to be in the hands of the legislative branch, not the executive**. n252 In other situations, where the United States or an ally is attacked, there is no policy decision to be [\*1406] made other than the means by which the President should use the military to defend the nation. However, **determining that the United States should attack another nation that has not attacked the United States requires important weighing of facts, intelligence, and policy considerations**. Therefore, **this decision belongs to Congress**. Both this article's analytical framework and the explicit language of the Constitution support this conclusion. Even if the President proclaims that the United States is acting in preemptive defense, the reality is that **the United States is initiating the conflict, and Congress must make that decision. This is especially apparent in light of the many unexpected difficulties in the occupation of Iraq and the violence that flared in the years after the invasion**; n253 these policy consequences were for Congress to consider, not the President, in the decision to invade Iraq. **Arguably, Congress did make this decision**; after all, **it authorized the President to act offensively**. **Some scholars would consider this sufficient for the President to subsequently begin an offensive war**. n254 **However, unlike such prior undeclared wars** as the Barbary Wars, the Korean War, the Persian Gulf War, or the invasion of Afghanistan, ***the United States was not repelling any sort of attack on itself, its interests, an ally, or even another nation***. Under this Article's proposed framework, **the United States initiating the use of offensive force must trigger** ***the strongest possible action from Congress.*** **The Framers meant for the power to initiate war to be with Congress and laid out the action Congress must take in the Declare War Clause**. n255 Where the decision is for the United States to initiate war, and especially when that war has an inherently offensive objective, **Congress must** be called upon to follow the instructions of the Constitution and ***issue a formal declaration of war.* Congress failed to live up to its responsibilities regarding the invasion of Iraq; therefore, the war in Iraq was not properly authorized by the Constitution.** n256 [\*1407] The Iraq experience calls for Congress to more strongly assert its power under the Declare War Clause. If **the United States is to initiate a war without provocation by an attack or a declaration of war by the other foreign power, such an offensive action** ***must be accompanied by a declaration of war.*** While a lesser authorization of offensive action is acceptable when the President is acting inherently defensively or in response to attack, undertaking purely offensive war should be accompanied by the strongest possible sanction by Congress in the form of declaring war, a power specifically placed with Congress by the Constitution. n257 As one early commentator noted, "every possible precaution should be used before a nation is plunged into [war]." n258 If the United States is to initiate a conflict, such precautions should naturally include the Constitution's directions for Congress to make the decision to commence the conflict. Because of the importance of the decision itself, it is essential for Congress to fully debate and consider the strongest possible action. n259 **Taking this route would put Congress back in the role intended for it in initiating war**. ***If the President wishes to pursue a policy of initiating war, he must adhere to the Constitution and follow its guidelines by deferring to Congress and requesting a formal declaration of war.***

***Presidents WILL understand and abide by the intent of the plan – Systemic evidence proves***

John **Samples**, director of the Center for Representative Government at the Cato Institute, “Congress Surrenders the War Powers Libya, the United Nations, and the Constitution”, October 27, 20**11**, http://www.cato.org/sites/cato.org/files/pubs/pdf/pa687.pdf

But **political representation** has other facets. It **has given voice to public dissatisfaction about wars proper and limited wars**. **Congress “has historically been actively engaged in debates over the proper conduct of major military initiatives. It has proposed, publicly debated, and voted on various legislative initiatives** ***to authorize or curtail the use of force.”*** Congress has also held hearings about the conduct of limited and proper wars.215 **Many believe that such legislative actions have little effect on the president**. ***Yet such actions can affect the cost-benefit calculations of the president in pursuing or failing to pursue a limited war***. **Congress can raise the costs of a policy by shaping and mobilizing public opinion against a war, thereby increasing the cost in political capital a president must pay to sustain a policy.** Congressional actions also signal disunity (or unity) to foreign actors, who in turn act on their expectations, thereby raising the costs of a limited war. Congressional actions also affect presidential expectations about how the conduct of a war will be received in the legislature; ***Congress can thus influence presidential policies without directly overturning them***.216 ***Systematic evidence* indicates that since 1945** ***Congress has been able to influence presidential policies through these means***.217 Although short of constitutional propriety, ***congressional voice can matter in war-making.***

***Neg circumvention evidence doesn’t assume a statutory definition of hostilities***

**Farley ’12**, Benjamin R. Farley, J.D. with honors, Emory University School of Law, 2011. Editor-in-Chief, Emory International Law Review, 2010-2011. M.A., The George Washington University Elliott School of International Affairs, 2007, Winter, 2012¶ South Texas Law Review¶ 54 S. Tex. L. Rev. 385, ARTICLE: Drones and Democracy: Missing Out on Accountability?, Lexis, jj

**Congress should strengthen the WPR regime by defining hostilities in a manner that links hostilities to the scope and intensity of a use of force, irrespective of the attendant threat of U.S. casualties**. **Without defining hostilities, Con-gress has ceded to the President the ability to evade the trigger and the limits of the WPR**. **The President's adoption of a definition of hostilities that is tied to the threat of U.S. casualties or the presence of U.S. ground troops opens the door to long-lasting and potentially intensive operations that rely on drones** - at least beyond the sixty-day window - **that escape the WPR by virtue of drones being pilotless** (which is to say, by virtue of drones being drones). **Tying hostilities to the intensity and scope of the use of force will limit the President's ability to evade Congressional regulation of war**. **It will curtail future instances of the United States being in an armed conflict for purposes of international law but not for purposes of domestic law, as was the case in Libya**. Finally, ***a statutory definition of hostilities will provide the judiciary with a meaningful standard for determining presidential compliance with the WPR*** - assuming the future existence of a plaintiff able to surmount the various prudential doctrines that have counseled against entertaining WPR cases thus far.

***That triggers standing in Court***

Brian J. **Litwak**, Candidate for Doctor of Jurisprudence, May 2013, American University National Security Law Brief, “Putting Constitutional Teeth Into a Paper Tiger: How to Fix the War Powers Resolution”, 20**12**, <http://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1034&context=nslb>

Currently**, the WPR contains no manageable standards for a court** (or the public) **to determine when the President must obtain congressional approval prior to deploying armed forces abroad**.86 **Courts have acknowledged**, at the very least, **a** potential **willingness to adjudicate disputes between the political branches** in the WPR context.87 **However,** ***without clear, simple standards to apply, courts will continue to be sidelined by the limits of their institutional capacity to handle political questions.* To rectify this, Congress could make minimal alterations to the WPR**. First, ***a definition of “hostilities” is necessary.*** As articulated in the House Committee report, the word “hostilities” was substituted for “armed conflict” to broaden the scope of the WPR.88 The report continued: [I]n addition to a situation in which fighting has actually begun, hostilities also encompasses a state of confrontation in which no shots have been fired but where there is a clear and present danger of armed conflict. Imminent hostilities denotes a situation in which there is a clear potential either for such a state of confrontation or for actual armed conflict.89 **With** this **clear definition,** ***courts would have a workable standard making the issue of when “hostilities” originated a justiciable contention***.90 As raised in Lowry v. Reagan, 91 **without a feasible definition of hostilities**, ***courts will continue abstaining from deciding war powers disputes lying “beyond judicial cognizance.***”92 ***Defining hostilities is a crucial step to alleviating the political question riddle.***

***This ensures solvency even if they win circumvention***

**Cowan ’04**, Kelly L. Cowan, Comments Editor, Santa Clara Law Review, Volume 45; J.D. Candidate, Santa Clara University School of Law; B.A., Economics, University of Colorado., 2004¶ Santa Clara Law Review¶ 45 Santa Clara L. Rev. 99, COMMENT: RETHINKING THE WAR POWERS RESOLUTION: A STRENGTHENED CHECK ON UNFETTERED PRESIDENTIAL DECISION MAKING ABROAD, Lexis, jj

**Finally, the War Powers Resolution can become more effective if the judiciary is able to better interpret specific provisions of the statute**. n227 **Future cases must be brought by plaintiffs in such a way as to avoid dismissal on justiciable grounds, such as constituting a political question, lack of standing, or lack of ripeness**. n228 **In order to escape such dismissal, cases need to center on the meaning of the words within the statute, rather than on alleged presidential actions**. n229 [\*126] **If courts could better interpret the meaning of words within the Resolution, such as** "consult" n230 or "**hostilities**," n231 **the expectations of the president's actions would be more clearly defined. Thus, Congress would know when the president fails to meet the Resolution's requirements and could legitimately act in response to indiscretions.**

***To win circumvention they have to win the plan is TOO much of a restraint so as to incentivize a work-around – that isn’t the case***

Jules **Lobel**, Professor, University of Pittsburgh Law School, 50 U. Miami L. Rev. 61, October 19**95**

**For Professor Ely**, there is no alternative to the procedural approach based on time. He foreclosed a substantive approach by his concession that "**repel armed attacks" must be read more broadly** today than in 1787. **There is no need for Ely's concession.** ***Can one think of any case in the past several decades where the President launched an armed action against another nation and was unable to secure advance authorization from Congress because of time or military effectiveness***? The Libyan or Baghdad air strikes could have been authorized by Congress - **military effectiveness merely required that the details and timing of the operation be secret.** **The Panamanian and Haitian invasions were threatened for months** and involved long-standing problems. As Judge [\*77] Sofaer recounts, n60 both **the** Panamanian and **Libyan operations were discussed for many months** before actually launched. **The Grenada invasion was** arguably **time driven,** but **only if you buy the implausible and factually inaccurate proposition that the operation was a direct response to the threat that American medical students would be taken hostage**. And as Professor Ely convincingly argues, even covert operations become known to the enemy within hours or days of their undertaking, and therefore constitutional authorization would generally be required fairly rapidly. n61 Moreover, **launching a surprise attack against an enemy who has not attacked us** ***ought not be a reasonable justification for avoiding the constitutional process***. **The phrase** "**repel sudden attacks**" **simply cannot,** ***with any rationality***, **be turned into a justification for "launching sudden attacks."** For example, the Bay of Pigs operation could be an example (albeit a bad one) of an invasion that required secrecy for military effectiveness (or ineffectiveness), but that turns out to be simply because we wanted to launch a surprise attack. **Ely's concession turns out to be driven by hypotheticals**, ***not reality.*** Today, as in 1787, ***the reality*** **is that American national security can be adequately served if the President's power to use American forces in combat unilaterally is reserved to repelling sudden attacks** on American troops, territory, and citizens. n62 **That substantive line written into a Combat Authorization Act *would be both politically and judicially enforceable***. **And repelling means just that**; **it does not mean retaliating** for an attack on an American citizen or soldier that took place several days, weeks or months before. **The President can respond defensively to attacks that have been launched**, ***not to rumors, reports, intuitions, or informed intelligence warnings of attacks***. President Roosevelt could not have and should not have attacked Japan in the fall of 1941 based on intelligence reports that the Emperor was planning war. He could send American fighter planes to intercept Japanese planes once the attack was launched. While there may be difficult cases where determining when an armed attack has been launched (was it when Japan sent out the aircraft carriers or when the planes were airborne?), **most situations will be clear**. [\*78]

# 2AC

**Cred true**

***Credibility is real and supported by scholarship***

**Crescenzi 07** Mark J. C. Crescenzi, University of North Carolina, American Journal of Political Science, April 1, 2007, Reputation & Interstate Conflict, online, jj

In international politics, ***states learn from the behavior of other nations***, **including the reputations states form through their actions in the international system**. **This article presents a model of how states process this information and examines how this learning affects international conﬂict.** **The model builds off of *cognitive balance theory* and foreign policy learning models and breaks new ground in its ability to provide a *contextual assessment* of reputation in world politics**. The article then investigates whether a dyad is more likely to experience conﬂict if at least one state has a reputation for hostility**. This hypothesis is *tested empirically* across all dyads in the international system from 1817 to 2000**. **The results indicate that states do engage in this learning behavior and that the information generated by extra-dyadic interaction of states has a signiﬁcant bearing upon the likelihood of dyadic conﬂict.**

**Flex/ WF 2AC**

***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.

***Plan’s a key middle ground:***

***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.**

**2AC A2: Congress Doesn’t Care / Won’t Enforce**

***Congress enforces—empirically proven***

**Menitove, 10** (Jonathan T. Menitove\*, \* Harvard Law School, J.D. expected 2010; Yale University, M.A. 2007, B.A. 2007, Spring, 2010, University of Michigan Journal of Law Reform, “NOTE: ONCE MORE UNTO THE BREACH: AMERICAN WAR POWER AND A SECOND LEGISLATIVE ATTEMPT TO ENSURE CONGRESSIONAL INPUT” 43 U. Mich. J.L. Reform 773, Lexis, jj)

C. Potential Arguments Against the War Powers Appropriations Act Fall Short

It is unlikely that the War Powers Appropriations Act will be welcomed without controversy. **There are several likely counterarguments** to the Act's implementation, **including: (1) Congress lacks the backbone necessary to pass the Act, or to implement its provisions**; (2) Section 2 of the Act amounts to an abandoning of U.S. troops in the field of battle; (3) the Act's provisions represent an unconstitutional infringement upon the president's power as Commander-in-Chief.

***1. Congress Has Previously Shown Strength in Claiming War Power***

The first counterargument represents a valid concern: after all, **Members of Congress are constantly "running scared,"** spending much of their time fundraising and campaigning for re-election. n158 Why would Congress want to thrust its hand into a potential hornet's nest, when it is usually presidents whose names get tarnished when wars go badly? **It is worth noting**, however, **that when wars have become sufficiently unpopular, Congress has had occasion to assert its opposition**. **In 1971**, as the Vietnam War dragged on and the war's popularity plummeted following its expansion into Cambodia, **Congress acted to repeal the Gulf of Tonkin Resolution that initially authorized the war**. n159 **Following that repeal, Members of Congress launched a myriad of lawsuits, seeking a court's ruling that the Vietnam War was unconstitutional, as the president lacked the necessary congressional authority**. n160 **In a second example, during the 1998 bombing campaign over Kosovo, Members of Congress openly challenged** President **Clinton, noting that the** [\*804] **bombing campaign was waged without congressional authorization and would represent a violation of the War Powers Resolution if it continued**. n161 **Most recently, when Democrats retook control of Congress** in the 2006 elections, **they sought to use spending bills to express their opposition to continuing the Iraq War**. n162 ***These examples from the past thirty-five years demonstrate a congressional willingness to challenge executive war power.***

**2ac – Ukraine DA**

***No perception of resolve now***

Wanda **Carruthers**, “Joe Scarborough: Criticizing Obama Comforts US Enemies”, Newsmax, **March 5th** 2014, <http://www.newsmax.com/Newsfront/Joe-Scarborough-Obama-Ukraine-criticism/2014/03/05/id/556162/>

Harsh **criticism of the president**, whether it comes from Republicans or Democrats, ***only serves to comfort enemies of the United States***, talk show host Joe Scarborough said Wednesday. "I'm old-fashioned enough to believe that **harshly criticizing the commander in chief during dangerous international crises**, whether it's **with the likes of** [former Iraq President] Saddam Hussein or [Russian President] Vladimir **Putin,** that **provides comfort to nation states who choose to be our enemies," Scarborough,** a former Republican Florida Congressman, told MSNBC's "Morning Joe." "I believed that when George W. Bush was president. I believe that today when Barack Obama's president," he added. As tensions boiled over into an international crisis with the occupation of Russian troops in Crimea, **lawmakers have had harsh words for** President Barack **Obama and his handling of the situation**. Arizona Republican Sen. John **McCain called Obama's foreign policy "feckless**" on Monday, **adding that "nobody believes in America's strength anymore**." South Carolina Republican Sen. Lindsey **Graham criticized the president's policy** in the face of Russia's apparent takeover of Crimea with the tweet Tuesday, "It started with Benghazi. When you kill Americans and nobody pays a price, you invite this type of aggression. #Ukraine." Scarborough referenced a statement by former Secretary of Defense **Robert Gates** who **admonished lawmakers** ***on the importance of presenting a unified front.*** "Trying to speak with one voice, one American voice, has become a quaint thing of the past. I regret that enormously," Gates told The Washington Post on Tuesday. Scarborough argued that **there was "nothing more frightening to our enemies**, to America's enemies, ***than a strong unified American voice***." He said it was incumbent upon the president's "political rivals" to "encourage him privately." **Lawmakers should speak carefully in public**, Scarborough cautioned, **because their comments** ***echo around the world.*** "For now, **Washington leaders should measure their words a bit more carefully, because, not only is the whole world watching**, Vladimir ***Putin, especially, is watching***," he said.

***Obama’s response to Russia is too weak to deter Russia***

Richard **McGregor, March 23**, 2014, ‘No more speeches at Brandenburg Gate’ is only certainty for Obama, Financial Times, <http://www.ft.com/intl/cms/s/0/1b20ba82-b14b-11e3-9548-00144feab7de.html#axzz2wqW19a6w>, KEL

But Mr **Obama’s pushback against Moscow has been too little and too late**, according to former administration advisers, **and has failed to match the tough rhetoric from the White House about the Crimean takeover.** The administration has attempted to construct a set of sanctions that can be scaled up depending on Mr Putin’s actions, especially if Russian troops make further incursions into Ukraine. “But **there has been a mismatch between what the administration has been saying and what they have been willing to put behind it**,” said one former Obama adviser. **The White House more generally faces criticism that Ukraine is a symptom of a wider issue: its foreign policy team’s weakness in preparing for potential crises.**

***The link turn massively outweighs the link – No countries believes the US will use armed forces to defend countries like the Ukraine – But the plan is key to shore up our deterrence by clarifying when and how we will use our military***

Daniel **Lewin**, Contributor, “The Myth Of Putin’s Foreign Policy Dominance Over Obama”, **March 13th** 2014, http://www.neontommy.com/news/2014/03/myth-putin-s-foreign-policy-dominance-over-obama

In this case, **Putin rightly concluded that there was a good chance he could send troops** (sorry, “unaffiliated self-defense forces”) Crimea **and the US would not intervene**. ***But he reached this conclusion because he knows the US has virtually zero strategic interests in Crimea, not because he thinks Obama is weak and afraid to do anything***. Ukraine is not a member of NATO and thus cannot invoke Article 5 requiring the United States and other members to come to its defense when attacked. If you think Putin is so emboldened by the way Obama handled Syria or by his taste in pants (those do look a lot like mom jeans, Mr. President) **wait and see if Russia ever attacks one of their NATO neighbors** like Latvia or Lithuania. ***There isn’t a chance in hell that will happen*** because he knows that he would be absolutely crushed if he did so. Once again, current assessments of rational self-interest are driving these decisions, not past precedent. Still regardless of why Putin is behaving as he is, he has been able to invade a neighboring country and, if things continue the way they have been going, annex a portion of their territory without repercussions. He must be winning the battle against the West and Obama if he is able to do that, right? Well, not so fast - lets not forget what this situation is all about in the first place. You can read more about the background of the issue here but I will recap quickly. In the fall of last year, Ukraine faced a decision to either take steps towards joining the EU by signing a long-negotiated trade partnership or to strengthen their ties with Russia and Putin’s proposed Eurasian Union. As by far the largest Eastern European country, both geographically and economically, Ukraine is absolutely crucial to any possibility of Putin’s Eurasian union succeeding and so, as Ukraine moved closer and closer to signing the EU pact, Putin threatened President Yanukovych with an end to vital gas subsidies and bailouts that Moscow had been providing Ukraine. Yanukovych duly capitulated and rejected the EU agreement This backfired on Russia however. While the eastern half of Ukraine is heavily pro-Russian, the Western half (which includes the capital city of Kiev) is much more pro-EU and Yanukovych’s decision to forgo the EU pact led to widespread protests in the streets of Kiev and, eventually, the president’s overthrow. With Yanuovych out and a fledgling interim pro-Western government in place in Kiev, Putin chose to cut his losses and annex the isolated Crimean peninsula. But ***this is not 1940*** or even 1988 ***and war is not power in today’s globalized world***. **It is important to look at the actual geopolitical outcomes of what is happening here**. **Putin**’s main objective, to get Ukraine to reject the West and strengthen their ties with Russia, is dead in the water. On top of that, he **is now almost completely isolated from the rest of the world** ***while the US forges closer ties with their European allies*** as they rally against their common Eastern enemy. Remember all the vitriol directed at the US from Europe over our aggressive spying program? Funny how that has not been mentioned much lately. Already, economic sanctions are rolling in from nations around the globe. The G8 is now being referred to as the G7 and the upcoming G8 summit scheduled to be held in Sochi is now almost certain to be canceled. Combined with the roundly mocked Sochi Winter Olympic Games that recently concluded, it would seem that Russia is less powerful than ever. **In today’s globalized, connected world *unilaterally invading neighboring territories is not a sign of strength, its a sign of weakness*** and desperation! **Let’s start assessing the relative strength of world powers based on actual geopolitical analysis and not which leader looks the best with their shirt off.**

***Turn – aggressive military stance increases the risk of aggression – plan ensures a peaceful resolution***

Doug **Bandow**, “Orange Revolution Redux In The Ukraine? The U.S. Should Stay Out Of This Fight”, 1/13/20**14**, http://www.forbes.com/sites/dougbandow/2014/01/13/orange-revolution-redux-in-the-ukraine-the-u-s-should-stay-out-of-this-fight/

On the security side, **Russia’s activities in Ukraine do not threaten the U.S.** **The reverse, however**, ***is not true.***  **Bringing NATO up to Russia’s southern border cannot help but be seen as dangerous by Russia**—**imagine Americans would view the Warsaw Pact expanding to Mexico**. Washington’s policy today looks like the fabled “Brezhnev Doctrine,” what is mine is mine, and what is yours is negotiable. **America seeks to dominate** not only the Western Hemisphere, Europe, and Central Asia, but **all along Russia’s borders.**  Washington wants to hold all of the geopolitical chips. **The better strategy would be for the West to treat Russia with respect**, **acknowledging that it has legitimate interests in Ukraine**, **while using the prospect of greater economic opportunity to convince Kiev to look westward**. ***Yanukovich has been rented, not bought***. Complained the Economist: “Mr. Yanukovich’s favored option seems to be to preserve the status quo and refrain from joining either camp while continuing to milk both.” Which sounds like a sound strategy from Ukraine’s standpoint. The EU, which obviously has the most at stake, could up its offer and reconsider its political demands. How badly does it want to “win”? Moreover, Europe should look for compromise opportunities with Moscow. Kiev has proposed creation of “a tripartite commission to handle complex issues.” Such an approach has promise. Former congressional staffer Jim Jatras cited recent talks between the EU and Russia over “aspects of the AA with Ukraine that Moscow considers detrimental to its own economy, specifically a massive flow of EU products into Russia via Ukraine.” All would benefit with greater links between the EU and the Russian-lead CU, which might reduce Moscow’s pressure on Kiev. **Ukraine matters, to Ukraine**. It also matters to Russia. But less to Europe ***and much less to the U.S.***  **If Kiev wants to look east, so be it**. ***The West is most likely to win influence if it makes itself more attractive, not if it treats the issue like a new Cold War.*** Despite Russia’s money **Yanukovich’s reelection prospects are weak *and Ukraine is likely to eventually join the West***. If not, however, so be it. The country never was the EU’s or Washington’s to lose.

**2ac – patent reform**

***Won’t pass – Committee opposition and reform derails***

**Bachman 3/27/2014** (Katy, Washington Bureau Chief, “Senate Patent Troll Bill Gets Delayed in Committee”. Adweek Online. <http://www.adweek.com/news/technology/senate-patent-troll-bill-gets-delayed-committee-156572>) [nagel]

Advocates for patent troll reform have been anxiously waiting for the Senate to catch up to the House, which [easily passed a bill last year](http://www.adweek.com/news/technology/bipartisan-patent-troll-bill-easily-passes-house-154318). **Just last month, the White House** [**urged the Senate**](http://www.adweek.com/news/technology/white-house-pushes-forward-combatting-patent-trolls-155843) **to "**[**finish**](http://www.adweek.com/news/technology/senate-patent-troll-bill-gets-delayed-committee-156572) **the job.**" But a number of **members on the Senate judiciary committee, including** Sens. John **Cornyn** (R-Tex.), Orrin **Hatch** (R-Utah), **and** Chuck **Schumer** (D-N.Y.) **pushed for more changes to Leahy's bill, effectively derailing Leahy's goal to move his bill out of committee as planned. "I don't think we should pass a bill if it doesn't change the system," said Schumer**. "But at the same time, **we have to have minority support. We have to get a bill done."**

***NSA thumps***

Clara **Spera, March 26,** 2014, Today’s Headlines and Commentary, Lawfare,

<http://www.lawfareblog.com/2014/03/todays-headlines-and-commentary-639/>, KEL

As Ritika noted yesterday, **a proposal to end the NSA’s practice of bulk metadata collection was announced yesterday by members of the House Intelligence Committee. *But not everyone’s behind it*; there’s still support in Congress for the White House proposal**, due to be unveiled next week. Politico reports that Chairwoman of the Senate Intelligence Committee, Diane Feinstein (D – Calif.), joined by many other Senate Democrats, is standing behind President Obama and his proposal. **Politico dubs the proposals offered by the different sides of the U.S. government a result of the “Snowden Effect**”

***Obama focused and spending cap on Ukraine***

Carol E. **Lee March 26**, 2014, Obama Seeks to Rally Allies on Russia, Wall St Journal, <http://online.wsj.com/news/articles/SB10001424052702304418404579463054284314312>, KEL

President Barack **Obama, emphasizing U.S. allies' united front against Moscow, cast Russia's invasion of Ukraine and annexation of Crimea as a violation of a European order** painstakingly built from the rubble and bloodshed of World War II. **Capping off three days of intensive meetings with European leaders,** Mr. **Obama spent much of Wednesday telling U.S. allies that they need to "step up" their commitments**, particularly on military security. "Russia's leadership is challenging truths that only a few weeks ago seemed self-evident: that in the 21st century, the borders of Europe cannot be redrawn with force," Mr. Obama said. President **Obama capped a three-day trip** to the Netherlands and Belgium, **where he has met with European leaders on a long-planned visit reshaped by the crisis in Ukraine**. Jerry Seib joins the News Hub with the key takeaways. Photo: AP. Unless the U.S. and Europe take stern action to protect these principles, he warned: "That message would be heard not just in Europe but in Asia and the Americas, in Africa and the Middle East." European officials responded to the prodding by agreeing to take steps to reduce their dependence on Russian natural gas and to improve the North Atlantic Treaty Organization's security posture. Anders Fogh Rasmussen, NATO's secretary-general, said the alliance will "intensify our military cooperation with Ukraine," including helping modernize Ukrainian forces. "We will review the viability of our relationship with Russia," he said. "We will not seek confrontation, but we will not waver if challenged." In Washington, however, U.K. Defense Minister Philip Hammond acknowledged NATO members, including the U.K. and U.S., face budget constraints. "With budget constraints a real and present factor in both countries, it is incumbent upon us to explore new areas of cooperation," he said. Mr. Obama invoked the long-standing U.S.-European alliance in an address in Brussels on Wednesday and argued that the Russian intervention has repercussions that could stretch far beyond a dispute over a small peninsula in Eastern Europe. Mr. **Obama's diplomatic effort to blunt what he described as Russia's reversion to "the old way of doing things" has paid some dividends**. He gained tentative approval from European leaders to adopt measures targeting key sectors of the Russian economy if President Vladimir Putin makes further military moves. In addition, leaders of the Group of Seven leading nations, in a meeting called by Mr. Obama in the Netherlands, agreed to effectively suspend Russia from their elite international forum.

**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

***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 patent reform**

***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]

***No internal link --- no reason all innovation collapses as a result of patent reform***

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

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

The heart of the debate about climate change comes from a number of warnings from scientists and others that give the impression that human‐ induced climate change is an immediate threat to society (IPCC 2007a,b; Stern 2006). Millions of people might be vulnerable to health effects (IPCC 2007b), crop production might fall in the low latitudes (IPCC 2007b), water supplies might dwindle (IPCC 2007b), precipitation might fall in arid regions (IPCC 2007b), extreme events will grow exponentially (Stern 2006), and between 20–30 percent of species will risk extinction (IPCC 2007b). Even worse, there may be catastrophic events such as the melting of Greenland or Antarctic ice sheets causing severe sea level rise, which would inundate hundreds of millions of people (Dasgupta et al. 2009). **Proponents argue there is no time to waste**. Unless greenhouse gases are cut dramatically today, economic growth and well‐being may be at risk (Stern 2006). **These statements are largely alarmist and misleading**. **Although climate change is a serious problem that deserves attention, society’s immediate behavior has an extremely low probability of leading to catastrophic consequences**. The science and economics of climate change is quite clear that **emissions over the next few decades will lead to only mild consequences.** **The severe impacts predicted by alarmists require a century** (or two in the case of Stern 2006) **of no mitigation**. **Many of the predicted impacts assume there will be no or little adaptation**. The **net economic impacts from climate change over the next 50 years will be small regardless**. **Most of the more severe impacts will take more than a century or even a millennium to unfold and many of these “potential” impacts will never occur because people will adapt**. **It is not at all apparent that immediate and dramatic policies need to be developed to thwart long‐range climate risks**. What is needed are long‐run balanced responses.

***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.

**Courts 2AC**

1. ***Perm do both—shields the link to politics***

**Perine 8** (Katherine, Staff – CQ Politics, “Congress Unlikely to Try to Counter Supreme Court Detainee Ruling”, 6-12, http://www.cqpolitics.com/wmspage.cfm?docID=news-000002896528&cpage=2)

**Thursday’s decision**, from a Supreme Court dominated by Republican appointees, **gives Democrats** further **cover against GOP sniping**. “This is something that the court has decided, and **very often the court** **gives *political cover* to Congress**,” **said** Ross K. **Baker**, a Rutgers Universitiy political science **professor**. “**You can** simply **point to a Supreme Court decision and say, ‘*The devil made me do it.’*** ”

1. ***No net benefit—if the CP solves the aff then congressional enforcement triggers the DA***
2. ***CP links to politics***

**Hamilton**, JD Candidate, Stanford Law School, **12**

(Eric, “Politicizing the Supreme Court,” 8-30-12, http://www.stanfordlawreview.org/online/politicizing-supreme-court)

To state the obvious, Americans do not trust the federal government, and that includes the Supreme Court. Americans believe politics played “too great a role” in the recent health care cases by a greater than two-to-one margin.[1] Only thirty-seven percent of Americans express more than some confidence in the Supreme Court.[2] Academics continue to debate how much politics actually influences the Court, but Americans are excessively skeptical. They do not know that almost half of the cases this Term were decided unanimously, and the Justices’ voting pattern split by the political party of the president to whom they owe their appointment in fewer than seven percent of cases.[3] Why the mistrust? **When the Court is front-page, above-the-fold news after the rare landmark decision** or during infrequent U.S. Senate confirmation proceedings, **political rhetoric from the President and Congress drowns out the Court**. Public perceptions of the Court are shaped by politicians’ arguments “for” or “against” the ruling or the nominee, which usually fall along partisan lines and sometimes are based on misleading premises that ignore the Court’s special, nonpolitical responsibilities.

1. ***Congress key:***
2. ***CP isn’t enforceable and there will be never be a test case***

**Farley ’12**, Benjamin R. Farley, J.D. with honors, Emory University School of Law, 2011. Editor-in-Chief, Emory International Law Review, 2010-2011. M.A., The George Washington University Elliott School of International Affairs, 2007, Winter, 2012¶ South Texas Law Review¶ 54 S. Tex. L. Rev. 385, ARTICLE: Drones and Democracy: Missing Out on Accountability?, Lexis, jj

Among the relevant accountability-holders, **Congress is best positioned to strengthen the U.S. accountability system for use-of-force decisions. Congress can both define the limits of presidential authority to**  [\*423] **use force and compel adherence to those limits.** Moreover, **Congress need not wait for an election or a plaintiff with standing to employ its accountability mechanisms.**

1. ***Courts fail—only legislation can reassert the Congressional role***

**Schonberg ’04**, KARL K. SCHONBERG is an assistant professor of government at St. Lawrence University in Canton, New York. He is author of Pursuing the National Interest: Moments of Transition in 20th Century American Foreign Policy, as well as various scholarly articles on U.S. foreign relations and international security. Political Science Quarterly, Spring 2004, Vol. 119 Issue 1, p115, 28p, Global Security and Legal Restraint: Reconsidering War Powers after September 11, <http://ehis.ebscohost.com/eds/detail?sid=1fe4c8c0-16f9-49ca-83dd-091ae84d6227%40sessionmgr13&vid=2&hid=2&bdata=JnNpdGU9ZWRzLWxpdmUmc2NvcGU9c2l0ZQ%3d%3d#db=ofs&AN=510331641>, jj

The current state of affairs has not arisen by accident or presidential coup d'etat, but because many of the actors in all branches of government have found it politically useful. **The courts have been right to refuse judgment, simply because Congress itself has refused judgment.** The Constitution assumes that political officials will pursue their own advantage, but with the presumption that the branches of government should exercise their authority "in such a manner as that each may be a check on the other."(FN125) Decisions to use force in the contemporary era have typically failed to satisfy this principle or to meet the strict limits on presidential power prescribed by the Constitution. The challenge for reform is to recreate a constitutionally viable arrangement which also serves the political interests of a critical mass of officials, sufficient to impose it despite the objections of those who see their interests lying elsewhere. In this process, **it should not be assumed that presidents might not see some political value in reform if new restrictions are viewed as spreading the responsbility and risk of war, but still allowing the executive sufficient freedom of action**.¶ Absent a protracted and unpopular war, the common assumption that the president can, should, and always has decided on matters of war and peace will be difficult to surmount, after having been firmly entrenched in the public mind for so many decades. Nevertheless, the basic principle guiding the Framers as they drafted the war powers language of the Constitution should remain our guiding light today: "ambition must be made to counteract ambition."(FN126) ***The courts cannot be relied upon for remedies; it is the duty of American legislators to summon the political courage to find the remedies for themselves***. As Justice Jacson noted in Youngstown, "***only Congress itself can prevent power from slipping through its fingers***."(FN127)

***Means the CP is ignored***

**Bradley, 11** (May 21, Curtis, the William Van Alstyne Professor of Law, Professor of Public Policy Studies, and Senior Associate Dean for Academic Affairs. He joined the Duke law faculty in 2005, after teaching at the University of Virginia and University of Colorado law schools. His courses include International Law, Foreign Relations Law, and Federal Courts. He was the founding co-director of Duke Law School’s Center for International and Comparative Law and serves on the executive board of Duke's Center on Law, Ethics, and National Security. Recently, he was appointed to serve as a Reporter on the American Law Institute's new Restatement project on The Foreign Relations Law of the United States, Lawfare: “[Is There Any Law in the Law of War Powers?](http://www.lawfareblog.com/2011/05/is-there-any-law-in-the-law-of-war-powers/)” http://www.lawfareblog.com/2011/05/is-there-any-law-in-the-law-of-war-powers/)

**There is much discussion** [**today**](http://www.nytimes.com/2011/05/21/world/africa/21libya.html?scp=2&sq=war%20powers%20resolution&st=cse) **about the apparent decision of the Obama Administration to ignore the provision in the War Powers Resolution that requires that the President either terminate the use of military force or obtain congressional authorization after 60 days.** The President has [stated in a letter](http://www.nytimes.com/2011/05/21/world/africa/21libya-text.html?_r=1&ref=libya) that he would welcome a congressional authorization for the continuing military operations in Libya but he has given no indication that he views such an authorization as required. This discussion deflects attention away from the fact that the Administration was already acting contrary to the views of Congress expressed in Section 2(c) of the [War Powers Resolution](http://avalon.law.yale.edu/20th_century/warpower.asp), which states that: The constitutional powers of the President as Commander-in-Chief to introduce United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, are exercised only pursuant to (1) a declaration of war, (2) specific statutory authorization, or (3) a national emergency created by attack upon the United States, its territories or possessions, or its armed forces. **If this is a correct statement of constitutional law (and many legal academics believe that it is), then the Obama Administration has been acting illegally well before today, since the military operations in Libya were obviously not in response to an “attack upon the United States, its territories or possessions, or its armed forces.” These issues have prompted me to reflect on the extent to which the war powers debate actually presents a question of law, constitutional or otherwise**. One way of thinking of law is the way that Holmes described it — as a prediction of what the courts will do. But **the problem in the war powers area is that there appears to be no realistic possibility that the courts will review the legality of presidential uses of force. The stakes are too high, the legal materials are too unclear, and *the danger that judicial pronouncements will be disregarded is too real*.** **Is there a law of war powers in the absence of the prospect of judicial review? Certainly legal academics seem to think so, since they have felled many trees writing about the topic.** Among other things, numerous law review tomes have been written in an effort to tease out what the constitutional Founders might have understood about the distribution of war authority. I hope I am not being disloyal to my profession in suggesting that whether law professors spend a lot of time writing about something might not be the best test for whether it is operating as law. A better test is probably whether the law of war powers influences the behavior of governmental actors. At least in the post-World War II era, it seems difficult to conclude that it does, particularly if one believes that this law requires congressional authorization for war-making. The Executive Branch sometimes seeks congressional authorization for military operations, often does not, and never acknowledges a legal obligation to do so. Congress sometimes acquiesces in unauthorized military operations and sometimes pushes back but as an institution it rarely engages with the issue on constitutional terms. This is not to suggest that presidents are unconstrained in their ability to use force, but it is to suggest that the constraints appear to be primarily political rather than legal in nature.

1. ***The plan is key—only a reconciliation between Congress and the President unlocks war-fighting effectiveness***

**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>, 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

1. ***Perm do the CP –justified by object fiat and agent counterplans***

***A. Aff ground --- agent CP’s moot the 1AC, uniquely abusive since they fiat the object of the resolution***

***B. Education – their CP flips discussion from substance towards trivial process distinctions***

1. ***Political resolution of war powers key to avoid interbranch conflict—the CP stokes it***

**Entin**, 20**12** (Fall 2012, Jonathon L., Associate Dean for Academic Affairs (School of Law), David L. Brennan ¶ Professor of Law, and Professor of Political Science, Case Western ¶ Reserve ¶ University Case Western Reserve Journal of International Law, Vol 45, Iss. 1 & 2, “War Powers, ¶ Foreign Affairs, ¶ and the Courts: ¶ Some Institutional¶ Considerations,” http://law.case.edu/journals/JIL/Documents/45CaseWResJIntlL1&2.21.Article.Entin.pdf)

Whatever the merits of the decisions discussed in the previous section, **those rulings should give pause to those who might rely on the judiciary as a check on what they regard as executive overreaching**. **When combined with the procedural and jurisdictional obstacles** discussed in Part I, **a more general lesson emerges: the judiciary cannot resolve all the questions that might arise in connection with war powers and foreign affairs.** Nonetheless, **the substantive and procedural limitations of judicial review *provide an opportunity for greater civic and political engagement in decisions that can have profound consequences for our nation and the world.* If the courts cannot resolve these matters, questions of war and diplomacy, it should come as no surprise that they are getting worked out largely through political accommodation and negotiation.** These accommodations and negotiations necessarily reflect the differing constitutional views of the legislative and executive branches as well as of the persons and groups that engage on these issues. **Although many lament the quality of current political discourse, excessive reliance on the judicial process has undesirable consequences. The Supreme Court has had difficulty rendering consistent or principled decisions about legislative-executive relationships**. Sometimes the Court has taken a formalistic approach that emphasizes the need to maintain clear lines between the branches. At other times, the Court has used a functional approach that emphasizes the importance of checks and balances to prevent the accumulation of excessive power in any particular branch. In other words, ***judicial review does not* always *provide clear answers* to complex questions.** **The complexity of those questions is particularly evident in the military and diplomatic arenas.** **Reliance on the political process recognizes the uncertainties and contingencies involved in many of these matters. Moreover, interbranch negotiation rather than litigation recognizes that an effective government requires a degree of comity that is inconsistent with frequent reliance on the judiciary.** Our system rests on a rich set of subtle understandings and an implicit sense of political limits. As a result, structural and institutional factors often dampen the inevitable conflicts that arise between Congress and the president**. Excessive reliance on the judiciary tends to *raise the stakes of conflict* by clearly identifying winners and losers and by encouraging the assertion of extreme positions for short-term litigation advantage that might complicate the resolution of future disagreements.**

***This makes multiple scenarios for extinction inevitable***

Linda S. **Jamison,** Deputy Director of Governmental Relations @ CSIS, Spring **1993**, *Executive-Legislative Relations after the Cold War,* Washington Quarterly, v.16, n.2, p. 189

Environmental degradation, the proliferation of weapons of mass destruction, population control, migration, international narcotics trafficking, the spread of AIDS, and the deterioration of the human condition in the less developed world are circumstances affecting all corners of the globe. Neither political isolation nor policy bifurcation is an option for the United States. Global circumstances have drastically changed with the end of the Cold War and the political and policy conditions that sustained bipartisan consensus are not applicable to the post-war era. The formulation of a new foreign policy must be grounded in broad-based principles that reflect domestic economic, political and social concerns while providing practical solutions to new situations. Toward a cooperative US Foreign Policy for the 1990s: If the federal government is to meet the new international policy challenges of the post-cold war era, institutional dissension caused by **partisan competition and executive-legislative friction must give way** to a new way of business. Policy flexibility must be the watchword of the 1990s in the foreign policy domain if the United States is to have any hope of securing its interests in the uncertain years ahead. One former policymaker, noting the historical tendency of the United States to make fixed “attachments,” has argued that a changing world dictates policy flexibility, where practical solutions can be developed on principles of broad-based policy objectives (Fulbright 1979). Flexibility, however, will not be possible without interbranch cooperation.

1. ***The CP obliterates the political question doctrine and deference***

**Litwak**, Candidate for Doctor of Jurisprudence, May 2013, University of North Carolina School of Law, **‘12**

[Brian, “PUTTING CONSTITUTIONAL TEETH INTO A ¶ PAPER TIGER: HOW TO FIX THE WAR POWERS ¶ RESOLUTION”, National Security Law Brief, Vol. 2, No. 2, 2012]

**The court’s exercise of the political question doctrine, excusing itself from deciding the differing positions of the Executive and Congress, combines multiple aligning considerations**. **First**, as a practical matter, **courts lack the institutional capacity to decide the presence of hostilities**.50 **Second**, ¶ **the Constitution delegates foreign affairs decisions to the two political branches, not the courts**.51¶ **Third, deciding the issue of hostilities** in foreign affairs **would take the courts into** “***uncharted*** *¶* ***legal terrain***,” **where no** law exists and applicable **standards are wanting**.52 Given the omission of a ¶ definition of “hostilities” in the WPR53 and the absence of a workable legal standard, **courts would** ¶ **have an extremely difficult time navigating this** “uncharted **terrain**” in foreign affairs. Consequently, ¶ **courts have opted to leave the resolution of the disputes to those elected branches both capable and** ¶ **constitutionally committed to making decisions concerning the use of force abroad**.54 **Although not** ¶ **the only tool** invoked by courts **to skirt** ***tough decisions*** **concerning the separation of war powers**,55¶ **the political question doctrine is an oft-accepted argument by courts in justifying the dismissal of** ¶ **claims made pursuant to the WPR**.56

***That causes great power war***

**Knowles ’09** Robert Knowles, Acting Assistant Professor, New York University School of Law, Spring, 2009, ARIZONA STATE LAW JOURNAL, 41 Ariz. St. L.J. 87, American Hegemony and the Foreign Affairs Constitution, LEXIS, jj

**Many of the rationales for special deference - expertise, embarrassment, uniformity, and secrecy - have, at their core, the assumption that the courts' involvement in foreign affairs will risk serious collateral consequences in *i*nternational *r*elations that courts cannot anticipate, cannot fully understand, and do not have the power to adequately address.** n309 There are collateral consequences for court decisions in the domestic context as well. But the distinction drawn in foreign affairs reflects the tragic side of realism - that **the world is inherently an unstable and dangerous place, an arena for clashes between great powers under constant threat of war**. **In an international system in which the balance of power is precarious and preserved only through delicate maneuvering by statesmen, the courts' involvement could risk provoking another great power and undermining these efforts.**

***Plan boosts Congressional experience, knowledge, and involvement in foreign policy***

**Hunter 13** – Robert E. Hunter, Former U.S. ambassador to NATO, Director of Middle East Affairs on the National Security Council Staff in the Carter Administration and Director of Transatlantic Security Studies at the National Defense University, "Restoring Congress’ Role In Making War", Iran Review, 9-1, http://www.iranreview.org/content/Documents/Restoring-Congress-Role-In-Making-War.htm

**But seeking authorization for the use of force from Congress as opposed to conducting consultations has long since become the exception rather than the rule**. The last formal congressional declarations of war, called for by Article One of the Constitution, were against Bulgaria, Romania, and Hungary on June 4, 1942. Since then, even when Congress has been engaged, it has either been through non-binding resolutions or under the provisions of the War Powers Resolution of November 1973. That congressional effort to regain some lost ground in decisions to send US forces into harm’s way was largely a response to administration actions in the Vietnam War, especially the Tonkin Gulf Resolution of August 1964, which was actually prepared in draft before the triggering incident. The War Powers Resolution does not prevent a president from using force on his own authority, but only imposes post facto requirements for gaining congressional approval or ending US military action. In the current circumstances, military strikes of a few days’ duration, those provisions would almost certainly not come into play.

There were two basic reasons for abandoning the constitutional provision of a formal declaration of war. One was that such a declaration, once turned on, would be hard to turn off, and could lead to a demand for unconditional surrender (as with Germany and Japan in World War II), even when that would not be in the nation’s interests — notably in the Korean War. The more compelling reason for ignoring this requirement was the felt need, during the Cold War, for the president to be able to respond almost instantly to a nuclear attack on the United States or on very short order to a conventional military attack on US and allied forces in Europe.

With the Cold War now on “the ash heap of history,” this second argument should long since have fallen by the wayside, but it has not. Presidents are generally considered to have the power to commit US military forces, subject to the provisions of the War Powers Resolution, which have never been properly tested. But why? Even with the 9/11 attacks on the US homeland, the US did not respond immediately, but took time to build the necessary force and plans to overthrow the Taliban regime in Afghanistan (and, anyway, if President George W. Bush had asked on 9/12 for a declaration of war, he no doubt would have received it from Congress, very likely unanimously).

As times goes by, therefore, what President Obama said on August 29, 2013 could well be remembered less for what it will mean regarding the use of chemical weapons in Syria and more for what it implies for the reestablishment of a process of full deliberation and fully-shared responsibilities with the Congress for decisions of war-peace, as was the historic practice until 1950. This proposition will be much debated, as it should be; but if the president’s declaration does become precedent (as, in this author’s judgment, it should be, except in exceptional circumstances where a prompt military response is indeed in the national interest), he will have done an important and lasting service to the nation, including a potentially significant step in reducing the excessive militarization of US foreign policy.

**There would be one added benefit: members of Congress, most of whom know little about the outside world and have not for decades had to take seriously their constitutional responsibilities for declaring war, would be required to become better-informed participants in some of the most consequential decisions the nation has to take**, which, not incidentally, also involve risks to the lives of America’s fighting men and women.

***Congressional leadership’s key to foreign policy coherence—solves multiple scenarios for extinction***

**Hamilton 2** – Lee H., President and Director of the Woodrow Wilson International Center for Scholars, Vice Chairman of the 9/11 Commission, President's Homeland Security Advisory Council, Former Member of the United States House of Representatives for 34 years, Co-Chair of the Iraq Study Group, Formerly Special Assistant to the Director at the Woodrow Wilson Center, A Creative Tension: The Foreign Policy Roles of the President and Congress, p. 3-7

**We face many dangers**, however. **The diversity of** the security and economic **threats around the globe is daunting. Terrorism**, which has already struck the United States brutally, **will be a continuing threat** in the years ahead, and it may become **more deadly if *w***eapons of ***m***ass ***d***estruction **proliferate and reach the wrong hands**. The greatest security threat might be the danger that **nuclear weapons** or materials in Russia **could be stolen and sold to terrorists** or hostile nations and used against Americans at home or abroad. Groups and individuals that do not wish us well will also attempt to attack us with weapons of mass disruption, such as information warfare, which could assault our economic, financial, communications, information, transportation, or energy infrastructures. There are numerous other threats to national security. **The world's population will increase substantially** during the first half of the twenty-first century, **placing** added **strain on** natural **resources, including water, and** possibly **intensifying *interstate conflicts* and *civil strife*. *Economic crises* will likely be a regular occurrence**, throwing some nations into turmoil and occasionally creating widespread financial instability. ***International crime*, the *illegal drug trade*, *global warming*, *infectious diseases*, and other *transnational problems* will** challenge national sovereignty and **threaten** our **security**, prosperity, and health. Yet these dangerous threats are balanced by many opportunities. As the world's most powerful nation, **the *U***nited ***S***tates **has a tremendous capacity to influence the world for good—to protect international peace, root out terrorism, resolve conflicts, spread prosperity, and advance democracy and freedom. Other nations *look to us for leadership* and to *set an example* of** responsible and ***principled* international action**. Our **values of** freedom, justice, the **rule of law,** and equality of opportunity are increasingly the values of peoples around the globe. In the coming decades, the spread of these values and incredible advances in science and technology **will give us** the **capacity to disseminate knowledge, cure diseases, reduce poverty, protect the environment, and create jobs** in the farthest-flung corners of the world. So our new world is as full of hope as it is of danger. **To meet the threats** and take advantage of the opportunities, **the *U***nited ***S***tates **will need strong leadership**, expertise in many fields, and large measures of foresight and resolve. Again and again, I have been impressed with the need for U.S. leadership on the most pressing international challenges. If something important has to be done—from fighting international terrorism to bringing peace to the Middle East—**no other country can take our place**. We may not get it right every time, but our leadership is usually constructive and helpful. We must, however, be aware of the limits to American power. The United States is neither powerful enough to cause all of the world's ills, nor powerful enough to cure them. So it is critical that we maintain good relations with our international allies and friends, manage prudently our sometimes difficult relationships with Russia and China, and support and strengthen international institutions. A world that is committed to working together through effective international institutions and partnerships will be the world most capable of protecting peace and security and advancing prosperity and freedom. **Equally important for** a **successful foreign policy will be cooperation between the president and Congress**. Today's moment of U.S. preeminence has not come to this nation by chance. Sound policies shaped by past presidents and Congresses helped to place us in this desirable position. To remain secure, prosperous, and free, the United States must continue to lead. That **leadership requires the president and Congress** to live up to their constitutional responsibilities **to *work together* to craft a strong foreign policy**. The great constitutional scholar Edward Corwin noted that the Constitution is an invitation for the president and Congress to struggle for the privilege of directing foreign policy. Although the president is the principal foreign policy actor, **the Constitution** delegates more specific foreign policy powers to Congress than to the executive. It **designates the president as commander-in-chief and** head of the executive branch, whereas it **gives Congress the power to *declare war*** and the power of the purse. The president can negotiate treaties and nominate foreign policy officials, but the Senate must approve them. Congress is also granted the power to raise and support armies, establish rules on naturalization, regulate foreign commerce, and define and punish offenses on the high seas. **This shared constitutional responsibility presupposes** that **the president and Congress will work together to develop foreign policy**, and it leaves the door open to both of them to assert their authority. On some basic foreign policy issues, the president and Congress agree on their respective roles. For instance, Congress generally does not question the president's power to manage diplomatic relations with other nations, and presidents accept that Congress must appropriate funds for diplomacy and defense. But **on** a panoply of other issues—from oversight of foreign aid and responsibility for trade policy to ***authorization of military deployments*** and funding for international institutions—**Congress and the president battle intensely to exert influence** and advance their priorities. Of course, I approach the executive–legislative relationship from the perspective I gained during my congressional experience. That experience has convinced me that **Congress plays a *very important role* in foreign policy, but does not always live up to its *constitutional responsibilities*. Its tendency too often has been** either **to *defer* to the president** or to engage in foreign policy haphazardly. I recognize that political pressures, institutional dynamics, and the heavy domestic demands placed on Congress can make it difficult for it to exercise its foreign policy responsibilities effectively. But I believe that **Congress could *improve its foreign policy performance markedly* if it made a concerted effort to do so. Although the president is the chief foreign policy maker, Congress has a responsibility to be both an informed *critic* and a *constructive partner* of the president**. The ideal established by the founders is neither for one branch to dominate the other nor for there to be an identity of views between them. Rather, **the founders** wisely **sought to encourage a creative tension between the president and Congress that would produce policies that advance national interests** and reflect the views of the American people. Sustained consultation between the president and Congress is the most important mechanism for fostering an effective foreign policy with broad support at home and respect and punch overseas. In a world of both danger and opportunity, we need such a foreign policy to advance our interests and values around the globe.

**2ac repel attacks PIC**

***Doesn’t solve the case – excluding our repel clause means the Executive will circumvent the CP --- << our repel clause requires ex post authorization >>***

**Young**, Purdue associate fellow, 20**13**

(Laura, “Unilateral Presidential Policy Making and the Impact of Crises”, Presidential Studies Quarterly, 43.2, JSTOR)

**During** periods of **crisis**, the **time** **available to make decisions is limited**. Because the decision-making process is often arduous and slow in the legislative branch, it is not uncommon for the executive branch to receive deference during a crisis because of its ability to make swift decisions. The **White House centralizes policies during this time**, **and presidents seize these opportunities to expand their power** to meet policy objectives. Importantly, **presidents do so with limited opposition** from the public or other branches of government (Howell and Kriner 2008). In fact, despite the opposition presidents often face when centralizing policies, research shows policies formulated via centralized processes during times of crisis receive more support from Congress and the American people (Rudalevige 2002, 148-49). For several reasons, **a crisis allows a president to promote his agenda through unilateral action**. First, a critical **exogenous shock shifts attention and public opinion** (Birkland 2004, 179). This shift is a phenomenon known as **the “rally round the flag” effect** (Mueller 1970). The rally effect occurs because of the public's increase in “its support of the president in times of crisis or during major international events” (Edwards and Swenson 1997, 201). Public support for the president rises because he is the leader and, therefore, the focal point of the country to whom the public can turn for solutions. Additionally, **individuals are more willing to support the president unconditionally during such times**, hoping a “united front” will increase the chance of success for the country (Edwards and Swenson 1997, 201). **As a result, a crisis** or focusing event **induces an environment that shifts congressional focus, dispels gridlock and partisanship, and increases positive public opinion**—**each of which is an important determinant for *successful expansion of presidential power*** (Canes-Wrone and Shotts 2004; Howell 2003). In other words, a crisis embodies key elements that the institutional literature deems important for presidential unilateral policy making. The president's ability to focus attention on a particular issue is also of extreme importance if he wishes to secure support for his agenda (Canes-Wrone and Shotts 2004; Edwards and Wood 1999; Howell 2003; Neustadt 1990). The role the media play is pivotal in assisting a president in achieving such a result because of its ability to increase the importance of issues influencing the attention of policy makers and the priorities of viewers. Although it is possible a president can focus media attention on the policies he wishes to pursue through his State of the Union addresses or by calling press conferences, his abilities in this regard are limited, and the media attention he receives is typically short lived (Edwards and Wood 1999, 328-29). High-profile events, on the other hand, are beneficial because they allow the president to gain focus on his agenda. This occurs because the event itself generates attention from the media without presidential intervention. Thus, the ability of crises to set the agenda and shift media and public attention provides another means for overcoming the constraints placed upon the president's ability to act unilaterally. Finally, Rudalevige finds support that **a crisis increases the success of presidential unilateral power** even if the policy process is centralized. A crisis allows little time to make decisions. As a result, “the president and other elected officials are under pressure to ‘do something’ about the problem at hand” (2002, 89, 148). Because swift action is necessary, presidents rely on in-house advice. As a result, **the policy formation process is centralized, and the president *receives deference* to unilaterally establish policies** to resolve the crisis. During a crisis, the president has greater opportunity to guide policy because **the event helps him *overcome the congressional and judicial obstacles*** **that typically stand in his way**.2 **This affords the president greater discretion in acting unilaterally** (Wildavsky 1966). It is possible the institutional make-up of the government will align so that the president will serve in an environment supportive of his policy decisions. It is also likely a president will have persuasive powers that enable him to gain a great deal of support for his policy agenda. **An event** with the right characteristics, however, **enhances the president's ability to act unilaterally, regardless of the institutional** make-up of **government** or his persuasive abilities.

***Finally, the CP would be struck down as unconstitutional --- the president is allowed to repel sudden attacks***

**Redlich, 2005** (Norman Redlich, an American [lawyer](http://en.wikipedia.org/wiki/Lawyer) and academic, As a lawyer he is best remembered for his pioneering work in establishing a system of pro bono defense for inmates in New York State who did not have the finances for a lawyer. He was also a staff member of [The President's Commission on the Assassination of President Kennedy](http://en.wikipedia.org/wiki/Warren_Commission), known unofficially as the Warren Commission, In 1960 he joined the faculty of the [New York University School of Law](http://en.wikipedia.org/wiki/New_York_University_School_of_Law), where he was later Dean from 1974 to 1988, member of the executive committee of the [NAACP](http://en.wikipedia.org/wiki/NAACP) Legal Defense and Education Fund, John B. Attanasio, Joel K. Goldstein Understanding Constitutional Law, Google Books)

**The President’s power is clearest when he acts to repel attack.** **Indeed, at the Constitutional Convention an earlier daft of the Constitution gave Congress power “to make war”; the verb changed to “declare” to remove any inhibitions against presidential action to defend against an attack.** The issues arose after President Lincoln blockaded Southern ports after the South attacked Fort Sumter in 1861. **The Court agreed that the President “is not only authorized but bound to resist force by force” without awaiting legislative approval.**

# 1ar

**Crd**

***Even if flawed in scholarly sense, leaders think it’s real***

**Tang 5** – Shiping Tang, associate research fellow and deputy director of the Center for Regional Security Studies at the Chinese Academy of Social Sciences in Beijing, January-March 2005, “Reputation, Cult of Reputation, and International Conflict,” Security Studies, Vol. 14, No. 1, p. 34-62

The problem, of course, is that **politicians** usually **do not have such nuanced understandings of credibility**, reputation, **resolve, and capability**24 Too often, they fight for behavioral reputation for resolve and hope to improve their bargaining reputation (thus credibility) in the future. By doing so, they confuse themselves, mislead their domestic audiences, and squander their countries' blood and treasure for the wrong commodity. In fact, **most strategists and politicians** have either lumped the two kinds of reputation together or **believed that behavioral reputation can easily be converted into bargaining reputation** (that is, they have believed that commitments are interdependent or that reputation is fungible). Because developing and maintaining a behavioral reputation for being resolute is desirable, **many politicians and strategists undertake certain tasks ex ante to develop** such a **reputation**, without ever questioning whether having a behavioral reputation is possible at all. This practice, as discussed below, informs one central belief behind the cult of reputation. Perhaps because behavioral reputation is something that may count in the future, moreover, it is the type of reputation about which decisionmakers are most concerned.25 In fact, **decisionmakers** actually may **bargain hard largely because they care more about their future behavioral reputation**. This article thus focuses on behavioral reputation for resolve (which hereafter will be referred to as "reputation" unless specified otherwise).

***Our ev cites tested empirical research***

**Crescenzi 07** Mark J. C. Crescenzi, University of North Carolina, American Journal of Political Science, April 1, 2007, Reputation & Interstate Conflict, online, jj

**Three lines of research are useful in explicating an**¶ **argument for how the information gleaned from reputa**-¶ **tion affects the onset of interstate conflict**. **Leng** (1983)¶ **provides an important theory of experiential learning in**¶ **the context of direct dyadic interaction**. His Experien-¶ tial Learning-Realpolitik (ELR) model of crisis bargain-¶ ing assumes that states learn from their experiences in¶ prior crises. A coercive historical experience leads to an in-¶ creased probability of employing more coercive bargain- ing tactics in the future. After careful empirical work,Leng¶ concludes that “coercion begets coercion” (1983, 412).¶ 6¶ **Leng’s** ELR **model is echoed in the study of rivalry and**¶ **conflict** (Diehl and Goertz 2001). **Rivalry scholars do an**¶ **excellent job of conceiving of a dyad as a dynamic, histor**-¶ **ically dependent entity. While the learning mechanism is**¶ **not explicit, states within a rivalry dyad are constrained**¶ **by the experiences of past violence when dealing with**¶ **current crises**. **The accumulation of hostility becomes a**¶ **key component to the rivalry’s fundamental relationship**.¶ Once again, in rivalries conflict begets conflict. Finally,¶ Crescenzi and Enterline (2001) present a model of the¶ dyadic historical relationship that is experiential and cu-¶ mulative. **The model is in line with Leng’s crisis learning**¶ **patterns and rivalry theories in its assumption that con**-¶ **flict in the past leads to higher probabilities of conflict in**¶ **the future**, but it also broadens this argument to a more¶ general treatment of the historical relationship. The basic logic outlined in these three works may¶ hold for vicarious experiential learning as well. It may¶ also be true, however, that just as conflict begets conflict,¶ cooperation begets cooperation (Crescenzi and Enterline¶ 2001; Crescenzi, Enterline, and Long 2005). **States that**¶ **observe their dyadic partners as historically conflictual**¶ **with similar proxy states will be more likely to resort to the**¶ **use of force in times of crisis**. At the same time, however,¶ **states that observe their dyadic partners as historically**¶ **cooperative with proxy states will be less likely to use force**.¶ Both arguments are fueled by the following logic. **In**¶ **the absence of complete information, states are forced to**¶ **generate expectations about the behavior of other states**.¶ **One possible learning schema for generating these expec**-¶ **tations is to observe how other states behave in similar sit**-¶ **uations and use this observation as a precedent, or prior**,¶ **for the current situation**. **In times of crisis, a nation will**¶ **observe how its opponent has behaved in similar crises**¶ **throughout history both within and outside of the dyad**.¶ **This past behavior sets the stage for bargaining tactics,ex**-¶ **pectations, and ultimately the decision to use force**. Rather¶ than setting the stage for deterrence through toughness,¶ however, **a state’s past behavior may signal its willingness**¶ **or ability to commit to a negotiated settlement in times**¶ **of crisis**. Evidence of past conflict can be considered evi-¶ dence of failures to navigate crisis waters peacefully. States¶ that are unable to commit to peace in the past may be¶ more likely to fail to do so in the future as well (Powell¶ 2006). If this is true, then a reputation for violence will increase the probability of the onset of new violence in a¶ crisis, as states who perceive these reputations will have¶ a harder time compromising in settlement attempts and¶ trusting their opponents. Similar to the arguments made¶ in the work by Leng (1983, 1988, 1993, 2000), Diehl, and¶ Goertz (2001), and Crescenzi and Enterline (2001), **the**¶ ***testable conclusion* from this discussion is that (reputa**-¶ **tional) violence begets violence**.

**Ukraine**

**Uq**

***Their ev agrees --- no united front now***

**!!!Interbranch squabbling kills perception of resolve against Putin**

**Kaplan 3/19/14**

<http://www.slate.com/articles/news_and_politics/war_stories/2014/03/vladimir_putin_s_ukraine_invasion_how_to_stop_the_russian_president_through.html>

Fred M. Kaplan is an author and journalist who most frequently contributes to Slate magazine. His "War Stories" column for Slate covers international relations and U.S. foreign policy

**What’s going on now is not Cold War II.** The Cold War split the entire world in two factions. Scads of civil wars, regional wars, and wars of national liberation were, in some sense, “proxy wars” in the titanic struggle between the United States and the Soviet Union. China was used as a lever for playing one side off the other—and China played off both. Nothing like that is going on now. Nothing like it could possibly go on now. Neither side has the leverage to do it. **Russia has no global reach** whatsoever. Russia has no support for its actions in Ukraine; China has evinced no interest in it. Right now, then, **this is** at most **a regional conflict**, ***not a global one***, and **the best thing that Obama can do**—in both his threats and his inducements—***is to keep it that way***. Certain ***Republicans*** on Capitol Hill ***could help.*** **Senators** like John McCain and Lindsey Graham, who used to know better**, could *lay off*** **their absurd yelping about Obama’s *“weakness”*** and “feckless leadership.” For one thing, it’s not true; at least when it comes to this crisis, they’ve recommended very few steps that Obama hasn’t already taken. **If they’re really worried about Putin’s *perceptions of America,*** instead of merely clamoring to make political points with GOP extremists, **they should *stand by the president*** **and** **make sure Putin understands that**, on this issue, ***there are no domestic fissures for him to exploit.***

***Russia already perceives the US as distracted and dependent on Russian support***

Ben **Judah, March 2**, 2014, Why Russia No Longer Fears the West, Politico, <http://www.politico.com/magazine/story/2014/03/russia-vladimir-putin-the-west-104134.html#.Uxk3R4V7T_Y>, KEL

Back in Moscow, Russia hears American weakness out of Embassy Moscow. **Once upon a time the Kremlin feared a foreign adventure might trigger Cold War economic sanctions** where it hurts: export bans on key parts for its oil industry, even being cut out of its access to the Western banking sector. **No more. Russia sees an America distracted: Putin’s Ukrainian gambit was a shock to the U.S. foreign policy establishment. They prefer talking about China, or participating in Israeli-Palestinian peace talks**. **Russia sees an America vulnerable: in Afghanistan, in Syria and on Iran**—**a U**nited **S**tates **that desperately needs Russian support** to continue shipping its supplies, host any peace conference or enforce its sanctions. **Moscow is not nervous.** Russia’s elites have exposed themselves in a gigantic manner – everything they hold dear is now locked up in European properties and bank accounts. Theoretically, this makes them vulnerable. The EU could, with a sudden rush of money-laundering investigations and visa bans, cut them off from their wealth. But, time and time again, they have watched European governments balk at passing anything remotely similar to the U.S. Magnitsky Act, which bars a handful of criminal-officials from entering the United States.

***Differences due to trade relations are dividing US and EU over Russia, destroying an firm stance***

Michael **Shear et al,**, Alison Smale, & David Herszehorn, **March 23**, 2014,

Obama and Allies Seek Firm, United Response As Russia Grips Crimea, NYT, <http://www.nytimes.com/2014/03/24/world/americas/obama-and-allies-seek-united-response-on-crimea.html?_r=0>, KEL

But Mr. Putin’s recent record of first coy, then bold moves has put Mr. **Obama and** his **European allies** on guard, even as they **have struggled to coordinate**. Caught flat-footed by the initial infiltration of Crimea, the United States seems increasingly alarmed about the 20,000 Russian troops that have massed on the border with eastern Ukraine. **The other members of the Group of 7 economic partnership hardly have interests identical with those of the U**nited **S**tates, **and in many ways they are divided even among themselves, complicating any effort to draw a firmer line with Moscow.**

**Patent**

**UQ**

***Brussels speech made Obama look weak to GOP***

Jules **Witcover, March 28,** 2014, Obama rules out military solution on Ukraine, Chicago Tribune, <http://www.chicagotribune.com/news/opinion/sns-201403271700--tms--poltodayctnyq-a20140328-20140328,0,698429.column>, KEL

During the Cold War, the Western allies kept relative peace by committing to intervene militarily against overt violations of the national borders set at the end of World War II. **In the current crisis in Ukraine, President Obama's straightforward acknowledgment that there is no "military solution" will no doubt come as an affront to hard-liners at home.** The American president made that flat assertion Wednesday in his speech in Brussels. "Now is not the time for bluster," he said. "The situation in Ukraine, like crises in many parts of the world, does not have easy answers nor a military solution. But at this moment, we must meet the challenge to our ideals -- to our very international order -- with strength and conviction." **It was in this temperate way that Obama justified his open pivot away from the threat of a shooting war over Ukraine's fate, to the less frightening imposition of economic and financial sanctions** against Russia for its clear violation of post-World War II guarantees of international borders and national sovereignty. It was also a candid recognition of military and political reality in a situation in which U.S armed force against the annexation of Crimea would have been both impractical and highly unpopular with the American public, which is fed up with foreign wars in which U.S. security is not directly in jeopardy. In fact, in a remarkably defensive rationale involving the 2003 invasion of Iraq, which Obama himself once labeled "a dumb war" and opposed, he argued that it was in no way comparable to Vladimir Putin's Crimean land grab. Obama noted that "even in Iraq, America sought to work within the international system. We did not clam or annex Iraq's territory. We did not grab its resources for our own gain. Instead, we ended our war and left Iraq to its people and a fully sovereign Iraqi state that could make decisions about its own future." He dismissed as "absurd to suggest, as a steady drumbeat of Russian voices do, that America is somehow conspiring with fascists inside of Ukraine or failing to respect the Russian people." He cited his grandfather's service in World War II and paid tribute to "the unimaginable sacrifices made by the Russian people" in it. Obama cited also America's efforts to bring Russia into the peaceful international community, arguing that "America, and the world and Europe, has an interest in a strong and responsible Russia, not a weak one." But, he added, "that does not mean Russia can run roughshod over its neighbors." In the end, he said, "on the fundamental principle that is at stake here, the ability of nations and peoples to make their own choices, there can be no turning back." But **having** pointedly **taken a military solution off the table**, and relying on the persuasive power of the sanctions imposed or to be intensified, ***Obama is inviting more political fire at home from Republicans in and out of Congress as a paper tiger***. The approach, however, is fully in keeping with posture as president in rejecting the quick trigger of his predecessor, George W. Bush.

**1ar**

***Patents not passing – pushing back to ensure contentious reforms***

**The Hill 3/26/2014** (Julian Hattem and Kate Tummarello, Senior Contributor’s to The Hill’s Technology Blog, “OVERNIGHT TECH: FCC's Wheeler and Pai to talk agency budget again”. DA: 3/27/14. <http://thehill.com/blogs/hillicon-valley/technology/201878-overnight-tech-fccs-wheeler-and-pai-to-talk-agency-budget>) [nagel]

Other **members of the committee, including Cornyn** and Sens. Orrin **Hatch** (R-Utah) **and** Charles **Schumer** (D-N.Y.), **are hoping to attach their *more contentious provisions*, which include additional scrutiny for** [**software**](http://thehill.com/blogs/hillicon-valley/technology/201878-overnight-tech-fccs-wheeler-and-pai-to-talk-agency-budget) **patents and requiring the losing party of a frivolous infringement lawsuit to pay the winner's legal fees**. In a statement on Wednesday, Leahy responded to recent reports that ***Cornyn would be willing to hold out for his provision — even if it means waiting on patent reform* — in the hopes that Republicans could control the Senate next year. “The idea that Republicans are playing politics with this important priority for American businesses is a major disappointment**. We have been working with businesses and innovators for months to craft meaningful legislation to address the problem of patent trolls," he said.

**Warming**

***TF***

***We’ve survived much worse periods of warming --- qualified scientists conclude***

**Cohen et. al 8-13**-12 (Roger W. Cohen, Fellow, American Physical Society, William Happer, Princeton University, Richard S. Lindzen, Massachusetts Institute of Technology, Wall Street Journal, 8-13-12, 'Climate Consensus' Data Need a More Careful Look <http://online.wsj.com/article/SB10000872396390443991704577579951766037924.html?KEYWORDS=climate+change>, jj)

But **repetition of a fib does not make it true**. As one of many pieces of evidence that our climate is doing what it always does, consider the National Oceanic and Atmospheric Administration's year-by-year data for wet and dry years in the continental U.S.

From 1900 to the present, there are only irregular, chaotic variations from year to year, but no change in the trend or in the frequency of dry years or wet years. Sometimes there are clusters of dry years, the most significant being the dry Dust Bowl years of the 1930s. These tend to be followed by clusters of wet years.

**Despite shrill claims of new record highs, when we look at record highs for temperature measurement stations that have existed long enough to have a meaningful history, there is no trend in the number of extreme high temperatures, neither regionally nor continentally**. **We do see the Dust Bowl years of the 1930s setting the largest number of record highs, at a time when it is acknowledged that humans had negligible effect on climate.**

What about strong tornadoes? Again there is no trend. Last year was an unusually active season, and unfortunately some of those storms ravaged population centers. We were told that these disasters were the result of human CO2 emissions. Yet 2011 was only the sixth worst for strong tornadoes since 1950 and far from a record. And have any of us heard about this tornado year? Why not? Because 2012 has been unusually quiet. Most of the tornado season is behind us, and so far the tornado count is mired in the lowest quintile of historical activity. As for hurricanes, again there is no discernible trend. Regarding wildfires, past western fires burned far more acreage than today. Any climate effect on wildfires is complicated by the controversial fire suppression practices of the past hundred years.

Lurid media reporting and advocates' claims aside, even the last comprehensive Intergovernmental Panel on Climate Change report noted that "archived data sets are not yet sufficient for determining long-term trends in [weather] extremes." Yet this has not stopped global warming advocates from using hot summer weather as a tool to dramatize a supposedly impending climate Armageddon.

In a telling 2007 PBS interview, former Sen. Tim Wirth gloated about how he had rigged the 1988 Senate testimony chamber to dramatize the impact of NASA scientist James Hansen's histrionic testimony on imminent danger from global warming: "We called the Weather Bureau and found out what historically was the hottest day of the summer . . . So we scheduled the hearing that day, and bingo, it was the hottest day on record in Washington or close to it."

Not content to gamble on the vagaries of weather statistics, Mr. Wirth also boasted, "What we did is that we went in the night beforehand and opened all the windows . . . so the air conditioning wasn't working inside the room . . . when the hearing occurred, there was not only bliss, which is television cameras and double figures, but it was really hot." Tricks like those described by Sen. Wirth have been refined to an art to promote the cause of economically costly action to prevent supposedly catastrophic consequences of increasing CO2. Contrast these manipulations with the measured and informative Senate testimony of climatologist John Christy earlier this month.

In an effort to move the science debate completely into the political arena, Mr. Krupp implies that with the exception of a few enlightened Republican governors and captains of industry, most "conservatives" are climate skeptics—and vice versa. But **some of the most formidable opponents of climate hysteria include the politically liberal physics Nobel laureate, Ivar Giaever; famously independent physicist and author, Freeman Dyson; environmentalist futurist, and father of the Gaia Hypothesis, James Lovelock; left-center chemist, Fritz Vahrenholt, one of the fathers of the German environmental movement, and many others who would bristle at being lumped into the conservative camp.**

Whether increasing CO2 in the atmosphere is bad or good is a question of science. And in science, truth and facts are not the playthings of causes, nor a touchstone of political correctness, nor true religion, nor "what I tell you three times is true."

***Humanity has always dealt with changing climate***.

In addition to the years of drought and excessive moisture described above, **the geological record makes it clear that there have been longer-term periods of drought, lasting for many years as during the Dust Bowl of the 1930s to many decades or centuries**. **None of these past climate changes, which had a profound effect on humanity, had anything to do with CO2, and there are good reasons for skepticism that doubling CO2 will make much difference compared to natural climate changes.**

**It is increasingly clear that doubling CO2 is unlikely to increase global temperature more than about one degree Celsius**, not the much larger values touted by the global warming establishment. In fact, **CO2 levels are below the optimum levels for most plants, and there are persuasive arguments that the mild warming and increased agricultural yields from doubling CO2 will be an overall benefit for humanity.** Let us debate and deal with serious, real problems facing our society, not elaborately orchestrated, phony ones, like the trumped-up need to drastically curtail CO2 emissions.