# 1nc

**T**

***Restrictions are prohibitions***

**Northglenn 11** (City of Northglenn Zoning Ordinance, “Rules of Construction – Definitions”, http://www.northglenn.org/municode/ch11/content\_11-5.html)

Section 11-5-3. Restrictions. As used in this Chapter 11 of the Municipal Code, the **term "restriction**" shall mean a prohibitive regulation. Any use, activity, operation, building, structure or thing which is the subject of a restriction is prohibited, and ***no*** such use, ***activity***, operation, building, structure or thing shall be **authorized by any permit or license**.

***They don’t prohibit – there are still circumstances that allow use of special operations forces***

***Voting issue –***

***1) Ground – all DAs and CPs like self-restraint, flexibility, and politics compete based off restrictions on the presidential decision-making process – skews the topic in favor of the aff.***

***2) Limits – they allow infinite modifications to the program—undermines our ability to research and prepare for all debates***

**T**

***Special Ops are part of the CIA – not the USAF***

**Maxwell, 13** (David, the Associate Director of the Center for Security Studies and the Security Studies Program in the Edmund A. Walsh School of Foreign Service of Georgetown University. “Unconventional Warfare Does Not Belong to Special Forces,”¶ <http://warontherocks.com/2013/08/unconventional-warfare-does-not-belong-to-special-forces/>)

It is clear that UW cannot “belong” solely to one military force, nor even to the military alone.  It is a strategic mission that is an offensive option for policymakers and strategists.  In the United States the UW mission is in fact an interagency one at the strategic level that can be shared between the Central Intelligence Agency and the military.  Nowhere has this been better exemplified than in Afghanistan in 2001, where the mission combined the resources, human contacts, and authorities of the CIA with the capability, capacity, and expertise of the SF, to mount a very effective UW campaign. The CIA and SOF in general have learned (or re-learned, if we look back to the OSS in WWII and later in Vietnam and Laos, as well as programs such as the Civilian Irregular Defense Group or Operation White Star) to work together in what some of our senior leaders term “shared battle-space.”

***Means their not topical***

***Destroys ground and predictability because not pat of topic***

**CP [NEED TEXT TALYA]**

***The executive branch should:***

***require a legislative policy trial prior to introducing United States Special Operations Armed Forces into combat.***

***Establish voluntary transparency of the special operations forces.***

***Presidential commitments are credible and solve the case***

Marvin **Kalb 13**, Nonresident Senior Fellow at Foreign Policy, James Clark Welling Presidential Fellow, The George Washington University Edward R. Murrow Professor of Practice (Emeritus), Kennedy School of Government, Harvard University, 2013, "The Road to War," book,pg. 7-8, www.brookings.edu/~/media/press/books/2013/theroadtowar/theroadtowar\_samplechapter.pdf

As we learned in Vietnam and in the broader Middle East, **a presidential commitment could lead to** war, based on miscalculation, misjudgment, or mistrust. It could also lead to ***reconciliation***. We live in a world of uncertainty, where even the word of a president is now questioned in wider circles of critical commentary. **On domestic policy, Washington** often **resembles a political circus** detached from reason and responsibility. **But on foreign policy, when** an international crisis erupts and some degree of **global leadership is required,** ***the*** word or ***commitment of an American president still represents the gold standard***, even if the gold does not glitter as once it did.

**1NC K**

***Asking how the executive should be allowed to conduct war masks the fundamental question of whether war should be allowed at all – this ensures inevitable cycles of militarism***

**Cady 10** (Duane L., prof of phil @ hamline university, From Warism to Pacifism: A Moral Continuum, pp. 22-23)

\*we disagree with ableist language

**The widespread, unquestioning acceptance of warism and** the corresponding **reluctance to consider pacifism** as a legitimate option **make** **it difficult to propose a genuine consideration of pacifist alternatives**. Warism may be held implicitly or explicitly. Held in its implicit form, **it does not occur** to the warist **to challenge the view that** war is morally justified; **war is** taken to be **natural and normal. No other way of understanding** large-scale **human conflict even comes to mind**. In this sense warism is like racism, sexism, and homophobia: a prejudicial bias built into conceptions and judgments without the awareness of those assuming it. In its explicit form, warism is openly accepted, articulated, and deliberately chosen as a value judgment on nations in conflict. War may be defended as essential for justice, needed for national security, as “the only thing the enemy understands,” and so on. In both forms **warism misguides judgments** and institutions **by reinforcing** **the necessity and *inevitability* of war and *precluding alternatives***. Whether held implicitly or explicitly, **warism obstructs questioning** **the conceptual framework of the culture. If we assume** (without realizing it) **that war itself is morally justifiable, our moral considerations of** **war will be focused on whether a *particular war* is justified or whether** ***particular acts within a given war* are morally acceptable. These are** **important** concerns, **but addressing them does *not* get at the fundamental issue raised by the pacifist: the morality of war *as such***. In Just and Unjust Wars Michael Walzer explains that “**war is always judged** **twice, first with reference to the *reasons* states have for fighting, secondly with reference to the *means* they adopt.”**8 The pacifist suggestion is that there is a third judgment of war that must be made prior to the other two: might war, by its very nature, be morally wrong? This issue is considered by Walzer only as an afterthought in an appendix, where it is dismissed as naïve. Perhaps Walzer should not be faulted for this omission, since he defines his task as describing the conventional morality of war and, as has been argued above, **conventional morality** **does take warism for granted**. To this extent Walzer is correct. And this is just the point: **our warist conceptual frameworks— our warist** **normative lenses— *blind us to the root question***. The concern of pacifists is to expose the hidden warist bias and not merely describe cultural values. Pacifists seek to examine cultural values and recommend what they ought to be. **This is why the pacifist insists on judging war** ***in itself*, a judgment *more fundamental* than the more *limited assessments* of the morality of a given war or the morality of *specific acts* within a particular war.**

***Our alternative is not pure pacifism, but rather a pacifist analysis that injects moral and epistemic doubt into our decision-making about war – this is the only way to formulate better policies that address structural causes of war and avoids inevitable cycles of violence***

**Neu 13 – prof @ U of Brighton**

(Michael, International Relations 27(4), December, The Tragedy of Justified War)

**Just war theory is *not concerned with millions of starving people who could be saved* from death** and disease **with a fraction of the** astronomical amount of **money** that, every year, goes **in**to **the** US **defence budget alone (a budget that could no longer be justified** if the United States ran out of enemies one day). **It is not interested in exposing** the operat- ing mechanisms of ***a global economic structure that is suppressive and exploitative* and may be conducive to outbreaks of** precisely the kind of **violence** that their theory is con- cerned with. As intellectually impressive as analytical just war accounts are, they do not convey any critical sense of Western moralism. **It is as though just war theory were *written for a different world than the one we occupy*: a world of morally responsible, structurally unconstrained, roughly equal agents, who have non-complex and non-exploitative relationships, relationships that lend themselves to easy epistemic** access **and binary moral analysis. *Theorists write with a degree of confidence that fails to appreciate the moral and epistemic fragility of*** justified ***war, the long-term genesis of violent conflict, structural causes of violence* and the moralistic attitudes that politicians and the media are capable of adopting. To insist that**, in the final analysis, **the injustice of wars is** completely **absorbed by their being justified reflects a way of doing moral philosophy that is *frighteningly mechanical and sterile.* It does not do justice** to individual persons,59 **it is *nonchalant about suffering of unimaginable proportions* and it suffocates a nuanced moral world in a rigid binary structure designed to deliver unambiguous, action-guiding recommendations.** According to the tragic conception defended here, justified warfare constitutes a moral evil, not just a physical one – whatever Coates’ aforementioned distinction is supposed to amount to. **If we do not recognise the moral evil of justified warfare, we run the risk of speaking the following kind of language when talking to a tortured mother, who has witnessed her child being bombed** into pieces, justifiably let us assume, **in the course of a ‘just war’: See, we did not bomb your toddler into pieces intentionally. You should also consider that our war was justified and that**, in performing this particular act of war, **we pursued a valid moral goal** of destroying the enemy’s ammunition factory. And be aware that killing your toddler was not instrumental to that pursuit. **As you can see, there was nothing wrong with what we did.** (OR: As you can see, we only infringed the right of your non-liable child not to be targeted, but we did not violate it.) Needless to say, we regret your loss. **This would be a deeply pathological thing to say, but it is precisely what** at least **some contemporary** just war **theorists** would **seem to advise. The monstrosity** of some accounts of contemporary just war theory **seems to derive from** a combination of **the** degree of ***certainty with which moral judgments are offered* and the ability to regard the moral case as closed once the judgments have been made. One implication of my argument for just theorists is clear enough: they should *critically reflect*** **on the** one-dimensionality of **their** dominant **agenda of making binary moral judgments about war.** **If they did, they would become more *sympathetic to the pacifist argument*, not to the conclusion drawn by pacifists who are also caught in a binary mode of thinking (i.e. never wage war, regardless of the circumstances!) but to the *timeless wisdom that forms the essence of the pacifist argument.* It is wrong to knowingly kill** and maim **people**, and it does not matter, at least not as much as the adherents of double effect claim, whether the killing is done intentionally or ‘merely’ with foresight. The difference would be psychological, too. **Moral philosophers of war would no longer be forced to concede this moral truth; rather, they would be free to embrace it. There is *no reason for them to disrespect the essence of pacifism.*** The just war theorist Larry May implicitly offers precisely such a tragic vision in his sympathetic discussion of ‘Grotius and Contingent Pacifism’. According to May, ‘war can sometimes be justified on the same grounds on which certain forms of pacifism are themselves grounded’.60 If this is correct, **just war theorists have good reason to stop calling themselves by their name. They would no longer be just war theorists, but unjust war theorists, confronting politicians with *a jus contra bellum, rather than offering them a jus ad bellum.* Beyond** being **that, they would be much ‘humbler in [their] approach to considering the justness of war’** (or, rather, the justifiability), **acknowledging that:** **notions of legitimate violence which appear so** vivid and **complete to the thinking individual are only *moments and snapshots of a wider history* concerning the different ways in which humans have ordered their** arguments and **practices of legitimate violence. *Humility in this context does not mean weakness.* It involves a concern with the implicit danger of adopting an arrogant approach to the problem of war.**61 **Binary thinking in just war theory is indeed *arrogant*, as is the failure to acknowledge the** legitimacy of – and ***need for*** – ***ambiguity***, agony ***and doubt in*** moral ***thinking about war.*** Humble philosophers of war, on the contrary, would acknowledge that any talk of justice is highly misleading in the context of war.62 It does not suffice here, in my view, to point out that ‘we’ have always understood what ‘they’ meant (assuming they meant what we think they meant). Fiction aside, **there is no such thing as a just war.** There is also no such thing as a morally justified war that comes without ambiguity and moral remainders. **Any language of justified warfare must therefore be** carefully drafted and ***constantly questioned.* It should demonstrate an** inherent, ***acute awareness of the fragility of moral thinking about war, rather than an eagerness to construct unbreakable chains of reasoning.*** **Being uncertain about**, and agonised by, **the justifiability of waging war does not put a moral philosopher to shame. The uncertainty is not only moral, it is also epistemic. Contemporary just war theorists proceed as if certainty were the rule**, and uncertainty the exception. **The world to which just war theory applies is one of radical and unavoidable uncertainty** though, **where politicians**, voters **and combatants do not always know who their enemies are; whether or not they really exist (and if so, why they exist and how they have come into existence); what weapons the enemies have (if any);** whether or not, when, and how they are willing to employ them; **why exactly the enemies are fought and what the consequences of fighting or not fighting them will be. Philosophers of war should** also **become more sensitive to the problem of political moralism. The just war language is *dangerous***, particularly when spoken by eager, self- righteous, over-confident moralists trying to make a case. **It would be a pity if philosophers of war, despite having the** smartest of brains and the **best of intentions, effectively ended up *delivering rhetorical ammunition to political moralists.* To avoid being *inadvertently complicit*** in that sense, **they could give** public lectures on the dangers of political moralism, that is, on thinking about war in terms of black and white, good and evil and them and us. They could warn us against Euro-centrism, missionary zeal and the emperors’ moralistic clothes. They could also ***investigate the historical genesis and structural conditionality* of** large-scale **aggressive behaviour in the global arena**, deconstruct- ing how warriors who claim to be justified are potentially tied into histories and structures, asking them: Who are you to make that claim? A philosopher determined **to go beyond the narrow discursive parameters provided by the contemporary** just war **paradigm would surely embrace some**thing like Marcus’ ‘second-order ***regulative principle’, which could indeed lead to ‘“better” policy’.***63 If justified wars are unjust and if it is true that not all tragedies of war are authentic, then political agents ought to prevent such tragedies from occurring. **This demanding principle**, however, **may require a more fundamental reflection on how we ‘conduct our lives and arrange our institutions’** (Marcus) **in this world. It is not enough to adopt a ‘wait and see’ policy, simply waiting for potential aggressions to occur and making sure that we do not go to war unless doing so is a ‘last resort’. Large-scale violence between human beings has causes that go beyond** the **individual moral failure** of those who are potentially aggressing, **and if** it turns out that some of **these causes can be removed ‘through more careful decision-making’** (Lebow), **then this is what *ought to be done*** by those who otherwise deprive themselves, today, of the possibility of not wronging tomorrow.

**1NC [Congress]--econ**

***Now is the WORST TIME to restrict war powers – the US is conveying strength on Ukraine now – but Putin is watching for ANY weakness***

ANDREW A. **MICHTA**, Professor of International Studies at Rhodes College and a senior fellow at the Center for European Policy Analysis (CEPA), “Doubling Down On NATO”, **3/24** 2014, http://www.the-american-interest.com/articles/2014/03/24/doubling-down-on-nato/

**Putin is *closely watching*** **how Washington behaves** in the coming weeks ***in order to determine the extent of America’s will*** to maintain NATO **as a force to be reckoned with**. On the political side of the ledger, ***the steps taken thus far have been positive***. **The prompt dispatch of** additional **F-15s to the Baltic** air policing mission in Lithuania, **plus the 12 F-16 jets and 300 personnel deployed to Poland have provided immediate symbolic reassurance**. Vice President **Biden’s visit** **further underscored the fact that America was re-engaging with Europe, refocusing on the core transatlantic security relationship** after years of “resets” and “pivots.” **The message to Putin is clear**: **while our response to the partition of Ukraine has lagged**, ***the U.S. remains committed*** to NATO. ***So far so good***.

***Congressional restrictions destroy crisis flexibility and signal weakness***

David **Auerswald 97**, Asst. Prof of PoliSci @ George Washington, and Peter Cowhey, Prof of IR @ UC-San Diego, “Ballotbox Diplomacy: The War Powers Resolution and the Use of Force,” International Studies Quarterly 41, 505-528

The strategic problem for the United States (or any democracy) **during military conflicts** is maintaining the ability to respond internationally while not abrogating the domestic political process. **The legislature** in a division-of-powers system like the United States **faces an especially acute dilemma.** **Congressional *micro-management* of military conflicts may erode *crisis flexibility*** **or create seemingly *inexplicable policy changes*, either of which may *lead international opponents to discount American resolve.*** Micro-management also subjects Congress to unpredictable and significant electoral risks. Conversely, legislative abdication over the use of force allows the executive to dominate the escalation agenda, a problematic outcome should Congress not share the policy preferences of the president. The War Powers Resolution (PL 93-148, hereafter called the Act) was a congressional innovation to solve this dilemma. Passed over President Nixon’s veto, the Act was a reaction to administration excesses during the Vietnam War. Its impact, however, is still being felt today.

***That guarantees Russian aggression and destabilization of Ukraine***

**Baker & Shear 3/25** (Peter Baker, Michael D. Shear, a White House correspondent for The New York Times, received a B.A. degree from Claremont McKenna College and a M.A. degree in public policy from the John F. Kennedy School at Harvard University, MARCH 25, 2014, “U.S. Challenge Now Is to Stop Further Putin Moves” <http://www.nytimes.com/2014/03/26/world/europe/us-challenge-now-is-stopping-further-putin-moves.html>, jj)

WASHINGTON — While President Obama insisted again on Tuesday that the West would not recognize the annexation of Crimea, **officials in the United States and Europe have privately concluded that Crimea is lost and that *the real challenge is stopping Russia from further destabilizing Ukraine***. After meeting with allies in Europe and suspending Russia from the Group of 8, Mr. Obama indicated no plans for additional sanctions unless Russia’s president, Vladimir V. Putin, makes another provocative move. Every reference to further action against Russia during a 40-minute news conference in The Hague came with conditional phrases like “if the situation gets worse.” Mr. Obama acknowledged that “the facts on the ground” meant that Crimea was under Russian control. “It would be dishonest to suggest that there’s a simple solution to resolving what has already taken place in Crimea,” he said, “although you know, history has a funny way of moving in twists and turns and not just in a straight line.” **For the United States and its European allies, the question is whether Mr. Putin will simply pocket his victory in Crimea and leave it at that**. Mr. **Putin** has been unmoved by the cancellation of trade talks, suspension of military cooperation, and travel bans and asset freezes imposed on a handful of his aides and allies. But he **has not made clear whether he feels emboldened enough to press for further territorial or political gains in Ukraine** in the face of threats of more sweeping sanctions against Russian arms, energy and banking sectors.

***Escalation into East Ukraine spikes global food prices – crashes the global economy – and sparks global instability***

ROBIN **BROMBY** THE AUSTRALIAN “Russian invasion of Ukraine could drive global food prices up”, **3/17,** 2014, [http://www.theaustralian.com.au/business/opinion/russian-invasion-of-ukraine-could-drive-global-food-prices-up/story-fnciihm9-1226856346079#](http://www.theaustralian.com.au/business/opinion/russian-invasion-of-ukraine-could-drive-global-food-prices-up/story-fnciihm9-1226856346079)

**The last thing the shaky global recovery** -- and the mining industry in particular, we would add -- **needs now is a further spike in food prices caused by disruption to farming in eastern Ukraine. Ukraine is the world's third-largest exporter of corn, the sixth-largest of wheat, and almost all of that is grown in the** Crimea and other **eastern parts now trembling under Moscow's boot** (voting in Crimea was due to begin late yesterday). **Any denting of the fragile global recovery sentiment would** (probably) ***have severe consequences for metals demand,*** **a blow this sector can barely afford**, with copper down 13 per cent so far this year and fears of a huge unloading of physical metal as financing deals are unwound (as explored here last week). Copenhagen-based Danske Bank says of potential disruption of Ukrainian food exports that this is the last thing the "shaky global economy" needs. It adds that both Russia's and Ukraine's economies are struggling and they need every cent of revenue they can lay their hands on. **Ukraine supplies about 40 per cent of all the wheat grown in Europe**, 20 per cent of the corn and 10 per cent of the rapeseed. While the wheat and corn are grown mainly in the threatened eastern part of the country, the rapeseed is produced mainly in the west, so is not (yet) threatened by Russian acquisitiveness. Up to 60 per cent of Ukraine's output of wheat and corn is exported while 95 per cent of rapeseed is shipped abroad. **Disruption,** especially of grain exports, ***would have "severe repercussions" for the global grain market***, the bank says. Here's another cruncher: **there are just a few months before the wheat harvest is due*. Unavailability of Ukrainian grain is not what Europeans would like to see.*** This past week we have seen what the Commonwealth Bank termed "massive speculative investor and fund" buying of wheat positions, all pushing the prices higher. **Food prices do**, indeed, ***pose a threat to the global economy -- and global stability*** (remember the food riots in Tunisia and Egypt that brought down those governments). As of last week, coffee prices have risen 78 per cent since January 1, sugar by 23 per cent and soybeans by 11 per cent. Now wheat prices are on the march.

***Global nuclear war***

**Kemp 10**

Geoffrey Kemp, Director of Regional Strategic Programs at The Nixon Center, served in the White House under Ronald Reagan, special assistant to the president for national security affairs and senior director for Near East and South Asian affairs on the National Security Council Staff, Former Director, Middle East Arms Control Project at the Carnegie Endowment for International Peace, 2010, The East Moves West: India, China, and Asia’s Growing Presence in the Middle East, p. 233-4

The second scenario, called Mayhem and Chaos, is the opposite of the first scenario; everything that can go wrong does go wrong. **The world economic situation weakens rather than strengthens**, and **India, China, and Japan suffer a major reduction in their growth rates**, further **weakening the global economy**. As a result, **energy demand falls and the price of fossil fuels plummets, leading to a financial crisis for the energy-producing states, which are forced to cut back dramatically on expansion programs and social welfare. That** in turn **leads to political unrest: and nurtures** different **radical groups**, **including**, but not limited to, **Islamic extremists**. The **internal stability** **of** some **countries is challenged**, and **there are more “failed states**.” Most serious is **the collapse of the democratic government in Pakistan and its takeover by Muslim extremists, who then take possession of a large number of nuclear weapons. The danger of war between India and Pakistan increases significantly**. **Iran**, always worried about an extremist Pakistan, expands and **weaponizes its nuclear program. That** further **enhances nuclear proliferation in the Middle East, with Saudi Arabia, Turkey, and Egypt joining Israel and Iran as nuclear states.** Under these circumstances, **the potential for nuclear terrorism increases, and the possibility of a nuclear terrorist attack in either the Western world or in the oil-producing states may lead to a further devastating collapse of the world economic market, with a tsunami-like impact on stability. In this scenario, major disruptions can be expected, with dire consequences for two-thirds of the planet’s population**.

**Politics**

***Next off is politics -***

***A) Uniqueness - Moderate NSA reforms have broad support now – More radical reforms by anti-war power advocates will significantly hamper US intelligence capabilities***

STEPHANIE **CONDON,** CBS NEWS, “Obama, House leaders say they're in sync on NSA reforms”, **3/25**, 2014, <http://www.cbsnews.com/news/obama-house-leaders-say-theyre-in-sync-on-nsa-reforms/>

Months after President Obama called on the intelligence community and the Justice Department to come up with ideas for reforming the nation's sweeping surveillance programs, **the president is poised to announce the package of reforms** that he is choosing to endorse. During a press conference in the Netherlands Tuesday, Mr. **Obama said he's chosen an option that he thinks is "workable"** and that "addresses the two core concerns that people have." Firstly, he said, the government would no longer keep bulk data in its possession. "Some of the dangers that people hypothesize when it came to bulk data, there were clear safeguards against. But I recognize that people were concerned about what might happen in the future with that bulk data," he said. "This proposal that's been presented to me would eliminate that concern." Additionally, Mr. Obama said the proposal calls for judicial oversight into each individual query into the database of metadata. "Overall, I am confident that it allows us to do what is necessary in order to deal with the dangers from the terrorist attack, but does so in a way that addresses some of the concerns that people had raised," he said. "And I'm looking forward to working with Congress to make sure that we go ahead and pass the enabling legislation quickly, so that we can get on with the business of effective law enforcement." Back in Washington, some **lawmakers said they were encouraged by what they've heard about the president's proposal.** "**They're coming in our direction**," Rep. **Mike Rogers**, R-Mich., **chairman of the House Intelligence Committee said of the White House** Tuesday. Rogers remarks came after he and Rep. Dutch Ruppersberger, D-Md., the top Democrat on the Intelligence Committee, described a bill called the End Bulk Collection Act, which would follow the same basic principles for reforming surveillance that the president put forward. "**We think we have found the way to end the government's bulk collection** of telephone metadata ***and still provide a mechanism to protect the United States and track those terrorists calling in***," Rogers said. The legislation, he said, would ban the government's bulk collection of electronic communication metadata, which is currently justified under Section 215 of the Patriot Act. Instead, the government would have to obtain that data from the communications companies (that are already legally obligated to retain the data for 18 months) after getting approval from the Foreign Intelligence Surveillance Act (FISA) Court. Any information collected would then be subject to additional court review and would have to be purged if it failed to meet the FISA Court standards of pertaining to a "reasonable, articulable suspicion." **Rogers and Ruppersberger said they have been working with the White House and other congressman on the legislation and expressed optimism about it**, though they would not put forward a timeline for its passage. ***However, not all lawmakers are on board with their plan.*** Rep. **Jim Sensenbrenner**, R-Wis., -- one of the original authors of the Patriot Act and a sponsor of a reform bill called the USA Freedom Act -- **said in a statement that "the End Bulk Collection Act is a convoluted bill that accepts the administration's deliberate misinterpretation of the law."** "***Provisions included in the draft fall well short of the safeguards in the USA FREEDOM Act and do not strike the proper balance*** between privacy and security," he said. "***The End Bulk Collection Act will not have my support.***" **Sensenbrenner's bill**, among other things, ***would require government requests to be relevant and material to an authorized investigation*** into international terrorism or clandestine intelligence activities. **Ruppersberger said** Tuesday **that the Sensenbrenner bill** (**also sponsored by Sen. Patrick Leahy**, D-Vt.) is "a good start, but... ***makes our country less safe***." To illustrate his point, **Ruppersberger said the Sensenbrenner bill would**, for example, ***impede the collection of information about phone calls made by a known terrorist in Yemen.*** "***Under the Sensenbrenner bill***, **in order for us to be able to have the ability to see who that person is calling and go to the phone companies and get that information,** **under the Sensenbrenner bill, you have to have an ongoing investigation,"** he said. "Well, ***that's not an ongoing investigation***. So right there, ***we would not be able to have the ability to see known terrorists calling the United States***."

***B) Link - Plan is a loss for Obama – increases the influence of anti-war power advocates***

**Johnson 2013** (Drew Johnson, Editor of the Free Press opinion page, “Right Side Round Table: What is the future of the Tea Party? What does the Tea Party need to do in order to remain influential and effective?,” <http://www.timesfreepress.com/news/2013/may/16/right-side-round-table/>)

Gallup **polls routinely find that 60 percent of Americans believe that government is too intrusive and powerful.** The tea party movement should be an inviting place to the substantial majority of Americans that believes the government is too large and spends too much -- and it would be if the tea party's focus remained on those issues.¶ **Unfortunately, the tendency of some tea party groups to take controversial stances or embrace obscure topics,** ranging from opposing gay marriage and abortion to fighting against Agenda 21 and Sharia law, **chases away many, if not most, of the tea party's potential supporters.**¶Now **the tea party** movement **is at a crossroads. Which way tea party leaders decide to go from here will *determine whether the tea party remains a*** thriving, ***powerful force that shapes policy decisions*** and determines electoral outcomes ***or withers into a historical footnote*** -- or worse, becomes a social club of like-minded people, powerless to effect change.

***C) The impact – Broader NSA bill causes catastrophic terrorism***

**Gross, 11/4/13** (Grant Gross, IDG News Service/PC World, November 4, 2013, “U.S. Intelligence Officials Say Leahy-Sensenbrenner NSA Reform Bill Is “Flawed” <http://www.matthewaid.com/post/66081447529/u-s-intelligence-officials-say-leahy-sensenbrenner-nsa>, jj)

**Proposals in Congress to end the National Security Agency’s bulk collection of U.S. telephone records would compromise the agency’s ability to find and track terrorists**, representatives of the intelligence community said Monday. ***The USA Freedom Act***, introduced last Tuesday by more than 85 U.S. lawmakers, **would reduce NSA surveillance capabilities to the levels before the Sept. 11, 2011, terrorist attacks on the U.S**., said Brad Wiegmann, deputy assistant attorney general of the National Security Division of the U.S. Department of Justice. Wiegmann and other U.S. intelligence officials faced questions about alternatives to the controversial NSA phone records collection program during a hearing of the U.S. Privacy and Civil Liberties Oversight Board (PCLOB). **The USA Freedom Act, sponsored by** Senator Patrick **Leahy**, a Vermont Democrat, **and** Representative Jim **Sensenbrenner**, a Wisconsin Republican, **would “essentially shut down” the phone records program**, said Robert Litt, general counsel of the U.S. Office of the Director of National Intelligence. **The USA Freedom Act would require the NSA to show the records it seeks to collect are related to a foreign power, a suspected agent of a foreign power or a person in contact with a suspected agent**. **Among other changes, the bill would also require the NSA to get court orders to search U.S. residents’ communications obtained without individualized warrants.** ***The bill is “flawed” because it presumes intelligence officials often have specific targets when looking for terrorist activity***, said Patrick Kelley, acting general counsel of the Federal Bureau of Investigation. “**That’s the essence of terrorism prevention—we don’t know who we’re after,”** he said**.”If we’re limited to seeing numbers from a known [suspect], then we’re not very effective**.” **The model of targeting specific suspects when trying to prevent terrorism doesn’t work well**, Kelley added. “**We’re connecting the dots here, so the fewer dots we that have, the fewer connections we’ll make,**” he said. “**You are reducing the amount of data available and therefore making it much more difficult to make the connections that we need to make**.” PCLOB member Rachel Brand asked Litt if he would support a special advocate to argue for privacy issues at the U.S. Foreign Intelligence Surveillance Court, a proposal in the USA Freedom Act and advocated by several privacy advocates. **Litt said he has concerns about the special advocate assigned to the FISC.** He questioned how such an advocate would have legal standing before the court. **The addition of a special advocate at the FISC would also mean some terrorism suspects have more legal representation than U.S. residents have when law enforcement agencies are seeking court-ordered warrants**, he said. “**Are you going to set up a process that provides more protection for a terrorist than for Americans who are subject of criminal search warrants?**” he said.

***Extinction***

Robert **Ayson**, July 20**10**, Professor of Strategic Studies and Director of the Centre for Strategic Studies: New Zealand at the Victoria University of Wellington, “After a Terrorist Nuclear Attack: Envisaging Catalytic Effects,” Studies in Conflict & Terrorism, Vol. 33, Issue 7, InformaWorld

A terrorist nuclear attack, and even the use of nuclear weapons in response by the country attacked in the first place, would not necessarily represent the worst of the nuclear worlds imaginable. Indeed, **there are reasons to wonder whether nuclear terrorism should** ever **be regarded as** belonging in the category of truly **existential** threats. A contrast can be drawn here with the global catastrophe that would come from a massive nuclear exchange between two or more of the sovereign states that possess these weapons in significant numbers. Even the worst terrorism that the twenty-first century might bring would fade into insignificance alongside considerations of what a general nuclear war would have wrought in the Cold War period. And it must be admitted that as long as the major nuclear weapons states have hundreds and even thousands of nuclear weapons at their disposal, there is always the possibility of a truly awful nuclear exchange taking place precipitated entirely by state possessors themselves. **But** these two nuclear worlds—a non-state actor nuclear attack and a catastrophic interstate nuclear exchange—are not necessarily separable. It is just possible that some sort of terrorist attack, and especially **an act of nuclear terrorism, could precipitate a chain of events leading to a *massive exchange of nuclear* weapons between two or more** of the **states** that possess them. In this context, today’s and tomorrow’s terrorist groups might assume the place allotted during the early Cold War years to new state possessors of small nuclear arsenals who were seen as raising the risks of a catalytic nuclear war between the superpowers started by third parties. These risks were considered in the late 1950s and early 1960s as concerns grew about nuclear proliferation, the so-called n+1 problem. It may require a considerable amount of imagination to depict an especially plausible situation where an act of nuclear terrorism could lead to such a massive inter-state nuclear war. For example, in the event of a terrorist nuclear attack on the United States, it might well be wondered just how Russia and/or China could plausibly be brought into the picture, not least because they seem unlikely to be fingered as the most obvious state sponsors or encouragers of terrorist groups. They would seem far too responsible to be involved in supporting that sort of terrorist behavior that could just as easily threaten them as well. Some possibilities, however remote, do suggest themselves. For example, how might the United States react if it was thought or discovered that the fissile material used in the act of nuclear terrorism had come from Russian stocks,40 and if for some reason Moscow denied any responsibility for nuclear laxity? The correct attribution of that nuclear material to a particular country might not be a case of science fiction given the observation by Michael May et al. that while the debris resulting from a nuclear explosion would be “spread over a wide area in tiny fragments, its radioactivity makes it detectable, identifiable and collectable, and a wealth of information can be obtained from its analysis: the efficiency of the explosion, the materials used and, most important … some indication of where the nuclear material came from.”41 Alternatively, if the act of nuclear terrorism came as a complete surprise, and American officials refused to believe that a terrorist group was fully responsible (or responsible at all) suspicion would shift immediately to state possessors. Ruling out Western ally countries like the United Kingdom and France, and probably Israel and India as well, authorities in Washington would be left with a very short list consisting of North Korea, perhaps Iran if its program continues, and possibly Pakistan. But at what stage would Russia and China be definitely ruled out in this high stakes game of nuclear Cluedo? In particular, if the act of nuclear terrorism occurred against a backdrop of existing tension in Washington’s relations with Russia and/or China, and at a time when threats had already been traded between these major powers, would officials and political leaders not be tempted to assume the worst? Of course, the chances of this occurring would only seem to increase if the United States was already involved in some sort of limited armed conflict with Russia and/or China, or if they were confronting each other from a distance in a proxy war, as unlikely as these developments may seem at the present time. The reverse might well apply too: should a nuclear terrorist attack occur in Russia or China during a period of heightened tension or even limited conflict with the United States, could Moscow and Beijing resist the pressures that might rise domestically to consider the United States as a possible perpetrator or encourager of the attack? **Washington’s early response to a terrorist nuclear attack** on its own soil might also **raise the possibility of an unwanted** (and **nuclear** aided) **confrontation** with Russia and/or China. For example**, in the noise and confusion during the immediate aftermath of the terrorist nuclear attack, the U.S. president might be expected to place the country’s armed forces, including its nuclear arsenal, on a higher stage of alert. In such a tense environment, when careful planning runs up against the friction of reality**, it is just possible that **Moscow and/or China might mistakenly read this as a sign of U.S. intentions to use** force (and possibly **nuclear force) against them. In that situation, the *temptations to preempt* such actions might grow,** although it must be admitted that any preemption would probably still meet with a devastating response. As part of its initial response to the act of nuclear terrorism (as discussed earlier) Washington might decide to order a significant conventional (or nuclear) retaliatory or disarming attack against the leadership of the terrorist group and/or states seen to support that group. Depending on the identity and especially the location of these targets, Russia and/or China might interpret such action as being far too close for their comfort, and potentially as an infringement on their spheres of influence and even on their sovereignty. One far-fetched but perhaps not impossible scenario might stem from a judgment in Washington that some of the main aiders and abetters of the terrorist action resided somewhere such as Chechnya, perhaps in connection with what Allison claims is the “Chechen insurgents’ … long-standing interest in all things nuclear.”42 American pressure on that part of the world would almost certainly raise alarms in Moscow that might require a degree of advanced consultation from Washington that the latter found itself unable or unwilling to provide. There is also the question of how other nuclear-armed states respond to the act of nuclear terrorism on another member of that special club. It could reasonably be expected that following a nuclear terrorist attack on the United States, both Russia and China would extend immediate sympathy and support to Washington and would work alongside the United States in the Security Council. But there is just a chance, albeit a slim one, where the support of Russia and/or China is less automatic in some cases than in others. For example, what would happen if the United States wished to discuss its right to retaliate against groups based in their territory? If, for some reason, Washington found the responses of Russia and China deeply underwhelming, (neither “for us or against us”) might it also suspect that they secretly were in cahoots with the group, increasing (again perhaps ever so slightly) the chances of a major exchange. If the terrorist group had some connections to groups in Russia and China, or existed in areas of the world over which Russia and China held sway, and if Washington felt that Moscow or Beijing were placing a curiously modest level of pressure on them, what conclusions might it then draw about their culpability? If Washington decided to use, or decided to threaten the use of, nuclear weapons, the responses of Russia and China would be crucial to the chances of avoiding a more serious nuclear exchange. They might surmise, for example, that while the act of nuclear terrorism was especially heinous and demanded a strong response, the response simply had to remain below the nuclear threshold. It would be one thing for a non-state actor to have broken the nuclear use taboo, but an entirely different thing for a state actor, and indeed the leading state in the international system, to do so. If Russia and China felt sufficiently strongly about that prospect, there is then the question of what options would lie open to them to dissuade the United States from such action: and as has been seen over the last several decades, the central dissuader of the use of nuclear weapons by states has been the threat of nuclear retaliation. If some readers find this simply too fanciful, and perhaps even offensive to contemplate, it may be informative to reverse the tables. Russia, which possesses an arsenal of thousands of nuclear warheads and that has been one of the two most important trustees of the non-use taboo, is subjected to an attack of nuclear terrorism. In response, Moscow places its nuclear forces very visibly on a higher state of alert and declares that it is considering the use of nuclear retaliation against the group and any of its state supporters. How would Washington view such a possibility? Would it really be keen to support Russia’s use of nuclear weapons, including outside Russia’s traditional sphere of influence? And if not, which seems quite plausible, what options would Washington have to communicate that displeasure? If China had been the victim of the nuclear terrorism and seemed likely to retaliate in kind, would the United States and Russia be happy to sit back and let this occur? **In the charged atmosphere immediately after a nuclear terrorist attack, how would the attacked country respond to pressure from other major nuclear powers not to respond in kind? The phrase “how dare they tell us what to do” immediately springs to mind. Some might** even go so far as to **interpret** this **concern as a tacit form of** sympathy or **support for the terrorists. This might not help** the chances of **nuclear restraint**.

**DA flex**

***Congress is deferring to the executive now --- this is key to maintain the presidency’s speed, expertise, secrecy, and flexibility***

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A different view, however, is that the history is largely one of political and constitutional success. **The essential feature of the emergency is that national security is threatened; because the executive is the only organ of government with the resources, power, and flexibility to respond to threats to national security, it is natural**, inevitable, **and desirable for power to flow to this branch of government.** **Congress rationally acquiesces; courts rationally defer**. **Civil liberties are compromised because civil liberties interfere with effective response to the threat; but civil liberties are never eliminated** because they remain important for the well-being of citizens and the effective operation of the government. People might panic, and the government must choose policies that enhance morale as well as respond to the threat, but there is nothing wrong with this. **The executive implements bad policies as well as good ones, but error is inevitable, just as error is inevitable in humdrum policymaking during normal times**. **Policy during emergencies can never be mistake-free**; it is enough if policymaking is not systematically biased in any direction, so that errors are essentially random and wash out over many decisions or over time. **Both Congress and the judiciary realize that they do not have the expertise or the resources to correct the executive during an emergency**. **Only when the emergency wanes do these institutions reassert themselves, but this just shows that the basic constitutional structure remains unaffected by the emergency**. **In the United States, unlike in many other countries, the constitutional system has never collapsed during an emergency**.¶ The two views of history have opposite normative implications. Those who hold the first view devote their energies to persuading Congress and judges to scrutinize executive actions during emergencies. The simplest view, which we label the civil libertarian view, holds that courts should be willing to strike down emergency measures that threaten civil liberties to the same extent that they strike down security measures during normal times; perhaps courts should be even less deferential during emergencies, given that emergencies create new opportunities for taking advantage of the public. Some scholars who are sympathetic to the civil libertarian view, but who do not go so far, think that courts should be more deferential during emergencies than during normal times; but these scholars also think that the judges should assert themselves more than they have historically and that the judges should wield constitutional doctrines that require the executive to work in tandem with Congress. Except when the context requires greater precision, we will refer to both types of scholars as civil libertarians. The second view of history suggests that **the traditional practice of judicial and legislative deference has served Americans well, and there is no reason to change it**. **This view reflects the collective wisdom of the judges themselves**, and although no one doubts that injustices occur during emergencies, **the type of judicial scrutiny that would be needed to prevent the injustices that have occurred during American history would cause more harm than good by interfering with justified executive actions**. **Those who hold this view usually have little confidence in congressional leadership and argue that Congress should defer to the executive as well. This book argues for the latter view.** We maintain that **the civil libertarian view**, in any version, **rests on implausible premises and is too weak to overcome the presumptive validity of executive action during emergencies**. Our argument has two components. First, the tradeoff thesis holds that governments should, and do, balance civil liberties and security at all times. During emergencies, when new threats appear, the balance shifts; government should and will reduce civil liberties in order to enhance security in those domains where the two must be traded off. **Governments will err, but those errors will not be systematically skewed in any direction and will not be more likely during emergencies than during normal times, in which governments also make mistakes about quotidian matters of policy**. Second, **the deference thesis holds that the executive branch, not Congress or the judicial branch, should make the tradeoff between security and liberty**. **During emergencies, the institutional advantages of the executive are enhanced. Because of the importance of secrecy, speed, and flexibility**, courts, which are slow, open, and rigid, have less to contribute to the formulation of national policy than they do during normal times. The deference thesis does not hold that courts and legislators have no role at all. The view is that courts and **legislators should be more deferential than they are during normal times; how much more deferential is always a hard question and depends on the scale and type of the emergency.¶** To that extent, we agree with the subset of civil libertarians who concede that courts and legislators should defer somewhat more during emergencies than during normal times. Nonetheless, even these civil libertarians criticize the courts and Congress for their excessive deference during emergencies. We agree with the descriptive premise, but not the normative one. **Courts and legislators are far more deferential during emergencies than any civil libertarians would have them be,** but we think this is good and, for the most part, inevitable. Accordingly, we will argue for a much higher degree of deference than any version of the civil libertarian view permits. In our view, the historical baseline of great deference during emergencies is also the right level of deference. To be clear, we do not argue that government always acts rationally, or with public-regarding motivations, nor that it always strikes the correct balance between security and liberty. Our two theses are just two halves of our central claim, which is about the comparison of institutional performance during normal times, on the one hand, and during emergencies, on the other. **Our central claim is that government is better than courts or legislators at striking the correct balance between security and liberty during emergencies**. Against the baseline of normal times, government does no worse during emergencies, or at least its performance suffers less than that of courts and legislators. By contrast, **the institutional structures that work to the advantage of courts and Congress during normal times greatly hamper their effectiveness during emergencies; and the decline in their performance during emergencies is much greater than the decline in governmental performance. Therefore, deference to government should increase during emergencies.**

***The plan destroys presidential war powers broadly via over-deterrence***

**Lindsay, 93** (JAMES M. LINDSAY is associate professor of political science at the University of Iowa, He is the author of Congress and Nuclear Weapons and co-editor of the forthcoming book, Congress Resur- gent: Foreign and Defense Policy on Capitol Hill, Political Science Quarterly, Vol. 107, No. 4 (Winter, 1992-1993), pp. 607-628, Congress and Foreign Policy: Why the Hill Matters, <http://www3.nccu.edu.tw/~lorenzo/Lindsay%20Why%20the%20Hill%20Matters.pdf>, jj)

**A major flaw with legislative scorecards is** that **they assume that influence can be determined on the basis of observed behavior alone**. **Yet in any stable institutional arrangement people will act strategically**. ***Just as chess players consider their opponent's possible moves and plan several steps ahead, Congress and the execu- tive branch anticipate one another's behavior and modify their own behavior accordingly***.23 **Presidents are especially likely to anticipate the mood in Congress on foreign policy, because public defeats threaten to *weaken their credibility* on the world scene. As** Secretary of State James **Baker explained** President **Bush's reluctance to request congressional authorization** for Operation Desert Storm: "**The President has not wanted to ask for such a resolution unless the leadership of the Congress could assure him that such a resolution would be forthcoming, because your hand would be weakened if it were not forthcoming**."24

Of course, **anticipated reactions have always influenced executive-legislative relations**. The essential question is whether anticipated reactions matter more today. That question is far easier to ask than to answer. No systematic studies have been done on anticipated reactions in foreign policy. We can only turn to logic and anecdotes. **Logic suggests that today the president is more inclined to incorporate congressional positions into his own policy proposals**. **The willing- ness of the president to act strategically varies directly with the willingness of Congress to contest his proposals**, and by all accounts Congress over the past two decades has become more willing to challenge the president.

**On the anecdotal level, stories abound of administrations changing course because of anticipated congressional opposition**. Take for example arms sales. In the mid-1970s, Congress passed legislation giving itself the power to veto major arms sales. **Although Congress has never vetoed** an arms sale, **the threat of a veto appears to have shaped many presidential proposals**. **On several occasions the Ford and Carter** administrations **modified their proposed arms packages to de- fuse congressional opposition**.25 Three times between 1983 and 1985 the Reagan administration proposed selling arms to Jordan, and all three times it withdrew the proposal because of the mood in Congress.26 Following the Iraqi invasion of Kuwait, the Bush administration postponed its plans to ask Congress to approve the sale of $13 billion in weapons to Saudi Arabia. Officials calculated that if the proposal had gone forward, "Israel's major supporters in Congress would have raised an uproar."27

The history of arms control talks also gives some flavor of the increased impor- tance of anticipated reactions. In the 1960s, presidents typically ignored Congress on arms control. During the SALT I (Strategic Arms Limitations Treaty) negotia- tions, for example, Senator John Sherman Cooper (R-KY) repeatedly failed to convince the Nixon administration to include senators in the American negoti- ating delegation.28 When Senator Hugh Scott (R-PA), the Senate minority leader, announced he would visit Helsinki, the U.S. delegation discussed whether it should meet with him. The delegation eventually decided to meet with Scott but agreed to tell him little of substance.29

White House attention to the mood in Congress soon increased. Jimmy Carter actively solicited congressional views, especially the views of Senator Henry "Scoop" Jackson (D-WA).

The special attention that was paid to the Washington senator was manifested in nu- merous ways, including: (1) a willingness on the part of the administration to study seriously and ultimately incorporate a number of Jackson's SALT recommendations into the comprehensive U.S. proposal presented to the Soviets in March 1977; (2) an unprecedented commitment by Secretary [Cyrus] Vance in October 1977 to meet with Jackson's Armed Services Subcommittee every two weeks; and (3) President Carter's agreemento reappoint General Edward Rowny, Jackson's choice, to be the representa- tive on the SALT delegation.30

The Carter administration also approved the creation of a Senate SALT advisers group. "Members were permitted to attend plenary sessions of the negotiations as observers, to sit in on delegation meetings in Geneva, and even to read the joint draft text of the treaty."'" The Reagan administration initially tried to shut Congress out of the arms talks. **Congressional pressure forced the administration to retreat**, however, and in 1985 a Senate Arms Control Group was reestablished. "In addition to the functions carried out by their predecessors, the new Senate observers were permitted to meet separately with Soviet negotiators, both to learn firsthand of Soviet positions and to express their own concerns. "32

It should be said that **in influencing executive branch behavior, anticipated reactions function as a negative power**.33 **As presidents look to Capitol Hill, their reading of the congressional mood tells them what policies are not politically possible**. But the mood in Congress seldom compels the president to pursue specific policies. The one exception is the rare case where consensus reigns on Capitol Hill on a particular issue. As U.S. policy toward China after Tiananmen Square attests, however, presidents can resist congressional attempts to push them in a specific policy direction even in the face of near unanimous opposition.

***Anticipated reactions clearly influence the executive branch***. Yet does the im- pact of anticipated reactions extend beyond the margins of policy? On a major policy issue a president may ignore congressional objections or sidestep the objec- tions by changing the style but not the substance of policy.34 Refuting this claim is impossible, both because we lack systematic studies of anticipated reactions and because the claim inevitably involves counterfactuals.35 **Even if anticipated reactions operate only at the margins, Congress's influence still should not be dismissed as inconsequential**. "**The margins are frequently the vital edges, and Congress's ability to shape them is of real importance."**36 As the history of U.S. involvement in Vietnam illustrates, **incremental decision making can lead to major policy commitments.**

***Warfighting is effective now—the plan causes extinction via terror, rogue states and prolif***

**Yoo 12**

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This time, President **Obama has the Constitution about right. His exercise of war powers rests firmly in the tradition of American foreign policy**. **Throughout our history, neither presidents nor Congresses have acted under the belief that the Constitution requires a declaration of war before the U.S. can conduct military hostilities abroad**. **We have used force abroad more than 100 times but declared war in only five cases: the War of 1812, the Mexican-American and Spanish-American wars, and World War I and II.**¶ **Without any congressional approval, presidents have sent forces to battle Indians, Barbary pirates and Russian revolutionaries; to fight North Korean and Chinese communists in Korea; to engineer regime changes in South and Central America; and to prevent human rights disasters in the Balkans.** Other conflicts, such as the 1991 Persian Gulf war, the 2001 invasion of Afghanistan and the 2003 Iraq war, received legislative “authorization” but not declarations of war. The practice of presidential initiative, followed by congressional acquiescence, has spanned both Democratic and Republican administrations and reaches back from President Obama to Presidents Abraham Lincoln, Thomas Jefferson and George Washington.¶ **Common sense does not support replacing the way our Constitution has worked in wartime with a radically different system that mimics the peacetime balance of powers between president and Congress.** If the issue were the environment or Social Security, Congress would enact policy first and the president would faithfully implement it second. But the Constitution does not duplicate this system in war. Instead, **our framers decided that the president would play the leading role in matters of national security.**¶ Those in the pro-Congress camp call upon the anti-monarchical origins of the American Revolution for support. If the framers rebelled against King George III’s dictatorial powers, surely they would not give the president much authority. It is true that the revolutionaries rejected the royal prerogative, and they created weak executives at the state level. Americans have long turned a skeptical eye toward the growth of federal powers. But this may mislead some to resist the fundamental difference in the Constitution’s treatment of domestic and foreign affairs. For when the framers wrote the Constitution in 1787 they rejected these failed experiments and restored an independent, unified chief executive with its own powers in national security and foreign affairs.¶ The most important of the president’s powers are commander in chief and chief executive. As Alexander Hamilton wrote in Federalist 74, “The direction of war implies the direction of the common strength, and the power of directing and employing the common strength forms a usual and essential part in the definition of the executive authority.” **Presidents should conduct war**, he wrote, **because they could act with “decision, activity, secrecy and dispatch**.” In perhaps his most famous words, Hamilton wrote: “**Energy in the executive is a leading character in the definition of good government. ... It is essential to the protection of the community against foreign attacks**.”¶ The framers realized the obvious. **Foreign affairs are unpredictable and involve the highest of stakes, making them unsuitable to regulation by pre-existing legislation**. **Instead, they can demand swift, decisive action—sometimes under pressured or even emergency circumstances—that is best carried out by a branch of government that does not suffer from multiple vetoes or is delayed by disagreements**. **Congress is too large and unwieldy to take the swift and decisive action required in wartime**. Our framers replaced the Articles of Confederation, which had failed in the management of foreign relations because they had no single executive, with the Constitution’s single president for precisely this reason. **Even when it has access to the same intelligence as the executive branch, Congress’ loose, decentralized structure would [hamper] ~~paralyze~~ American policy while foreign threats grow.**¶ **Congress has no political incentive to mount and see through its own wartime policy. Members of Congress, who are interested in keeping their seats at the next election, do not want to take stands on controversial issues where the future is uncertain. They will avoid like the plague any vote that will anger large segments of the electorate. They prefer that the president take the political risks and be held accountable for failure.**¶ **Congress’ track record when it has opposed presidential leadership has not been a happy one.** **Perhaps the most telling example was the Senate’s rejection of the Treaty of Versailles at the end of World War I. Congress’ isolationist urge kept the United States out of Europe at a time when democracies fell and fascism grew in their place. Even as Europe and Asia plunged into war, Congress passed the Neutrality Acts designed to keep the United States out of the conflict.** President Franklin Roosevelt violated those laws to help the Allies and draw the nation into war against the Axis. **While pro-Congress critics worry about a president’s foreign adventurism, the real threat to our national security may come from *inaction and isolationism***.¶ Many point to the Vietnam War as an example of the faults of the “imperial presidency.” Vietnam, however, could not have continued without the consistent support of Congress in raising a large military and paying for hostilities. And Vietnam ushered in a period of congressional dominance that witnessed American setbacks in the Cold War and the passage of the ineffectual War Powers Resolution. Congress passed the resolution in 1973 over President Richard Nixon’s veto, and no president, Republican or Democrat, George W. Bush or Obama, has ever accepted the constitutionality of its 60-day limit on the use of troops abroad. No federal court has ever upheld the resolution. Even Congress has never enforced it.¶ **Despite the record of practice and the Constitution’s institutional design, critics nevertheless argue for a radical remaking of the American way of war**. They typically base their claim on Article I, Section 8, of the Constitution, which gives Congress the power to “declare war.” But these observers read the 18th century constitutional text through a modern lens by interpreting “declare war” to mean “start war.” When the Constitution was written, however, a declaration of war served diplomatic notice about a change in legal relations between nations. It had little to do with launching hostilities. In the century before the Constitution, for example, Great Britain—where the framers got the idea of the declare-war power—fought numerous major conflicts but declared war only once beforehand.¶ Our Constitution sets out specific procedures for passing laws, appointing officers and making treaties. There are none for waging war because the framers expected the president and Congress to struggle over war through the national political process. In fact, other parts of the Constitution, properly read, support this reading. Article I, Section 10, for example, declares that the states shall not “engage” in war “without the consent of Congress” unless “actually invaded, or in such imminent danger as will not admit of delay.” This provision creates exactly the limits desired by anti-war critics, complete with an exception for self-defense. If the framers had wanted to require congressional permission before the president could wage war, they simply could have repeated this provision and applied it to the executive.¶ Presidents, of course, do not have complete freedom to take the nation to war. Congress has ample powers to control presidential policy, if it wants to. Only Congress can raise the military, which gives it the power to block, delay or modify war plans. Before 1945, for example, the United States had such a small peacetime military that presidents who started a war would have to go hat in hand to Congress to build an army to fight it. Since World War II, it has been Congress that has authorized and funded our large standing military, one primarily designed to conduct offensive, not defensive, operations (as we learned all too tragically on 9/11) and to swiftly project power worldwide. If Congress wanted to discourage presidential initiative in war, it could build a smaller, less offensive-minded military.¶ Congress’ check on the presidency lies not just in the long-term raising of the military. It can also block any immediate armed conflict through the power of the purse. If Congress feels it has been misled in authorizing war, or it disagrees with the president’s decisions, all it need do is cut off funds, either all at once or gradually. It can reduce the size of the military, shrink or eliminate units, or freeze supplies. Using the power of the purse does not even require affirmative congressional action. Congress can just sit on its hands and refuse to pass a law funding the latest presidential adventure, and the war will end quickly. Even the Kosovo war, which lasted little more than two months and involved no ground troops, required special funding legislation.¶ The framers expected Congress’ power of the purse to serve as the primary check on presidential war. During the 1788 Virginia ratifying convention, Patrick Henry attacked the Constitution for failing to limit executive militarism. James Madison responded: “The sword is in the hands of the British king; the purse is in the hands of the Parliament. It is so in America, as far as any analogy can exist.” Congress ended America’s involvement in Vietnam by cutting off all funds for the war.¶ **Our Constitution has succeeded because it favors swift presidential action in war, later checked by Congress’ funding power. If a president continues to wage war without congressional authorization, as in Libya, Kosovo or Korea, it is only because Congress has chosen not to exercise its easy check. We should not confuse a desire to escape political responsibility for a defect in the Constitution.**¶ **A radical change in the system for making war might appease critics of presidential power. But it could also seriously threaten American national security**. **In order to forestall another 9/11 attack, or to take advantage of a window of opportunity to strike terrorists or rogue nations, the executive branch needs flexibility. It is not hard to think of situations where congressional consent cannot be obtained in time to act. Time for congressional deliberation, which leads only to passivity and isolation and not smarter decisions, will come at the price of speed and secrecy.**¶ **The Constitution creates a presidency that can respond forcefully to prevent serious threats to our national security**. Presidents can take the initiative and Congress can use its funding power to check them. **Instead of demanding a legalistic process to begin war, the framers left war to politics.** ***As we confront the new challenges of terrorism, rogue nations and WMD proliferation, now is not the time to introduce sweeping, untested changes in the way we make war.***

***New prolif destroys nuclear hesitancy which guarantees escalation***

**Cimbala, 8** (Stephen, Distinguished Prof. Pol. Sci. – Penn. State Brandywine, Comparative Strategy, “Anticipatory Attacks: Nuclear Crisis Stability in Future Asia”, 27, InformaWorld)

If the possibility existed of a mistaken preemption during and immediately after the Cold War, between the experienced nuclear forces and command systems of America and Russia, then it may be a matter of even more concern with regard to states with newer and more opaque forces and command systems. In addition, the Americans and Soviets (and then Russians) had a great deal of experience getting to know one another’s military operational proclivities and doctrinal idiosyncrasies, including those that might influence the decision for or against war. Another consideration, relative to nuclear stability in the present century, is that the Americans and their NATO allies shared with the Soviets and Russians a commonality of culture and historical experience. Future threats to American or Russian security from weapons of mass destruction may be presented by states or nonstate actors motivated by cultural and social predispositions not easily understood by those in the West nor subject to favorable manipulation during a crisis. The spread of nuclear weapons in Asia presents a complicated mosaic of possibilities in this regard. States with nuclear forces of variable force structure, operational experience, and ***c***ommand-***c***ontrol systems will be thrown into a matrix of complex political, social, and cultural crosscurrents ***contributory to the possibility of war***. In addition to the existing nuclear powers in Asia, others may seek nuclear weapons if they feel threatened by regional rivals or hostile alliances. Containment of nuclear proliferation in Asia is a desirable political objective for all of the obvious reasons. Nevertheless, the present century is unlikely to see the nuclear hesitancy or risk aversion that marked the Cold War, in part, because the military and political discipline imposed by the Cold War superpowers no longer exists, but also because states in Asia have new aspirations for regional or global respect.12 The spread of ballistic missiles and other nuclear-capable delivery systems in Asia, or in the Middle East with reach into Asia, is especially dangerous because plausible adversaries live close together and are already engaged in ongoing disputes about territory or other issues.13 The Cold War Americans and Soviets required missiles and airborne delivery systems of intercontinental range to strike at one another’s vitals. But short-range ballistic missiles or fighter-bombers suffice for India and Pakistan to launch attacks at one another with potentially “strategic” effects. China shares borders with Russia, North Korea, India, and Pakistan; Russia, with China and NorthKorea; India, with Pakistan and China; Pakistan, with India and China; and so on. The short flight times of ballistic missiles between the cities or military forces of contiguous states means that very little time will be available for warning and attack assessment by the defender. ***Conventionally armed missiles could easily be mistaken for a tactical nuclear first use***. Fighter-bombers appearing over the horizon could just as easily be carrying nuclear weapons as conventional ordnance. In addition to the challenges posed by shorter flight times and uncertain weapons loads, potential victims of nuclear attack in Asia may also have first strike–vulnerable forces and command-control systems that increase decision pressures for rapid, and possibly mistaken, retaliation. This potpourri of possibilities challenges conventional wisdom about nuclear deterrence and proliferation on the part of policymakers and academic theorists. For policymakers in the United States and NATO, spreading nuclear and other weapons of mass destruction in Asia could profoundly shift the geopolitics of mass destruction from a European center of gravity (in the twentieth century) to an Asian and/or Middle Eastern center of gravity (in the present century).14 This would profoundly shake up prognostications to the effect that wars of mass destruction are now passe, on account of the emergence of the “Revolution in Military Affairs” and its encouragement of information-based warfare.15 Together with this, there has emerged the argument that large-scale war between states or coalitions of states, as opposed to varieties of unconventional warfare and failed states, are exceptional and potentially obsolete.16 The spread of WMD and ballistic missiles in Asia could ***overturn these expectations for the obsolescence or marginalization of major interstate warfare.***

**Solvency**

***Zero risk of solvency***

1. ***Obama will circumvent – the past 5 years prove.***

**Cohen**, Fellow at the Century Foundation, **12**

(Michael, 3-28-12, “Power Grab,” http://www.foreignpolicy.com/articles/2012/03/28/power\_grab?page=full)

This month marks the one-year anniversary of the onset of U.S. military engagement in **the Libyan civil war**. While the verdict is still out on the long-term effects of the conflict for U.S. interests in the region, it's closer to home where one can point to the war**'s** greater **lasting impact** -- namely **in further increasing the power of the executive branch to wage war without congressional authorization. But don't expect to hear much about that issue** on the campaign trail this election year. Rather **the erosion of congressional oversight of the executive branch's war-making responsibilities has been something of a *bipartisan endeavor* -- and one that is *unlikely to end any time soon*.¶** It might seem like a bit of ancient history now, but **one of the more creative arguments to come out of the U.S. military intervention in Libya was t**he **Obama** administration**'s** **assertion** **that the war did not actually represent "hostilities."** Indeed, according to the president's argument to Congress, U.S. operations in Libya "do not involve sustained fighting or active exchanges of fire with hostile forces, nor do they involve U.S. ground troops" -- thus making them something less than war. On the surface this appears patently absurd. The United States was flying planes over Libyan air space and dropping bombs. Missiles were being fired from off-shore. An American military officer (Adm. James Stavridis) commanded the NATO effort. There were reports of forward air controllers on the ground spotting targets for U.S. bombers. In all, NATO planes flew more than 26,000 sorties in Libya, nearly 10,000 of which were strike missions. By what possible definition is this not considered "hostilities"?¶ As it turns out **the ambiguity over whether the war represented "hostilities" is one codified in U.S. law** -- namely **the** War Powers Resolution (**WPR**). Under the provisions of the WPR the President was required to notify Congress within 48 hours of the beginning of U.S. military involvement. He then had 60 days to receive authorization from Congress and if he failed to do he would have 30 days to end the fighting. (Of course, if U.S. military actions do not rise to the level of "hostilities," then the president does not have to go through this rigmarole and receive congressional approval.)¶ Now on the surface, **such an elastic view of what the word hostilities means is *hardly unusual*. Indeed, it is rather *par for the course* in discussions of the W**ar **P**owers **R**esolution. In 1975, the Ford administration claimed that "hostilities" only refers to a scenario in which U.S. forces are "actively engaged in exchanges of fire with opposing units." Similar efforts at defining down hostilities were attempted by the Carter, Reagan, and Clinton administrations when they sought to use military force. Still, these generally were in reference to peacekeeping missions like in Lebanon and Bosnia -- not offensive operations like those waged in Libya.¶ In a political vacuum, **Obama's stance on "hostilities" in Libya might represent the traditional push and pull of executive-legislative branch disagreements about presidential war-fighting prerogatives**.¶ But of course, on this issue we are far from being in a political vacuum. **Obama's broadening of executive power comes with the backdrop of** the George W. **Bush** administration**'s** **efforts** to expand the president's ability to wage war. Indeed, **the position taken by** the **Obama** administration **bears uncomfortable similarities to the one taken by** John **Yoo when he served at the Justice Department and argued** -- in the wake of 9/11 -- **that the Constitution granted the president practically unquestioned executive power to wage war**. Yet, **even Bush sought congressional approval for military actions in Afghanistan and Iraq; Obama didn't bother to do the same for Libya.** In addition, **Obama** also **overruled the opinion of his own** Office of Legal Counsel (**OLC) on the question of whether the president must abide by the War Powers Resolution in regard to the Libyan intervention.** The OLC said he did; the White House assembled legal opinions that said he didn't -- and the latter view won out. As Bruce Ackerman, a law professor at Yale University, noted at the time, "Mr. **Obama's** **decision** **to** **disregard** that office's opinion [**the OLC**] **and embrace the White House counsel's view is *undermining a key legal check* on arbitrary presidential power."¶** **So at a time when *the door has been opened rather wide on unaccountable war-waging* by the executive branch** -- **with minimal legislative checks and balances** -- the ***Obama*** administration has ***opened it even further.*** What is perhaps most surprising is that **it is being promulgated by a president who pledged as a candidate to put an end to such practices.¶** As Ackerman said to me, Obama came into office with a golden opportunity to reestablish some modicum of restraint over the actions of the executive branch in the pursuit of national security. Ironically, in a Boston Globe questionnaire in December 2007, Obama specifically rejected the argument that he used, in part, to justify going around Congress on Libya. "The President," wrote candidate Obama, "does not have power under the Constitution to unilaterally authorize a military attack in a situation that does not involve stopping an actual or imminent threat to the nation ... History has shown us time and again, however, that military action is most successful when it is authorized and supported by the Legislative branch."¶ While **Obama** has hardly gone as far down the road on expanding executive power as Bush did, it is also true that he "**consolidated many of the principles of executive power that were first described in the Bush administration**," says Ackerman. In effect, "Obama has done nothing to stop the return of another John Yoo." Indeed, with his actions on Libya, ***Obama has done more than consolidate Bush* administration *positions -- he has expanded them*.¶** These are negative developments, but it gets worse. In the president's initial letter to Congress, the airstrikes in Libya, "will be limited in their nature, duration, and scope. Their purpose is to support an international coalition as it takes all necessary measures to enforce the terms of U.N. Security Council Resolution 1973." The U.N. resolution specifically did not call for regime change and yet in July 2011, Secretary of Defense Leon Panetta made clear that the U.S. "objective" in Libya "is to do what we can to bring down the regime of Qaddafi." Moreover, as Micah Zenko, a fellow at the Council on Foreign Relations, said to me, NATO forces looked the other way at flights by the French government, among others, that re-supplied the Libyan rebels (in violation of the arms embargo mandated under Section 9 of Resolution 1970); sought to kill Qaddafi via airstrikes (eventually indirectly succeeding); helped to plan the operations that allowed the insurgents to capture Tripoli, and provided sensitive and secret satellite imagery to the rebels. In short, the United States went far beyond the mandate established by the Security Council and in effect lied when claiming that the operations in Libya were simply about protecting civilians. Putting aside the international law implications, the administration adopted a position of regime change of a foreign leader without any approval from Congress.¶ What is most surprising about the Obama administration's position is that it likely would not have been a heavy lift to get congressional backing for the operations in Libya in the early stages of the air campaign. But **by disregarding Congress's role on Libya -**- and shifting the intent of the U.S. mission without any congressional input into the decision -- **the president has set a new and potentially troubling precedent**. In contrast, by seeking congressional authorization Obama would have, ironically, restored some of the balance between the legislative and executive branch on issues of use of American military force.¶ ***Running roughshod over Congress has becom*ing something of *a norm*** **with**in the **Obama** administration. As one foreign-policy analyst close to the White House said to me "**they** generally **don't do a good job of keeping people in the Hill in the loop on what they are doing. *They see congressional oversight as a nuisance*** -- even within their own party." **Another analyst** I spoke to **had a one-word response to the question of the administration's attitude toward Congress's role in foreign policy: "Dismissive." Whether the lack of** proper **consultation over** the closing of **the detainee facility at Guantanamo** Bay, the **refusal to share** with intelligence committees **the rationale for *t***argeted ***k***illing***s***, **or even** **brief** Hill **staffers on changes in missile defense deployment, this sort of *ignoring of congressional prerogatives has often been the rule, not the exception.****¶* ***What has been Congress's response*** to this disregarding of its role in foreign policy decision-making***?* The usual hemming and hawing, but little in the way of concrete action.** During the Bush years, Republicans were more than happy to let the president expand his executive powers when it came to Iraq, Afghanistan, and the global war on terrorism. When Democrats took back the House and Senate from Republicans in 2006, they placed greater scrutiny on the Bush administration's conduct of the war in Iraq -- but still continued to fund the **conflict. Even in Washington's highly partisan current environment, little has changed; it's mostly sound and fury signifying *nothing*.**¶ **Republicans eschewed a constitutional confrontation with the White House over Libya**, though the House GOP did make a rather partisan effort to defund the Libya operations (a measure that failed) and still today House and Senate members raise their frustrations in committee hearings over their heavy-handed treatment by the White House.¶ But the actions of some **Republicans point in a different direction**. Last year, **House Armed Services Committee Chairman** Buck **McKeon actually tried to expand the** original **A**uthorization for **U**se of **M**ilitary **F**orce that granted U.S. kinetic actions just three days after 9/11 -- **which would have actually increased executive war-making power. While some** on the Hill have long **suspected** **the constitutionality of the W**ar **P**owers **R**esolution, it was one of the few checks that Congress maintained over the president (aside from ability to defund operations, which in itself is a difficult tool to wield effectively). Now **they have been complicit in its further watering down**.¶ Aside from Ron Paul, **there's been little mention of the president's overreach** in Libya by the GOP's presidential aspirants. And **why should there be? If any of them become president they too would want to enjoy the expanded executive power that Obama has helped provide for them**. Quite simply, **in a closely divided country in which each party has a fair shot to win the White House every four years, *there is little political incentive* for either Democrats or Republicans to say enough is enough.¶ And with a former constitutional law professor punting on the issu**e (along with the much abused and maligned Congress), **we're now even further from chipping away at the vast power the executive branch has been husbanded on national security issues**. In the end, that may be the greatest legacy of the U.S. intervention in Libya.

1. ***Non-enforcement – the plan creates the illusion of constraint with no practical effect***

**Posner & Vermeule ’11**, Eric Posner is Kirkland & Ellis Distinguished Service Professor of Law and Aaron Director Research Scholar at the University of Chicago. Adrian Vermeule - John H. Watson, Jr. Professor of Law – Harvard Law School, The Executive Unbound [electronic resource] : After the Madisonian Republic, Oxford University Press, USA, 2011. 01/01/2011 1 online resource (256 p.) Language: English, pg 87-89, jj

**Why did these statutes prove less effective than their proponents hoped**¶ **or, in the extreme, become *dead letters?*** In all the cases, **the basic pattern is**¶ **similar. The statutes were enacted during a high-water mark of political**¶ **backlash against strong executive power, which supermajorities in Congress**¶ **attempted to translate into binding legal constraints**. However, **once**¶ **the wave of backlash receded and the supermajorities evaporated, there**¶ **was insufficient political backing for the laws to ensure their continued**¶ **vigor over time**. **Later Congresses have not possessed sufficient political**¶ **backing or willpower to employ the override mechanisms that the statutes**¶ **create**, such as the override of presidential declarations of emergency created¶ by the National Emergencies Act.¶ **Even where the statutes attempt to change the legal default rule, so that**¶ **the president cannot act without legislative permission—as in the case of**¶ **the *W*ar *P*owers *R*esolution, after the 60- or 90-day grace period has**¶ **passed—the president may simply ignore the statutory command, and will**¶ **succeed if he has correctly calculated that Congress will be unable to**¶ **engage in ex post retaliation and the courts will be unwilling to engage in**¶ **ex post review**. President **Clinton’s implicit decision to brush aside the resolution**¶ **during the Kosovo conflict** (albeit with the fig leaf of a compliant¶ legal opinion issued by the Justice Department’s Office of Legal Counsel) 16¶ ***shows that what matters is what Congress can do after the fact, not what it***¶ ***says before the fact***.¶ Here a major problem for framework statutes is the “presidential power¶ of unilateral action” 17 to which we referred in the introduction. **Statutory**¶ **drafters may think they have cleverly closed off the executive’s avenues of**¶ **escape when they set the legal status quo to require legislative permission**.¶ **Because the president can act in the real world beyond the law books**,¶ **however—the armed forces did not threaten to stand down from their**¶ **Kosovo mission until Congress gave its clear approval, but instead simply**¶ **obeyed the President’s orders—the actual status quo may change regardless**¶ **of whether the legal situation does.** **Once armed forces are in action**,¶ **the political calculus shift s and legislators will usually be unable to find**¶ **enough political support to retaliate—especially not on the basis of an**¶ **arcane framework statute passed years or decades before**.¶ To be sure, **if the framework statutes are very specific, then violating them**¶ **may itself create a political cost for the president**, whose political opponents¶ will denounce him for Caesarism**. This cost is real, but in the type of**¶ **high-stakes matters that are most likely to create showdowns between the**¶ **president and Congress in the first place, the benefits are likely to be greater**¶ **than the costs** so long as the president’s action is popular and credible—the¶ crucial constraints we will discuss in chapter 4 . Moreover, **if the president**¶ **can credibly claim to the public that the violation was necessary, then the**¶ **public will be unlikely to care too much about the legal niceties**. As legal¶ theorist Frederick Schauer argues for constitutional violations 18 (and, we¶ add, the argument holds a fortiori for statutory violations), there is an¶ interesting asymmetry surrounding illegality: if the underlying action is unpopular,¶ then citizens will treat its illegality as an aggravating circumstance,¶ but if the underlying action is popular, its illegality usually has little independent¶ weight. Finally, **if the president credibly threatens to violate the**¶ **statute, then Congress will have strong incentives to find some face-saving**¶ **compromise that allows the president to do what he wishes without forcing**¶ **a showdown that, legislators anticipate, may well end badly**.¶ **The upshot is that subject-specific framework statutes have a Potemkin**¶ **quality: they stand about in the landscape, providing an *impressive facade***¶ **of legal constraint on the executive, but actually blocking very little action**¶ **that presidents care about**. In some cases presidents will have strictly political¶ incentives to obtain congressional permission before acting, even in¶ the domain of foreign affairs and national security. Yet this is not a consequence¶ of the legal structures erected by Madisonian theory, either through¶ constitutional rules or framework statutes. Rather, as an important recent¶ model suggests, it actually implies a very different regime in which presidents¶ may, but need not, obtain congressional consent. 19 The intuition¶ behind this result is that a regime of optional separation of powers puts¶ presidents to a revealing choice between proceeding unilaterally or instead¶ through Congress, and thus gives imperfectly informed voters the maximum¶ possible information and the greatest possible scope for rewarding or punishing presidents and legislators for their actions. Needless to say,¶ however, this political mechanism gives cold comfort to Madisonian liberal¶ legalists, who would blanch at the idea that an optional version of the¶ separation of powers is superior to a mandatory version.¶ Political scientist Andrew Rudalevige is correct to describe the collapse¶ of the constrained post-Watergate executive as the most significant contributor¶ in the growth of a “New Imperial Executive.” 20 **Framework statutes**¶ **are one of liberal legalism’s principal instruments of executive constraint**,¶ **in a world of litt le constitutional constraint. But having been tried, they**¶ **have been found wanting.**

***Policy trials fail:***

1. ***They require a majority vote of the House to begin the process:***

**Buchanan, their author, 8** – Bruce Buchanan, Professor of Government at the University of Texas at Austin, "Presidential Accountability for Wars of Choice", Issues in Governance Studies, Number 22, December, http://www.brookings.edu/~~/media/research/files/papers/2008/12/3020war20buchanan/1230\_war\_buchanan.pdf

**The model for policy trials is the impeachment process**, as described in Article 1 sections 2 and 3 of the Constitution, **where the prospective war policy, and not the president, is examined**. The power to establish a policy trial process is in Article 1 Section 4, which grants each House the right to determine the rules of its own proceedings.

**The process, *triggered by a majority vote of the House*, would impose special rules of order designed to create a debate on the merits before any congressional resolution or declaration of war is possible.**

1. ***That won’t happen—Boehner squashes it***

**Hendrickson**, professor of Political Science at Eastern Illinois University, **13**

(Ryan, 4-3-13, “Libya and American war powers: warmaking decisions in the United States,” Global Change, Peace and Security: formerly Pacifica Review: Peace, Security and Global Change, Volume 25, Issue 2, 2013, http://www.tandfonline.com/doi/pdf/10.1080/14781158.2013.765397)

What makes the American military operation in Libya and the war powers interplay equally¶ interesting is that President Barack Obama and Vice President Joseph Biden entered office with¶ records in the Senate for advocating for Congress’s, and not the president’s, war powers.1 In¶ addition, in his effort to justify presidential insulation from congressional oversight during the¶ strikes, Obama advanced a legal argument on the War Powers Resolution, which proved to be¶ controversial to many members of Congress, constitutional law experts and even top legal advisors¶ in his own administration.2 Moreover, this use of force is especially intriguing given that **a**¶ **number of substantive political and legal congressional challenges were advanced against the**¶ **commander in chief**, though, as it has done so many times before, **Congress chose to follow¶ Obama’s lead and avoided questions surrounding the constitutionality of the president’s¶ conduct.** Obama later referred to congressional concerns over his asserted authority to use¶ force in Libya dismissively as ‘noise about the process’.3

**While Congress’s challenges were considerable, this opposition had little meaningful impact¶** on how American forces were used or on Obama’s foreign policy. **These legislative war powers¶ insurgencies were generally *discouraged, co-opted or* simply *opposed by* the *House* and Senate¶ *leadership*, which worked to keep Congress’s constitutional and political *authority* for the¶ strikes *limited* and tertiary**. Though much has been written about the exercise of congressional¶ war powers, and more generally, Congress’s role in foreign policy, this paper examines the¶ role of **Congress’s** **institutional and party leaders**, who in this case **were central in keeping Congress’s¶ *war powers authority* subdued and avoiding congressional interference in the president’s¶ military operation. Speaker of the House** John ***Boehner*** (R-OH) ***played a critical role* in this¶ process of curtailing significant constitutional challenges to the *commander in chief*, and¶ instead continued the practice of congressional deference** to the president during military conflicts**.¶ A bipartisan group consisting of House Democrats and freshmen ‘Tea-Party’ Republicans¶ were unable to overturn the standard practice of Congress’s deference to the commander in chief.¶** This case also speaks to the United States’ ability, and more importantly, the American president’s¶ role in determining if force will be used abroad.

***And, this is offense for us:***

***Obama won’t let Congress restrict his power without a fight – the plan passes over his veto***

Howard **Fineman 9/14-13**, is editorial director of the Huffington Post Media Group. Huffington Post, Tim Kaine's Bold New War Proposal For Obama, <http://www.huffingtonpost.com/2013/09/14/tim-kaine-obama_n_3923450.html>, jj

**Conventional wisdom and history hold that presidents never willingly cede an angstrom of their power to wage war**, **which is grounded in their role as commander in chief**. The corollary is that ***they'll veto any efforts to limit such power*** -- **which is what even the embattled Richard Nixon did in 1973.**

***This triggers a constitutional showdown, independently collapses heg and military effectiveness, and causes intractable interbranch conflict***

**Posner and Vermeule, 8**

Eric A. Posner + & Adrian Vermeule, Professor of Law, University of Chicago, Professor of Law, Harvard Law School, U Penn LR, April, lexis

**The cost of a showdown is** simply **that the government does not act** - or, more precisely, that **the energy of government officials is diverted from the problem at hand to the problem of asserting authority** (in the case of top officials) or the problem of ascertaining the lines of authority (in the case of subordinate officials). Top officials ***stop arguing*** about whether the war ***should*** be terminated - a question involving difficult judgments about troop strength, home-front morale, and so forth - and ***start arguing about who should have the authority*** to terminate the war - a question involving difficult judgments about relative institutional advantage in conducting wars. Subordinate officials, like **generals and soldiers**, must **make predictions about how the argument** between top officials **will be resolved**. **If** they guess **wrong, they could find** themselves in **trouble for disobeying the institution that ends up winning the showdown**, or, if they temporize, failing to be prepared when the decision is made. Subordinate **officials might end up acting excessively cautiously**, so as to avoid offending the different authorities, or allowing policy and military judgments to be influenced by their implications for the resolution of the conflict about [\*1012] authority, to the extent that subordinate officials have preferences regarding such resolution. And a showdown over one issue, like executive privilege, might ***metastasize***, as ***each side refuses to cooperate in other policy dimensions*** (appointments, budgets, and ***other areas of substantive legislation)*** until the other side backs down with respect to the original source of dispute.

**SOF**

***No impact to A2AD***

JONATHAN W. **GREENERT, 12** Admiral, U.S. Navy, Projecting Power, Assuring Access, <http://cno.navylive.dodlive.mil/2012/05/10/projecting-power-assuring-access/>, jj

To counter these strategies and assure U.S. freedom of action, Navy and Air Force spearheaded a comprehensive study, which included Army and Marine Corps participation, to bring forward a concept called Air Sea Battle (ASB). This concept identifies how we will defeat A2AD capabilities such as cyber attack, mines, submarines, cruise and ballistic missiles, and air defense systems and, where applicable, “natural access denial” such as weather, pollution, natural disaster, etc. The concept also describes what we will need to do these operations, especially as the threats improve due to technological advancements. Air-Sea Battle relies on tightly coordinated operations across domains (air, land, maritime, undersea, space and cyberspace) to defeat A2AD capabilities, such as a submarine striking air defenses in support of Air Force bombers, Air Force stealth fighters destroying a radar site to prevent cruise missile attacks on Navy ships, or a Navy cryptologic technician (CT) confusing a radar system to allow an Air Force UAV to attack an enemy command center. This level of real-time coordination requires new approaches to developing systems, planning operations, and conducting command and control. By working across domains, Air-Sea Battle takes advantage of unique U.S. advantages in global reach (long-range tankers, nuclear-powered carriers), and stealth above (F-22 and B-2) and below (SSN, SSGN) the sea. Putting Air Force and Navy capabilities together also creates new combinations of systems, or “kill-chains”, for warfighting operations that can add redundancy or make us more efficient. For example, a threat cruise missile could be detected by an Air Force E-3 AWACS or Navy E-2D Hawkeye, and if we invest in the right data links, either of them could cue an Air Force F-22, Aegis ship or Navy F/A-18 to engage the missile. This provides more “paths” we can follow to destroy the missile. Using these integrated air and naval forces, the Air Sea Battle concept executes three main lines of effort: Disrupt an adversary’s command, control, communications, computers and intelligence, surveillance and reconnaissance (C4ISR) – this reduces the adversary’s ability to find or target us with large raids; they will have to spread out their attacks to all our potential locations. Destroy adversary weapons launch systems – To have sustained access to international seas and skies, we will eventually need to destroy the launchers on land, sea and in the air. Defeat adversary weapons – until we destroy the launchers, our forces will kinetically or non-kinetically prevent the weapons launched at us from getting a hit. We are using the Air Sea Battle concept to guide decisions in procurement, doctrine, organization, training, leadership, personnel and facilities. Our budgets for FY11, FY12 and now FY13 reflect hard choices that support Air-Sea Battle. In some cases we accepted reductions in capacity to ensure the needed capabilities were retained. In our new defense strategic guidance the President directed that we be able to project power despite threats to access. We must break traditions and parochialisms of the past to be successful. We must leverage our respective service strengths because we can no longer afford to go down separate investment paths. We must invest in data links that tie our naval and air forces together. The joint force needs the new Long Range Strike Bomber to provide global reach and stealth as well as the new KC-46 tanker, upon which our patrol aircraft and strike fighters depend. These investments complement the other capabilities of Air-Sea Battle such as the Virginia-class submarines, UAVs, Ford-class aircraft carriers, and long-range weapons.

***Special ops fail and won’t be used – under-resourced***

**Robinson 13** (Linda, adjunct senior fellow for U.S. national security and foreign policy at the Council on Foreign Relations (CFR) “The Future of U.S. Special Operations Forces” Council of Foreign Relations Report - Council Special Report No. 66)

***OPERATIONAL SHORTFALLS*** The most glaring and critical operational deficit is the fact that, accord- ing to doctrine, the theater **special operations** commands **are supposed to be the principal node for planning and conducting special operations in a given theater**—***yet they are the most severely under resourced com- mands.*** Rather than world-class integrators of direct and indirect capa- bilities, **theater special operations commands are *egregiously short of sufficient quantity and quality of staff and intelligence, analytical, and planning resoruces***. **They are** also **supposed to be** the **principal advisers on special operations** to their respective geographic combatant com- manders, **but** they **rarely** have **received** the **respect and support of the four-star command**. **The latter often *redirects resources* and staff that are supposed to go to the theater special operations commands**, **which** routinely **receive** about **20 percent fewer personnel than they have been formally assigned**.'2 Furthermore, **career promotions from TSOC staff jobs are rare, which makes those assignments** ***unattractive and results in a generally lower-quality workforce***. Finally, a high proportion of the personnel are on short-term assignment or are reservists with inade- quate training. Because of this lack of resources, **theater special opera- tions commands have been *unable to fulfill their role of planning and conducting special operations.***

***US can maintain naval dominance for 50 more years***

**Farley 07** (Robert is an assistant professor at the Patterson School of Diplomacy and International Commerce, University of Kentucky. He contributes to the blogs Lawyers, Guns, and Money and TAPPED, October 23, 2007, The False Decline of the U.S. Navy <http://prospect.org/cs/articles?article=the_false_decline_of_the_us_navy>)

**The United States Navy currently operates eleven aircraft carriers. The oldest and least capable is faster, one third larger, and carries three times the aircraft of** Admiral Kuznetsov, **the largest carrier in the Russian Navy. Unlike China’s** only aircraft carrier, the former Russian Varyag, **American** **carriers have engines and are capable of self-propulsion. The only carrier in Indian service is fifty years old and a quarter the size of its American counterparts. No navy besides the United States’ has more than one aircraft carrier capable of flying modern fixed wing aircraft. The United States enjoys similar dominance in surface combat vessels and submarines, operating twenty-two cruisers, fifty destroyers, fifty-five nuclear attack submarines, and ten amphibious assault ships (vessels roughly equivalent to most foreign aircraft carriers). In every category the U.S. Navy combines presumptive numerical superiority with a significant ship-to-ship advantage over any foreign navy. This situation is unlikely to change anytime soon**. The French Navy and the Royal Navy will each expand to two aircraft carriers over the next decade. The most ambitious plans ascribed to the People’s Liberation Army Navy call for no more than three aircraft carriers by 2020, and even that strains credulity, given China’s inexperience with carrier operations and the construction of large military vessels. While a crash construction program might conceivably give the Chinese the ability to achieve local dominance (at great cost and for a short time), **the United States Navy will continue to dominate the world’s oceans and littorals for at least the next fifty years.**

**Civilian Control now**

***Civilian control stable now --- discussions are candid and open***

**Ricks & Crist 8-16-’13**, Thomas E. Ricks covered the U.S. military for the Washington Post from 2000 through 2008. Dr. David Crist is a senior historian for the U.S. government and a special advisor to senior officals in the U.S. government. He frequent advises senior government officials on the Middle East. As an officer in the U.S. Marine Corps Reserve, Crist served two tours with special operations forces in Afghanistan and Iraq. His prior publications include Gulf of Conflict: A History of U.S.-Iranian Confrontation at Sea (Washington Institute, 2009). He holds a B.A. from the University of Virginia and a master's and doctorate in Middle Eastern history from Florida State University., The 'Foreign Policy' transcript (I): Our basic problem over the last 10 years has been decisionmaking at the top level, <http://ricks.foreignpolicy.com/posts/2013/08/16/the_fp_transcript_xth_and_last_what_the_last_9_segments_tell_us_about_the_state_of_>, jj

Crist: Well I think it's all interrelated -- issues in Afghanistan, issues in Iraq, all affect how we look at Iran and how we are positioned to be able to do something about Iran. I think it's all interrelated. **Lessons I think have been institutionalized** at least **within senior leaders on some of the problems we had in Afghanistan and Iraq**, especially second- and third-order effects. What are the consequences of different actions we take? What are consequences of conflict in general? Is regime change a viable option? Isn't it a viable option? If not, then how do we...? I mean, all that is in the background of all **the discussions**. And I **think it's been very healthy in many ways**.¶ Ricks: **One of the issues that we've been talking about is the quality of civil-military relations and straightforward, candid, honest advice from generals to civilian leaders** -- for which we have apparently just seen General Mattis quietly fired. [Ricks note: I should have said "pushed out early."]¶ Crist: On the record I won't comment on General Mattis's views.¶ I will say and I can say this with a certain honesty since I've helped draft many of the memos: He has been very candid on what his views of what needs to be done. **I haven't seen anything like the Rumsfeldian approach to stifling alternative views**, and so as a consequence while...And some people in the U.S. military -- maybe the political leadership isn't as receptive as they would like on authority issues and some other response...**the dialogue is there, and frankly a lot of it gets to these ideas of what I have always thought of as one of the intangibles where you have breakdown in discourse between civilian and military leadership is as you say trust**. And a lot of it is personality based. Just personalities of the individual players and how they personally get along, as well as concerns of political leadership.¶ Ricks: And **you have seen a trusting, candid exchange?**¶ Crist: **I have** from my level, **absolutely. And I've sat in many** -- not as many as Michèle and some of the others here -- but a number of **meetings with senior leaders on both sides of it. And I have seen it be quite candid.**

***No impact to CMR --- it doesn’t solve war and won’t hurt the military***

**Murdie 12** (Department of Political Science, Kansas State University, Jan 18, 2012 “The Bad, the Good, and the Ugly: The Curvilinear Effects of Civil−Military Conflict on International Crisis Outcome Armed Forces & Society 2013 39: 233 originally published online 18 January 2012)

**What explains the crisis defeats in these situations**? **Did civil–military relations¶ play a part in the crisis outcomes** here? For Pakistan, the typical answer is a resounding¶ yes. The military ineffectiveness of Pakistan during the Kargil conflict, together¶ with the coup later that year, are events long thought to be linked to issues of bad or¶ unhealthy civil–military relations.4 Without civilian control of the military, military¶ forces cannot be used advantageously by civilian leadership, leading to fewer victories¶ in international crises.5 Additionally, without civilian control, civilians run the¶ risk of being overrun by the very forces designed to protect them. In short, too much¶ civil–military conflict leads to military ineffectiveness, as well as a host of domestic¶ problems, including increased risk of military coup.

In this article**, the author first develops the theoretical underpinnings of this argument**¶ **and then empirically tests the somewhat controversial ‘‘Goldilocks’’** **hypothesis**¶ **using newly created data** that ***captures quantitatively the extent and degree of¶ conflict between the armed forces and executive leaders for all countries involved*¶ in an international crisis from 1990 to 2004**. **Using *this new data,*** the author finds¶ **much support for the idea that *not all civil–military conflict is problematic for military effectiveness.* Intermediate levels of civil–military conflict**, hereafter¶ referred to as civil–military ‘‘friction,’’ ***can heighten the probability of victory in¶ crisis bargaining situations***.7

***Their impact claims are hype that have been consistently empirically disproven***

**Feaver and Kohn ‘5** [Peter Feaver, professor of Political Science and Public Policy and the director of the Triangle Institute for Security Studies at Duke University, and Richard H. Kohn, Professor of History at the University of North Carolina, 2005, “The Gap: Soldiers, Civilians, and Their Mutual Misunderstanding,” in American Defense Policy, 2005 edition, ed. Paul J. Bolt, Damon V. Coletta, Collins G. Shackelford, p. 339]

**Concerns about a** troublesome **divide between the armed forces and** the **society** they serve **are hardly new** and in fact **go back to the beginning of the Republic**. Writing in the 1950s, Samuel Huntington argued that the divide could best be bridged by civilian society tolerating, if not embracing, the conservative values that animate military culture. Huntington also suggested that politicians allow the armed forces a substantial degree of cultural autonomy. Countering this argument, the sociologist Morris Janowitz argued that in a democracy, military culture necessarily adapts to changes in civilian society, adjusting to the needs and dictates of its civilian masters.2 The end of the Cold War and the extraordinary changes in American foreign and defense policy that resulted have revived the debate. The **contemporary heirs** of Janowitz **see the all volunteer military as drifting too far away from the norms of American society, thereby posing problems for civilian control. They make tour principal assertions. First, the military has grown out of step ideologically with the public,** showing itself to be inordinately right-wing politically, and much more religious (and fundamentalist) than America as a whole, having a strong and almost exclusive identification with the Republican Party. Second, **the military has become increasingly alienated from,** disgusted with, **and sometimes even explicitly hostile to, civilian culture. Third, the armed forces have resisted change**, particularly the integration of women and homosexuals into their ranks, and have generally proved reluctant to carry out constabulary missions. Fourth, civilian control and military effectiveness will both suffer as the military—seeking ways to operate without effective civilian oversight and alienated from the society around it—loses the respect and support of that society. By contrast, the heirs of Huntington argue that a degenerate civilian culture has strayed so far from traditional values that it intends to eradicate healthy and functional civil-military differences, particularly in the areas of gender, sexual orientation, and discipline. This camp, too, makes four key claims. First, its members assert that the military is divorced in values from a political and cultural elite that is itself alienated from the general public. Second, it believes this civilian elite to be ignorant of, and even hostile to, the armed forces—eager to employ the military as a laboratory for social change, even at the cost of crippling its warfighting capacity. Third, it discounts the specter of eroding civilian control because it sees a military so thoroughly inculcated with an ethos of subordination that there is now too much civilian control, the effect of which has been to stifle the military's ability to function effectively Fourth, because support for the military among the general public remains sturdy, any gap in values is inconsequential. The problem, if anything, is with the civilian elite. The debate has been lively (and inside the Beltway, sometimes quite vicious), but it **has rested on very thin evidence**—(tunneling anecdotes and claims and counterclaims about the nature of civilian and military attitudes. Absent has been a body of systematic data exploring opinions, values, perspectives, and attitudes inside the military compared with those held by civilian elites and the general public. Our project provides some answers.

***CMR resilient***

**Carafano 8** (James Jay, senior research fellow for national security at The Heritage Foundation, “Soldiers, Civilians, and ‘The Great War’” accessed 7-22, http://www.heritage.org/press/commentary/ed050808b.cfm)JFS

Civil-military relations are back in the news. There could not be a better time for fresh views on this vital subject. Nancy Gentile Ford's The Great War and America: Civil-Military Relations During World War I is a welcome contribution. Ford, a professor of history at Bloomsburg University of Pennsylvania, provides a broad historical survey of the critical issues that confronted the United States leading up to, during and after World War I. In The Great War and America, Ford argues that this period of American history is worthy of particular attention—and she is absolutely right. The dawn of the 20th century was a turning point for how America's military and American society are interwoven. **Many of the fundamental military institutions that we rely on today, from recruiting military officers from civilian universities to relying on the National Guard, emanate from this era. The United States has traditionally enjoyed a remarkably resilient and healthy civil society. When civil society is strong, relations between soldiers and the state tend to remain pretty stable. The Great War and America supports this thesis. America's sudden entry into World War I and the rush of transforming a constabulary force scattered throughout the United States into a mass citizen army to fight on the world's first "high-tech" battlefield raised innumerable concerns and challenges. America survived them all—and helped win the war.**

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The United States Federal Government should require a legislative policy trial prior to introducing United States Special Operations Armed Forces into combat.

***This is the card he postures on in CX***

**SOF miscalc triggers the Arc of Instability**

Nick **Turse** fellow at Harvard University’s Radcliffe Institute 9/19/**11** “Obama's Arc of Instability, Destabilizing the World One Region at a Time” Truthout <http://truth-out.org/component/k2/item/3447-obamas-arc-of-instability-destabilizing-the-world-one-region-at-a-time>

It’s a story that should take your breath away: the destabilization of what, in the Bush years, used to be called “the arc of instability.” It involves at least 97 countries, across the bulk of the global south, much of it coinciding with the oil heartlands of the planet. A startling number of these nations are now in turmoil, and in every single one of them -- from Afghanistan and Algeria to Yemen and Zambia -- Washington is militarily involved, overtly or covertly, in outright war or what passes for peace.

Garrisoning the planet is just part of it. ***The Pentagon and U.S. intelligence services*** are also running covert special forces and spy operations, launching drone attacks, building bases and secret prisons, training, arming, and funding local security forces, and engaging in a host of other militarized activities right up to full-scale war. But while you consider this, keep one fact in mind: the odds are that there is no longer a single nation in the arc of instability in which the **U**nited **S**tates is in no way militarily involved.

Covenant of the Arc

“Freedom is on the march in the broader Middle East,” the president said in his speech. “The hope of liberty now reaches from Kabul to Baghdad to Beirut and beyond. Slowly but surely, we're helping to transform the broader Middle East from an arc of instability into an arc of freedom.”

An arc of freedom. You could be forgiven if you thought that this was an excerpt from President Barack Obama’s Arab Spring speech, where he said “[I]t will be the policy of the United States to… support transitions to democracy.” Those were, however, the words of his predecessor George W. Bush. The giveaway is that phrase “arc of instability,” a core rhetorical concept of the former president’s global vision and that of his neoconservative supporters.

The dream of the Bush years was to militarily dominate that arc, which largely coincided with the area from North Africa to the Chinese border, also known as the Greater Middle East, but sometimes was said to stretch from Latin America to Southeast Asia. While the phrase has been dropped in the Obama years, when it comes to projecting military power President Obama is in the process of trumping his predecessor.

In addition to waging more wars in “arc” nations, Obama has overseen the deployment of greater numbers of **s**pecial **o**perations **f**orces to the region, has transferred or brokered the sale of substantial quantities of weapons there, while continuing to build and expand military bases at a torrid rate, as well as training and supplying large numbers of indigenous forces. Pentagon documents and open source information indicate that there is not a single country in that arc in which U.S. military and intelligence agencies are not now active. This raises questions about just how crucial the American role has been in the region’s increasing volatility and destabilization.

Flooding the Arc

Given the centrality of the arc of instability to Bush administration thinking, it was hardly surprising that it launched wars in Afghanistan and Iraq, and carried out limited strikes in three other arc states -- Yemen, Pakistan, and Somalia. Nor should anyone have been shocked that it also deployed elite military forces and special operators from the Central Intelligence Agency elsewhere within the arc.

In his book The One Percent Doctrine, journalist Ron Suskind reported on CIA plans, unveiled in September 2001 and known as the “Worldwide Attack Matrix,” for “detailed operations against terrorists in 80 countries.” At about the same time, then-Secretary of Defense Donald Rumsfeld proclaimed that the nation had embarked on "a large multi-headed effort that probably spans 60 countries.” By the end of the Bush years, the Pentagon would indeed have **s**pecial **o**perations **f**orces deployed in 60 countries around the world.

It has been the Obama administration, however, that has embraced the concept **far more fully** and engaged the region even more broadly. Last year, theWashington Post reported that U.S. had deployed **s**pecial **o**perations **f**orces in 75 countries, from South America to Central Asia. Recently, however, U.S. Special Operations Command spokesman Colonel Tim Nye told me that on any given day, America’s elite troops are working in about 70 countries, and that its country total by year’s end would be around 120. These forces are engaged in a host of missions, from Army Rangers involved in conventional combat in Afghanistan to the team of Navy SEALs who assassinated Osama bin Laden in Pakistan, to trainers from the Army, Navy, Air Force, and Marines within U.S. Special Operations Command working globally from the Dominican Republic to Yemen.

The United States is now involved in wars in six arc-of-instability nations: Afghanistan, Iraq, Libya, Pakistan, Somalia, and Yemen. It has military personnel deployed in other arc states, including Algeria, Bahrain, Djibouti, Egypt, Israel, Jordan, Kuwait, Lebanon, Morocco, Oman, Pakistan, Qatar, Saudi Arabia, Tunisia, and the United Arab Emirates. Of these countries, Afghanistan, Bahrain, Djibouti, Iraq, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates all host U.S. military bases, while the CIA is reportedly building a secret base somewhere in the region for use in its expanded drone wars in Yemen and Somalia. It is also using already existing facilities in Djibouti, Ethiopia, and the United Arab Emirates for the same purposes, and operating a clandestine base in Somalia where it runs indigenous agents and carries out counterterrorism training for local partners.

In addition to its own military efforts, the Obama administration has also arranged for the sale of weaponry to regimes in arc states across the Middle East, including Bahrain, Egypt, Iraq, Jordan, Kuwait, Morocco, Saudi Arabia, Tunisia, the United Arab Emirates, and Yemen. It has been indoctrinating and schooling indigenous military partners through the State Department’s and Pentagon’s International Military Education and Training program. Last year, it provided training to more than 7,000 students from 130 countries. “The emphasis is on the Middle East and Africa because we know that terrorism will grow, and we know that vulnerable countries are the most targeted,” Kay Judkins, the program’s policy manager, recently told the American Forces Press Service.

According to Pentagon documents released earlier this year, the U.S. has personnel -- some in token numbers, some in more sizeable contingents -- deployed in 76 other nations sometimes counted in the arc of instability: Angola, Botswana, Burundi, Cameroon, Chad, Congo, Cote d'Ivoire, Ethiopia, Gabon, Ghana, Guinea, Kenya, Liberia, Madagascar, Mali, Mauritania, Mozambique, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, South Africa, Sudan, Tanzania, Togo, Uganda, Zambia, Zimbabwe, Sri Lanka, Syria, Antigua, the Bahamas, Barbados, Belize, Bolivia, Colombia, Costa Rica, Cuba, the Dominican Republic, Ecuador, El Salvador, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Suriname, Trinidad and Tobago, Uruguay, Venezuela, Albania, Bosnia and Herzegovina, Macedonia, Romania, Serbia, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan, Bangladesh, Myanmar, Cambodia, Indonesia, Laos, Malaysia, the Philippines, Singapore, Thailand, and Vietnam.

While arrests of 30 members of an alleged CIA spy ring in Iran earlier this year may be, like earlier incarcerations of supposed American “spies”, pure theaterfor internal consumption or international bargaining, there is little doubt that the U.S. is conducting covert operations there, too. Last year, reports surfaced that U.S. black ops teams had been authorized to run missions inside that country, and spies and local proxies are almost certainly at work there as well. Just recently, the Wall Street Journal revealed a series of “secret operations on the Iran-Iraq border” by the U.S. military and a coming CIA campaign of covert operations aimed at halting the smuggling of Iranian arms into Iraq.

All of this suggests that there may, in fact, not be a single nation within the arc of instability, however defined, in which the United States is without a base or military or intelligence personnel, or where it is not running agents, sending weapons, conducting covert operations -- or at war.

The Arc of History

Just after President Obama came into office in 2009, then-Director of National Intelligence Dennis Blair briefed the Senate Select Committee on Intelligence. Drawing special attention to the arc of instability, he summed up the global situation this way: “The large region from the Middle East to South Asia is the locus for many of the challenges facing the United States in the twenty-first century.” Since then, as with the Bush-identified phrase “global war on terror,” the Obama administration and the U.S. military have largely avoided using “arc of instability,” preferring to refer to it using far vaguer formulations.

During a speech at the National Defense Industrial Association's annual Special Operations and Low-Intensity Conflict Symposium earlier this year, for example, Navy Admiral Eric Olson, then the chief of U.S. Special Operations Command, pointed toward a composite satellite image of the world at night. Before September 11, 2001, said Olson, the lit portion of the planet -- the industrialized nations of the global north -- were considered the key areas. Since then, he told the audience, 51 countries, almost all of them in the arc of instability, have taken precedence. "Our strategic focus,” he said, “has shifted largely to the south... certainly within the special operations community, as we deal with the emerging threats from the places where the lights aren't."

More recently, in remarks at the Paul H. Nitze School of Advanced International Studies in Washington, D.C., John O. Brennan, the assistant to the president for homeland security and counterterrorism, outlined the president’s new National Strategy for Counterterrorism, which highlighted carrying out missions in the “Pakistan-Afghanistan region” and “a focus on specific regions, including what we might call the periphery -- places like Yemen, Somalia, Iraq, and the Maghreb [northern Africa].”

“This does not,” Brennan insisted, “require a ‘global’ war” -- and indeed, despite the Bush-era terminology, it never has. While, for instance, planning for the 9/11 attacks took place in Germany and would-be shoe-bomber Richard Reid hailed from the United Kingdom, advanced, majority-white Western nations have never been American targets. The “arc” has never arced out of the global south, whose countries are assumed to be fundamentally unstable by nature and their problems fixable through military intervention.

**Building Instability**

A decade’s evidence has made it clear that U.S. operations in the arc of instability are **destabilizing**. For years, to take one example, Washington has wielded military aid, military actions, and diplomatic pressure in such a way as to undermine the government of Pakistan, promote factionalism within its military and intelligence services, and stoke anti-American sentiment to remarkable levels among the country’s population. (According to a recent survey, just 12% of Pakistanis have a positive view of the United States.) A semi-secret drone war in that nation’s tribal borderlands, involving hundreds of missile strikes and significant, if unknown levels, of civilian casualties, has been only the most polarizing of Washington’s many ham-handed efforts. When it comes to that CIA-run effort, a recent Pew survey of Pakistanis found that 97% of respondents viewed it negatively, a figure almost impossible to achieve in any sort of polling. In Yemen, long-time support -- in the form of aid, military training, and weapons, as well as periodic air or drone strikes -- for dictator Ali Abdullah Saleh led to a special relationship between the U.S. and elite Yemeni forces led by Saleh’s relatives. This year, those units have been instrumental in cracking down on the freedom struggle there, killing protesters and arresting dissenting officers who refused orders to open fire on civilians. It’s hardly surprising that, even before Yemen slid into a leaderless void (after Saleh was wounded in an assassination attempt), a survey of Yemenis found -- again a jaw-dropping polling figure -- 99% of respondents viewed the U.S. government’s relations with the Islamic world unfavorably, while just 4% “somewhat” or “strongly approved” of Saleh’s cooperation with Washington. Instead of pulling back from operations in Yemen, however, the U.S. has doubled down. The CIA, with support from Saudi Arabia’s intelligence service, has been running local agents as well as a lethal drone campaign aimed at Islamic militants. The U.S. military has been carrying out its own air strikes, as well as sending in more trainers to work with indigenous forces, while American black ops teams launch lethal missions, often alongside Yemeni allies. These efforts have set the stage for further ill-will, political instability, and possible blowback. Just last year, a U.S. drone strike accidentally killed Jabr al-Shabwani, the son of strongman Sheikh Ali al-Shabwani. In an act of revenge, Ali repeatedly attacked of one of Yemen's largest oil pipelines, resulting in billions of dollars in lost revenue for the Yemeni government, and demanded Saleh stop cooperating with the U.S. strikes. Earlier this year, in Egypt and Tunisia, long-time U.S. efforts to promote what it liked to call “regional stability” -- through military alliances, aid, training, and weaponry -- collapsed in the face of popular movements against the U.S.-supported dictators ruling those nations. Similarly, in Bahrain, Iraq, Jordan,Kuwait, Morocco, Oman, Saudi Arabia, and the United Arab Emirates, popular protests erupted against authoritarian regimes partnered with and armed courtesy of the U.S. military. It’s hardly surprising that, when asked in a recent survey whether President Obama had met the expectations created by his 2009 speech in Cairo, where he called for “a new beginning between the United States and Muslims around the world,” only 4% of Egyptians answered yes. (The same poll found only 6% of Jordanians thought so and just 1% of Lebanese.) A recent Zogby poll of respondents in six Arab countries -- Egypt, Jordan, Lebanon, Morocco, Saudi Arabia, and the United Arab Emirates -- found that, taking over from a president who had propelled anti-Americanism in the Muslim world to an all-time high, Obama managed to drive such attitudes even higher. Substantial majorities of Arabs in every country now view the U.S. as not contributing “to peace and stability in the Arab World.” Increasing Instability Across the Globe U.S. interference in the arc of instability is certainly nothing new. Leaving aside current wars, over the last century, the United States has engaged in military interventions in the global south in Cambodia, Congo, Cuba, the Dominican Republic, El Salvador, Egypt, Grenada, Guatemala, Haiti, Honduras, Iraq, Kuwait, Laos, Lebanon, Libya, Panama, the Philippines, Mexico, Nicaragua, Panama, Somalia, Thailand, and Vietnam, among other places. **The CIA has waged covert campaigns in many of the same countries, as well as Afghanistan, Algeria, Chile, Ecuador, Indonesia, Iran, and Syria, to name just a few**. Like George W. Bush before him, Barack Obama evidently looks out on the “unlit world” and sees a source of global volatility and danger for the United States. His answer has been to deploy U.S. military might to blunt instability, shore up allies, and protect American lives. Despite the salient lesson of 9/11-- interventions abroad beget blowback at home -- he has waged wars in response to blowback that have, in turn, generated more of the same. A recent Rasmussen poll indicates that most Americans differ with the president when it comes to his idea of how the U.S. should be involved abroad. Seventy-five percent of voters, for example, agreed with this proposition in a recent poll: “The United States should not commit its forces to military action overseas unless the cause is vital to our national interest.” In addition, clear majorities of Americans are against defending Afghanistan, Iraq, Pakistan, Saudi Arabia, and a host of other arc of instability countries, even if they are attacked by outside powers.

After decades of overt and covert U.S. interventions in arc states, including the last 10 years of constant warfare, most are still **poor**, **underdeveloped**, and seemingly even **more unstable**. This year, in their annual failed state index -- a ranking of the most volatile nations on the planet -- Foreign Policy and the Fund for Peace placed the two arc nations that have seen the largest military interventions by the U.S. -- Iraq and Afghanistan -- in their top ten. Pakistan and Yemen ranked 12th and 13th, respectively, while Somalia -- the site of U.S. interventions under President Bill Clinton in the 1990s, during the Bush presidency in the 2000s, and again under Obama -- had the dubious honor of being number one.

For all the discussions here about (armed) “nation-building efforts” in the region, what we’ve clearly witnessed is a decade of nation unbuilding that ended only when the peoples of various Arab lands took their futures into their own hands and their bodies out into the streets. As recent polling in arc nations indicates, people of the global south see the **U**nited **S**tates as promoting or sustaining, not preventing, instability, and objective measures bear out their claims. The fact that numerous popular uprisings opposing authoritarian rulers allied with the U.S. have proliferated this year provides the strongest evidence yet of that.

With Americans balking at defending arc-of-instability nations, with clear indications that military interventions don’t promote stability, and with a budget crisis of epic proportions at home, it remains to be seen what pretexts the Obama administration will rely on to continue a failed policy -- one that seems certain to make the world more volatile and put American citizens at greater risk.

***Takes out advantage too---the CIA is funcationally a military agency, they escape all congressional oversight and control---vote on presumption***

**Alston**, professor – NYU Law, **‘11**

(Philip, 2 Harv. Nat'l Sec. J. 283)

**Despite the existence of a multiplicity of techniques by which the CIA might be held to account** atthe domestic level, **the** foregoing **survey demonstrates** that **there is *no evidence*** to conclude **that *any of them* has functioned effective-ly in relation to** the expanding practices involving **targeted killings. The CIA Inspector General's Office has been unable to exact accountability** and proposals to expand or strengthen his role run counter to almost all official actions taken in relation to his work. **The President's** Intelligence **Oversight Board and** the President's Foreign Intelligence **Advisory Board** are lauded by some for their potential, but there is no indication that they scrutinize activities such as targeted killings policy or practice, and many indications that they **view their role as being to support rather than monitor the intelligence community.** The Privacy and Civil Liberties Oversight Board remains dormant. **Congressional oversight has been seriously deficient and far from manifesting an appetite to scrutinize the CIA's targeted killings policies, a range of senior members of congress are on record as favoring a hands-off policy.** And **a combination of the *p*olitical *q*uestion *d*octrine, the state secrets privilege, and a reluctance to prosecute, ensure that the courts have** indeed **allowed the CIA to fall into a** convenient legal **gre**y hole**.** Finally, **civil society has been largely stymied by the executive and the courts** in their efforts to make effective use of freedom of information laws. All that remains is the **media**, and most of what they obtain through **leaks come from government sources that are deliberately "spinning" the story** in their own favor. Simi-lar conclusions have been reached in closely related contexts. Thus, for example, **Kitrosser's survey of official responses to** the **warrantless wiretapping** initiated after 9/11 **led her to conclude that it was a *shell*** [\*406] ***game***, **involving "*an indefinite bi-partisan, cross-administration, cross-institutional pattern of accountability-avoidance."*** n450 In brief, at least **in relation to targeted killings**, ***the CIA enjoys*** almost ***complete impunity and is not subject to any form of meaningful internal or external accountability.*** Whether from the perspective of democratic theory or of interna-tional accountability for violations of the right to life, this is deeply problematic. One solution to this that has been sug-gested by some commentators is to follow the precedent set by Israel in its efforts to ensure legal oversight of its target killings programs. We turn now to examine the feasibility and desirability of pursuing such an option.

***History lesson – the CIA was transformed from an “intelligence” agency to a paramilitary organization literally one year after its creation – your authors are just flat wrong***

Paul S. **Carlock,** Master of Arts in Diplomacy and Military Studies, “Intellect vs. Action: The Evolution of the Central Intelligence Agency from 1947 to 1961”, Fall 20**09**, http://www.hpu.edu/CHSS/History/GraduateDegree/MADMSTheses/files/2/PAUL\_CARLOCKMADMS\_PROFESSIONAL\_PAPER\_DEC\_2009\_COMPLETE.pdf

This is a study of the Central Intelligence Agency’s evolution from an organization that focused on intelligence gathering and analysis to one that focused primarily on covert, paramilitary operations in the period from 1947-1961. **The CIA was originally chartered by the National Security Act of 1947 to be the eyes and ears of the President**, ***but within a year of its creation* the agency had changed dramatically** **into an organization that served as** ***the (secret) foreign policy arm of the presidency in the “Cold War” against the Soviet Union.*** This change in the CIA's mission and organization was directly attributable to National Security Council Directive 10/2 of 1948 and the Central Intelligence Agency Act of 1949. Through these acts, **the role of the CIA was** ***irrevocably altered and the effects of this change*** can still be seen today at the agency. **Understanding how these** two **events** ***forever changed the CIA*** **is crucial when examining the actions, leaders, and organization of the agency and its ultimate effect on American foreign policy** during the Cold War. This understanding is also vitally important to the issue that I will repeatedly come back to throughout the paper, where should the primary focus of the CIA lie, with intelligence gathering and analysis or covert operations. This question has been a major point of contention within the United States government for decades and will continue to be one for the foreseeable future.

***Not AF***

**Prados, 12** (John Prados,  Senior Fellow and Co-Director of the Iraq Documentation Project, and Director of the Vietnam Project at the National Security Archive at The George Washington University, JOURNAL OF NATIONAL SECURITY LAW & POLICY, “The Continuing Quandary of Covert Operations” <http://doczine.com/bigdata/2/1366428025_cefb98e03e/the-continuing-quandary-of-covert-operations.pdf>, jj)

Should the President instead rely upon his authority as Commander in

Chief of the armed forces, the problem is that the CIA is not an “armed force.” Even if it were, the President would then have to be deemed to be acting under the provisions of the War Powers Resolution of 1973. This requires congressional approval of an action within sixty to ninety days. We can debate whether Congress has abdicated its responsibilities for enforcement of this statute, but the fact remains that it is the law of the land.

**K**

**2NC Overview**

***The K outweighs and turns case:***

***Ethics—structural violence is invisible and exponential. Their appeal to utilitarianism and consequences presumes their militarist epistemology is capable of accurately accounting for slow violence***

**Nixon 11**

(Rob, Rachel Carson Professor of English, University of Wisconsin-Madison, Slow Violence and the Environmentalism of the Poor, pgs. 2-3)

Three primary concerns animate this book, chief among them my conviction that **we urgently need to** **rethink**-politically, imaginatively, and theoretically-what I call **"slow violence."** By slow **violence** I mean a violence that occurs gradually and out of sight, a violence of delayed destruction **that is dispersed across time** and space, an attritional violence that is typically not viewed as violence at all. **Violence is customarily conceived as an event or action that is immediate in time, explosive and spectacular** in space, and as erupting into instant sensational visibility. **We need**, I believe, **to engage** a different kind of violence, a **violence that is neither spectacular nor instantaneous, but rather incremental and accretive,** its calamitous repercussions playing out across a range of temporal scales. In so doing, **we** also **need to engage the** representational, narrative, and strategic challenges posed by the relative **invisibility of slow violence.** Climate change, the thawing cryosphere, toxic drift, biomagnification, deforestation, the radioactive aftermaths of wars, acidifying oceans, and a host of other slowly unfolding environmental catastrophes present formidable representational obstacles that can hinder our efforts to mobilize and act decisively. The long dyings-the staggered and staggeringly discounted casualties, both human and ecological that result from war's toxic aftermaths or climate change-are underrepresented in strategic planning as well as in human memory. **Had Summers advocated invading Africa with weapons of mass destruction, his proposal would have fallen under conventional definitions of violence and been perceived as** a military or even **an imperial invasion. Advocating invading countries with mass forms of slow-motion toxicity, however, requires rethinking our accepted assumptions of violence to include slow violence. Such a rethinking requires that we complicate conventional assumptions about violence** as a highly visible act that is newsworthy because it is event focused, time bound, and body bound. **We need to account for how the temporal dispersion of slow violence affects the way we perceive** and respond to a variety of **social afflictions**-from domestic abuse to posttraumatic stress and, in particular, environmental calamities. A major challenge is representational: how to devise arresting stories, images, and symbols adequate to the pervasive but elusive violence of delayed effects. Crucially, **slow violence is often not just attritional but also exponential, operating as a major threat multiplier; it can fuel long-term, proliferating conflicts in situations where the conditions for sustaining life become increasingly but gradually degraded.**

**Perm Do Both**

***Epistemic doubt must come first, the affirmative’s footnoting of the alternative doesn’t solve and obscures moral analysis***

**Neu 13** – prof @ U of Brighton

(Michael, International Relations 27(4), The Tragedy of Justified War)

I cannot provide an extensive account of binary thinking and lacking ambiguity in contemporary just war theory here. A few examples, picked from a pool of many more contemporary theorists whose works one could draw on, may suffice to make the relevant point. It should become apparent that **most of the thinkers I refer to do recognize the ambiguity of moral justifications for war.**28 **However, they do not place this** recognition ***at the centre of their moral arguments about war.*** That is, **they** somehow ***fail to engage* with the tragedy of justified war** in the broad sense. **There is some fragmented talk of** tragedies, **moral dilemmas**, dirty hands and rights infringements, **but *no critical engagement* with the kind of thinking in just war theory that is** predominantly – or in some cases even **exclusively** – **concerned with** drawing ***binary distinctions* between just and unjust wars** and military operations. **The core question** raised in the literature **is whether or not** one may wage war, and whether or not **certain military operations may be undertaken; *once the answer has been found, the moral case is closed*** – particularly, but not exclusively – in just war accounts that embrace the kind of style described by Brown.29 This style, of course, is not Michael Walzer’s. When contemporary analytical philosophers deride his contributions to just war theory as some kind of ‘story-telling’,30 devoid of conceptual clarity, argumentative rigour and methodological finesse, it is perhaps sentences like the following one that critics have in mind: ‘[T]he theory of war, when it is fully under- stood, poses a dilemma, which every theorist ... must resolve as best as he can’.31 Walzer’s thinking nonetheless falls prey to the kind of binary thinking that analytical theorists would take to new heights a couple of decades later on. While Walzer famously defends the conceptual plausibility of the notion of dirty hands, according to which especially politicians must sometimes do wrong to do right, he introduces this concept into his theory of ‘just and unjust wars’ only in his account of ‘supreme emergencies’. Here, political communities cannot help but engage in the intentional killing of innocent people: [D]irty hands aren’t permissible (or necessary) when anything less than the ongoingness of the community is at stake, or when the danger we face is anything less than communal death. In most wars, the issue never arises; there are no supreme emergencies; the normal defense of rights holds unquestioned sway.32

***The quest for negative peace trades off with the alt’s pacifist analysis***

**Pankhurst 3**

(Donna-, May 1, Development in Practice, “The 'sex war' and other wars: towards a feminist approach to peace building”, Vol. 13 # 2&3, Infomaworld; Jacob)

Turning to the meanings of the term ‘peace’, **Galtung’s** (1985) **conception of negative peace** has come into widespread use, and **is** probably the most common meaning given to the word, i.e. **the end or absence of** widespread **violent conflict associated with war. A ‘peaceful’ society in this sense may therefore include a society in which social violence** (against women, for instance) **and**/or structural **violence** (in situations of extreme inequality, for example) **are prevalent. Moreover, this *limited* ‘peace goal’, of an absence of** specific forms of **violence associated with war**, can and often ***does lead to a strategy in which all other goals become secondary.*** **The absence of analysis of the deeper (social) causes of violence** also **paves the way for peace agreements that leave *major causes of violent conflict completely unresolved.*** **Negative peace may therefore be achieved *by accepting a worse state of affairs* than that which motivated the outburst of violence in the first place, for the sake of** (perhaps ***short-term***) **ending organised violence.** Galtung’s alternative vision, that of positive peace, requires not only that all types of violence be minimal or non-existent, but also that the major potential causes of future conflict be removed. In other words, **major conflicts** of interest, **as well as their violent manifestation, need to be resolved.** Positive peace encompasses an ideal of how society should be, but the details of such a vision often remain implicit, and are rarely discussed. Some ideal characteristics of a society experiencing positive peace would include: an active and egalitarian civil society; inclusive democratic political structures and processes; and open and accountable government. Working towards these objectives opens up the field of peace building far more widely, to include the promotion and encouragement of new forms of citizenship and political participation to develop active democracies. It also opens up the fundamental question of how an economy is to be managed, with what kind of state intervention, and in whose interests. **But more often than not discussion of these important issues *tends to be closed off, for the sake of ‘ending the violence’, leaving major causes of violence and war unresolved*—including not only *economic inequalities*, but also *major social divisions*** and the social celebration of violent masculinities.

**2NC A2: Militarism Inevitable / Ingrained**

***Their appeal to the inevitability of militarism is blackmail—militarism is a social construct maintained by individual attitudes that can be re-interpreted – multiple empirical examples prove***

**Cady 10** (Duane L., prof of phil @ hamline university, From Warism to Pacifism: A Moral Continuum, pp. 23-24)

**The slow but persistent rise in awareness of racial, ethnic, gender**, **sexual- orientation, and class oppression in our time and the beginning efforts of liberation from within oppressed groups offer hope that even** the most **deeply held** and least explicitly challenged **predispositions of** **culture might be examined. *Such examinations can lead to changes*** in the lives of the oppressed. **Perhaps even those oppressed by warism** **will one day free themselves from accepting war as an inevitable condition of nature**. **Two hundred years ago slavery was** a **common** and well- established social institution in the United States. **It had been** an **ordinary** feature of many societies dating to ancient and perhaps prehistoric times. **Slavery was taken for granted as a natural condition for beings thought to** **be inferior** to members of the dominant group. **And slavery was considered an essential feature of our nation’s economy**. Within the past two centuries, **attitudes toward slavery have changed dramatically**. **With** these **fundamental shifts in *normative lenses* came fundamental shifts** **in the practice and legality of slavery.** These changes have been as difficult as they have been dramatic, for former slaves, for former slave- holders, and for culture at large. **While deep racial prejudices persist** **to this day, slavery is no longer tolerated** in modern societies. Slavery- like conditions of severe economic exploitation of labor have become embarrassments to dominant groups in part because **slavery is universally condemned. The point is that the most *central values* of cultures—** **thought to be essential to the very survival of the society and allegedly** **grounded in the natural conditions of creation—can change in *fundamental* ways in relatively *short* periods of time with profound implications for** individuals and **societies**. John Dewey beautifully links this point to the consideration of warism: “**War is as much a social pattern** [for us] **as** was the domestic **slavery which the ancients thought to be** **immutable fact.”**9 The civil rights movement has helped us see that human worth is not determined by a racial hierarchy. Feminism has helped us realize again that dominant attitudes about people are more likely values we choose rather than innate and determined features of human nature. It is historically true that men have been more actively violent and have received more training and encouragement in violence than have women.10 Dominant attitudes of culture have explained this by reference to what is “natural” for males and “natural” for females. By questioning the traditional role models for men and women, all of us be- come more free to choose and create the selves we are to be; we need not be defined by hidden presumptions of gender roles. **Parallel to racial and gender liberation movements, pacifism questions taking warism for granted. Pacifists seek an examination of our** **unquestioned assumption of warism to expose it as racism and sexism** **have been examined and exposed.** Just as opponents of racism and sex- ism consider the oppression of nonwhites and women, respectively, to be wrong, and thus to require fundamental changes in society, so opponents of warism— pacifists of various sorts— consider war to be wrong, and thus to require fundamental changes in society.

**Solvency**

**2NC – B – Non-Enforcement**

***Their restriction is a smokescreen and won’t be enforced—prefer ev which accounts for institutional incentives***

**Nzelibe 7**—Professor of Law @ Northwestern University [Jide Nzelibe, “Are Congressionally Authorized Wars Perverse?” Stanford Law Review, Vol. 59, 2007]

These assumptions are all questionable. As a preliminary matter, **there is *no***t much ***causal ev***idence **that supports the institutional constraints logic**. As various commentators have noted, **Congress's bark with respect to war powers is** often **much greater than its bite**. Significantly, skeptics like Barbara Hinckley suggest that **any notion of an activist Congress in war powers is a myth and members of Congress will often use the *smokescreen* of "symbolic resolutions**, increase in roll calls and lengthy hearings, [and] addition of reporting requirements" **to create the *illusion of congressional participation*** in foreign policy.' 0 Indeed, **even those** commentators **who support a more aggressive role for Congress** in initiating conflicts **acknowledge this problem**," but suggest that it could be fixed by having Congress enact more specific legislation about conflict objectives and implement new tools for monitoring executive behavior during wartime. 12

Yet, **even if Congress were equipped with better institutional tools to constrain and monitor the President**'s military initiatives**, it is not clear that *it would significantly alter the current war powers landscape*. As Horn and Shepsle have argued** elsewhere: "[**N]either specificity in enabling legislation** ... **nor participation by interested parties is necessarily optimal or self-fulfilling**; therefore, ***they do not ensure agent compliance***. Ultimately, **there must be some enforcement feature**-a credible commitment to punish ....Thus, **no matter how much well-intentioned** **and specific legislation Congress passes** to increase congressional oversight of the President's military initiatives, **it will *come to naught* if members of Congress lack institutional incentives to monitor and constrain the President's behavior in** an international **crisis**.

**Various congressional observers** have **highlight**ed ***electoral disincentives* that** members of **Congress** might **face in constraining the President's military initiatives**. 14 **Others have pointed to** more institutional obstacles to congressional assertiveness in foreign relations, such as ***collective action problems***. 15 Generally, lawmaking is a demanding and grueling exercise. If one assumes that **members of Congress are often obsessed with the prospect of reelection**, 16 then **such members will tend to *focus their scarce resources on district-level concerns* and hesitate to second-guess the President's response in** an international **crisis**. 17 **Even if members of Congress could marshal the resources to challenge the President**'s agenda on national issues, **the payoff in electoral terms might be trivial or non-existent**. Indeed, **in the case of the President's military initiatives where the *median voter is likely to defer to the executive*** branch's judgment, **the electoral payoff for members of Congress of constraining such initiatives might actually be negative**. In other words, **regardless of how explicit the grant of a constitutional role to Congress in foreign affairs might be, few members of Congress are willing to make the personal sacrifice for the greater institutional goal**. Thus, **unless a grand reformer is able** **to** tweak the system and **make congressional assertiveness an electorally palatable option in war powers, calls for greater congressional participation in war powers are likely to *fall on deaf ears***. Pg. 912-913

**2NC – Policy Trials Fail**

***Doesn't solve unilateral executive, especially during crises - their author***

**Buchanan 13**

Bruce Buchanan, Professor in Government at the University of Texas at Austin, Presidential Power and Accountability: Toward a Presidential Accountability System, 2013, p. 145, Googlebooks

The gravity of the choice (in the fictional case below, the options are to escalate or pull out of Afghanistan) and the luxury of time to fully consider the pros and cons using the best available information (actually present in the cases of Afghanistan, Vietnam, and Iraq, partially accessible in the case of Korea) justify a temporary, decision-specific suspension of traditional deference to the president. Deference now leaves presidents free to pre-empt (Obama), evade (Truman), obstruct (Bush), or manipulate (Johnson) congressional debate as they see fit. ***It is clearly understood*** ***that invocation of a policy trial does not alter the traditional presidential power to act unilaterally in time-sensitive emergencies and crises.***

***Doesn't solve Congress' lack of motive - their author***

**Buchanan 13**

Bruce Buchanan, Professor in Government at the University of Texas at Austin, Presidential Power and Accountability: Toward a Presidential Accountability System, 2013, p. 37-8, Googlebooks

Congress

The U.S. Congress is often described as the most powerful and independent legislature in the world (e.g., Kernell and Jacobson. 2006: 256). The potentially decisive formal instruments of accountability at Congress’s disposal, instruments that make a Congress with the will and the supermajority votes needed to exert them an overmatch for any president, go to the heart of Congress's unique role in the PAS. That role is to facilitate the leadership of the presidents it supports (e.g., by approving and financing their legislative agendas or uses of the war power), but also to disapprove, guide, restrain, or even disable through investigative hearings, legislation the power of the purse, impeachment, and conviction any president whose actions provoke the extraordinary levels of consensus in both House and Senate required to take such decisive steps. The key point, however, is this: among the agents of accountability, only Congress is constitutionally able to impose prior restraint on the use of power by a president. ***But*** as we see next, ***its dysfunctions and limitation severely constrain the will of Congress to check the president.***

Dysfunctions

An unfortunate consequence of the re-election incentive in an age of terrorism (in contrast to the post-Watergate era) ***has been to reduce the willingness of legislators to risk the electoral consequences of working to check the initiatives of presidents pressing the limits of their powers***. ***It is easier and safer to do nothing***. If things go well members can claim credit for not standing in the president's way. If things go poorly, members can blame the president (Rudalevige, 2006: 276). ***The dysfunctional effect is to sap the will to exercise oversight*** of those best positioned to check the president.

Another dysfunction is the adulteration of accountability that occurs when partisan loyalty trumps institutional loyalty (Table 3.1). Since the mid-1970s Congress has lost its moderates and split into two polarized ideological camps: conservative Republicans and liberal Democrats (McCarty et al.. 2006: 3). Adulteration accompanies polarization, and comes in the form of a variable accountability standard. Congresses organized by the party in opposition to the incumbent president are likely to oversee and restrain with vigor (e.g.. the 110th Congress), whereas congresses controlled by the president's party are ***likely to overlook presidential mistakes and transgressions*** (e.g., the 109th Congress) (Levinson 2006).

**A2: Signal Solves/Sufficient**

***Compliance is key to check domestic and international backlash – otherwise the plan just creates rising expectations that inevitably falter.***

**Chesney**, Professor in Law, University of Texas School of Law, **14**

(Robert, January, “Postwar,” Harvard National Security Journal / Vol. 5, http://harvardnsj.org/wp-content/uploads/2014/01/Chesney-Final.pdf)

Three stand out as particularly important and likely to be impacted by a formal shift to a postwar model. First, consider the domestic political climate. This does not mean partisan politics as such, though this can matter, too. Rather, “domestic politics” simply refers to the influence of American public opinion on the calculations of legislators and Executive Branch officials. On that dimension, what impact might follow from a formal proclamation recognizing an end to the armed conflict with al Qaeda? Such a move would be widely publicized and endlessly discussed in the media, and for at least some members of the public, it would likely alter baseline assumptions regarding the sorts of activities they might expect to see the government engaging in for counterterrorism purposes going forward. **The continued use of military detention would surely seem incongruous to many, for example, or at least it would begin to seem increasingly so as time passed**. Likewise, **the further use of armed attacks—whether using drones**, manned aircraft, **or some other weapons platform— would also be surprising** to some under the postwar rubric.

Such incongruities would not necessarily spark a negative reaction in every quarter. Those who would prefer not to move to a postwar model, after all, might be pleasantly surprised by them. But there is little doubt that **incongruous actions would generate a negative reaction** in at least some quarters, **and it is possible that the negative reaction would in fact be substantial—particularly if the surrounding circumstances contributed to a perception that the government must have been acting hypocritically all along in proclaiming an end to the armed conflict**. Of course, insofar as incongruous actions are conducted in secret—a quite likely state of affairs for a postwar model, given the extensive reliance on the CIA and Joint Special Operations Command to conduct lethal operations on a covert or clandestine basis even while still under the armed-conflict model75—the constraining impact of public opinion would be substantially muted. Even then, though, the possibility of eventual public disclosure would remain, as the Snowden affair in the summer of 2013 reminds us. Government officials operating in the shadow of these considerations could be expected to take them into account, even if they would not be dispositive. In that sense, domestic political considerations would be more constraining in the postwar context than they are under the status-quo model of armed conflict.

Something similar can be said about the constraining impact of diplomatic considerations. “Diplomatic considerations” refers broadly to the full spectrum of actions other governments might take in order to express displeasure with American policy, whether out of actual disagreement or in response to their own domestic political considerations. There are many possibilities in addition to the easily belittled example in which a state merely expresses displeasure, privately or publicly. A given country may be in a position to decrease cooperation on security issues (decreased sharing of intelligence, for example, or withdrawal of personnel from a joint deployment), or it might reduce or refuse valuable cooperation on unrelated subjects. Two points follow from all this. First, **proclaiming the end to the armed conflict with al Qaeda** unquestionably **will be very well-received in most foreign capitals and among most foreign populations**. Second, **if the U.S. government ended up persisting in the use of military detention or lethal force for counterterrorism purposes despite such a proclamation, it seems likely that the aforementioned diplomatic costs will be higher than is currently the case, for the same reasons of incongruity and surprise mentioned above in the context of domestic politics**. This suggests that diplomatic pressure, too, will be more constraining postwar than currently.

**Special ops**

***Budget cuts destroy special ops effectiveness and take out solvency***

Stew **Magnuson**, **2/11/14**, National Defense Magazine, “Special Operations Still Under Intense Budget Pressure” <http://www.nationaldefensemagazine.org/blog/Lists/Posts/Post.aspx?ID=1407>, jj

**Despite the recent deal in Congress that will stave off sequester cuts** for the next two fiscal years, ***special operations forces will still be under budget pressures***, a Defense Department official said Feb. 11. "The SOF community is going to be busy precisely because **we are entering a time of** unpredictable threats and **uncertain budgets**," said Michael D. Lumpkin, assistant secretary of defense for special operations/low intensity conflict and acting undersecretary of policy. He spoke at the National Defense industrial Association's Special Operations/Low Intensity Conflict conference in Washington, D.C. **There will be a "fundamental shift** in the way we use special operations forces in a post-post 9/11 era," he added. SOF will move from a perpetual war footing to one of perpetual engagement. That means partnering with nations, trying to solve issues before they become larger problems or using direct or indirect action to keep enemies off balance, he said. "We in the SOF community have long known that an ounce of prevention amounts to not just a pound of cure, but a ton of cure," he said. But **cuts to general purpose forces ultimately affects SOF capabilities and capacities**, he added. **Building capacity with bi-lateral partners requires an all-of-government approach, and budget cuts to other federal agencies can also affect special operators,** he said. He also warned that ***the U.S. military may lose its technological edge*** under these cuts. "The U.S. industrial base produces the best military systems in the world ... **But our preeminence in military technology is not a birthright. It must be earned over and over again**," he said. The "iron triangle" of Congress, the Defense Department and industry could once be counted on to meet challenges put forth by adversaries, especially those who had military industrial bases of their own, he said. "But now geo-political challenges arise far faster than those old timetables that we are used to dealing with," Lumpkin said. The Internet and social media have transformed the local into the global and the tactical into the strategic, he added. That has shaken up traditional power structures and hurt the ability of the usual players to respond, he said. One can only look at the statements of an "idiosyncratic" Florida pastor, who set off riots in Pakistan as an example, as well as the Arab Spring uprising in Egypt, he said. Increasing connectivity poses security threats as well as opportunities, he said. "It is entirely possible that SOF units or individuals either online or offline will be called upon to address these threats. **They will need technological tools of the highest quality**." When asked to clarify whether special operators will now be getting involved in offensive cyber operations, which is normally the job of Cyber Command, Lumpkin said he was referring to an all-of-government approach. "Sometimes we do things, and they support us routinely, so I look at it as the overall U.S. government response to cyber threats," he reiterated. There will be a range of opportunities for industry in mobile electricity, foreign language instruction and translation applications, he said. "**The Department of Defense no longer has the funding to absorb all the risk in product or content development**," he said. Cooperative research-and-development agreements, industry teaming and other risk-sharing avenues will be taken into consideration "and become a decision point in future competitive selections, he said.

# 1NR

**Ukraine**

**2NC Impact Overview—econ**

***That outweighs the aff:***

1. ***Timeframe—on the brink now***

The timeframe is now – Russia has a window of opportunity to invade mainland Ukraine – the aff encourages him to seize that advantage

 PAVEL **FELGENHAUER**, Military analyst and journalist based in Moscow, “Russia's Window of Opportunity in Ukraine”, **3/25** 2014, <http://www.foreignpolicy.com/articles/2014/03/25/russia_s_window_of_opportunity_in_ukraine>

**If Putin decides to send in his troops**, ***he has a narrow window in which to act***. The winter of 2014 in Russia and Ukraine was relatively mild with little snow, while the spring is early and warm. **The soil is drying rapidly, meaning that it will soon be possible to move heavy vehicles off of highways and into fields in southern areas of Ukraine** close to the Black and Azov Seas. **A key date is April 1, which marks the beginning of the Russia's spring conscript call-up**, when some 130,000 troops drafted a year earlier will have to be mustered out as replacements arrive. This would leave the Russian airborne troops, marines, and army brigades with many conscripts that have served half a year or not at all, drastically reducing battle readiness. **The better-trained one-year conscripts can be kept in the ranks for a couple of months but no longer**. ***Otherwise they'll start demanding to be sent home, and morale will slip***. **As a result, Russia's conventional military will regain reasonable battle-readiness only around August or September 2014, giving the Ukrainians ample time to get their act together**. Ukraine has scheduled a national presidential election for May 25 that may further legitimize the regime the Kremlin hates and wants to overthrow. **The Kremlin may find it hard to resist the temptation to attack Ukraine and "liberate" the south and east while Russia is ready, the Ukrainian military weak, and the regime in Kiev unstable**. Such a move could lead to more Western sanctions, but this risk maybe dwarfed by the vision of a major geostrategic victory seemingly at hand. **The window of opportunity for an invasion will open during the first weeks of April** ***and close somewhere around the middle of May***. During his long rule Vladimir Putin has generally shown himself to be a shrewd and cautious operator, but his actions during the Ukrainian crisis have been rash. So far his daring has paid off. This, unfortunately, is precisely what could trigger more bold moves down the road.

1. ***Magnitude:***

***Invasion draws in NATO***

**AAP, 3/4/14** (Newstalk ZB is the premier source of breaking news, information and comment, High profile, respected personalities including Mike Hosking, Leighton Smith and Kerre Woodham bring the news makers to radio to report, discuss and debate the most current and controversial topics of the day. March 4 2014, “NATO could be drawn into Ukraine conflict” <http://www.newstalkzb.co.nz/auckland/news/nbint/998470772-russia-denies-it-s-set-ukraine-a-deadline>, jj)

**Europe is said to be very concerned over Russia's move against Ukraine**. **Russia claims"radical extremists" have seized power in Ukraine and are threatening the lives and legitimate interests of Russian speakers**. Former NATO Supreme Allied Commander General George Joulwan says **that is worrying for countries on the fringes of Russia that also have ethnic Russian populations**. "**Many of them are very concerned that this is a portent of the future**. Look, **there are ethnic Russians in Latvia, Lithuania, Estonia**..." ***NATO could be pulled into a shooting war between Russia and Ukraine***. Ukraine insists it faces an ultimatum from Russia to disarm or face attack. Russia has told the UN Security Council deposed Ukrainian President Viktor Yanukovych has asked for Russian troops to re-establish law and order in his country. Former Supreme Allied Commander General George Joulwan says **the Partnership for Peace agreement signed by Bill Clinton in 1994 *could draw the west into any conflict***. "**In that document it says that country, Ukraine, can come to the North Atlantic council of NATO if their territorial integrity is threatened." Ukraine's new Prime Minister has vowed his country will never give up the Crimean peninsula.** Germany's Bild newspaper reports Arseniy Yatsenyuk saying Russia has committed an act of unjustified aggression. But he says Crimea will remain Ukrainian territory.

***Causes global nuclear war and extinction***

**Starr 3/11/14** (Steven Starr is an associate of the Nuclear Age Peace Foundation and senior scientist for Physicians for Social Responsibility, he maintains a web site on the long-term environmental consequences of nuclear war, 3/11/14, Truthout, “Ukraine + NATO = Nuclear War” <http://www.truth-out.org/speakout/item/22397-ukraine-nato-nuclear-war>, jj)

**Putin has already mobilized Russian military forces**, as evidenced by the 150,000 Russian troops who took part in more "routine" drills near the Ukrainian border. These forces are obviously are quite ready to be deployed to Crimea to support Russian troops garrisoned there, just as they are ready to move to defend Russian citizens in Eastern Ukraine, where the Russian Foreign Ministry has also condemned "lawlessness" and violence its says is now taking place. Thus ***there are now multiple pathways that can lead to civil war and international conflict in Ukraine***. The first hinges upon whether or not the new government in Kiev can prevent increasing violence and chaos in Eastern Ukraine, which could lead to a Russian intervention there. The second and perhaps more dangerous possibility is that the Ukrainian government will be reckless enough to attempt to go into Crimea in force. **Either pathway would represent an utter catastrophe** for the people of Ukraine. However, under such circumstances, **the next question is, will NATO come into the conflict to support the Ukrainian armed forces?** Note that the new ruler of Ukraine is coming to Washington this coming Wednesday, March 12, to meet with Barack Obama. Suppose Obama promises to "protect" the Ukraine? The greatest single mistake that the US can make now is to pledge that US/NATO forces will provide military cover, assistance, or support to Ukrainian military forces. This would set up the situation where, in the event of a Ukrainian civil war, **US/NATO forces could come into direct military conflict with Russian forces.** Furthermore, US/NATO naval forces should not be deployed in the Black Sea, where they would be in close proximity to Russian naval forces. In the event of a war in which Russian forces were actively engaged, the presence of US forces nearby would create a significant chance for a mistake in which US or Russian forces would fire upon each other. Supersonic fighters traveling at more than 1,000 mph can easily overfly national boundaries or "hostile" military forces. ***If NATO and Russian forces to come into direct military conflict, then the possibility of nuclear conflict increases exponentially***. **NATO cannot send in its 25,000 man Response Force and expect to defeat 150,000 Russian troops** (or more) **in a fight at the Russian border**. **In a NATO-Russian conventional conflict, in which Russian forces were prevailing, NATO would have the choice of** withdrawing, calling for a ceasefire, or **using its nuclear weapons against Russian forces**. **NATO has at least a couple hundred US B61 nuclear weapons forward deployed in Belgium, Germany, Italy, the Netherlands, and Turkey**. The B61 is a "variable yield" weapon; the two models currently forward-based in Europe, the B61-3 and B61-4 both can be set to have an explosive yield of 300 tons of TNT (0.3 kilotons). In other words, **the B61 is designed to be "useable" nuclear weapon, beginning with a "small" detonation that is roughly 20-30 times larger than our largest conventional weapon**. However, **the B61-4 can also be set to have an explosive power as much as 50,000 tons of TNT (50 kilotons), and the B61-3 as much as 170,000 tons of TNT (170 kilotons) – which is 70% greater than many of the strategic nuclear warheads carried by US nuclear subs. Even if NATO could manage to use its conventional forces to defeat Russian conventional forces, Russia would \*not\* allow such a defeat upon its very border. *Russia would certainly use nuclear weapons to stop NATO.* Russia has for some time adopted the policy of "nuclear de-escalation":** "In order to maintain a credible nuclear deterrence effect under the conditions of a regional war, **Russia believes it should not rely on strategic nuclear forces, or on them only, but must maintain a range of options for the limited or selective use of nuclear weapons in order to be able to inflict a precisely set level of damage to the enemy sufficient to convince him to terminate military confrontation by exposing him to the danger of further nuclear escalation** . . . **When introducing the concept of "nuclear de-escalation" in the late 1990s, the Russian defence establishment was obsessed with the possibility of a Kosovo-type US/NATO intervention in the war** ("armed conflict") **in Chechnya, which resumed in 1999. It did not exclude the possibility that, in the event of such a case, Russia would be forced to resort to nuclear weapons." In a NATO-Russian conflict, in which Russia introduced nuclear weapons, NATO would be fully capable of responding in a tit-for-tat fashion**. This would be the same pattern as was seen in the NATO war games of the Cold War. **Once the nuclear "firebreak" is crossed, once nuclear weapons are introduced into a military conflict in which \*both sides have nuclear weapons\*, there would likely be an almost inevitable escalation of conflict, a progressive use of nuclear weapons by both sides, with progressively larger targets being taken out.** Peer-reviewed scientific studies predict that **a war fought with hundreds or thousands of US and Russian strategic nuclear weapons would ignite nuclear firestorms over tens of thousands of square miles.** **These mass fires would produce between 50 million to 150 million tons of smoke, which would quickly rise above cloud level in to the stratosphere, where winds would carry it around the Earth. In a matter of weeks or months, a global stratospheric smoke layer would form, which would block up to 70% of warming sunlight, quickly producing Ice Age weather conditions in the Northern Hemisphere. The scientists predict that temperatures in the central US and Eurasia would fall below freezing every day for about three years**. **The smoke, the darkness, and extreme cold weather would last for ten years or longer, eliminating growing seasons, making it impossible to grow food**. **Most people and animals would perish from nuclear famine. Nuclear war is suicide for the human race.** Therefore, **it is imperative that NATO does \*not\* come into support Ukraine or enter into any Ukrainian conflict**. Should it do so, **it would risk coming into a direct military conflict with Russia**. ***A US/NATO-Russian battle in Ukraine could easily become a nuclear war that could destroy all nations and peoples.***

***Biggest impact in the round***

**Bostrum**, 20**02** (Nick, PhD and Professor at Oxford, March, [www.transhumanist.com/volume9/risks.html](http://www.transhumanist.com/volume9/risks.html))

A much greater existential risk emerged with the build-up of nuclear arsenals in the US and the USSR. **An all-out nuclear war was a possibility with both a substantial probability and with consequences that might have been persistent enough to qualify as global and terminal**. There was a real worry among those best acquainted with the information available at the time **that a nuclear Armageddon would occur and that it might annihilate our species or permanently destroy human civilization. Russia and the US retain large nuclear arsenals that could be used in a future confrontation,** either accidentally or deliberately. There is also a risk that other states may one day build up large nuclear arsenals. Note however that **a smaller nuclear exchange**, between India and Pakistan for instance, is not an existential risk, since it **would not destroy or thwart humankind’s potential permanently.**

**Turns case – solvency – congress**

***No enforcement in a crisis***

**Posner & Vermeule ’11**, Eric Posner is Kirkland & Ellis Distinguished Service Professor of Law and Aaron Director Research Scholar at the University of Chicago. Adrian Vermeule - John H. Watson, Jr. Professor of Law – Harvard Law School, The Executive Unbound [electronic resource] : After the Madisonian Republic, Oxford University Press, USA, 2011. 01/01/2011 1 online resource (256 p.) Language: English, pg 10, jj

**The same holds for statutory constraints on the executive—unsurprisingly**, ¶ **as these constraints are the product of the very Madisonian system whose** ¶ **failure is apparent at the constitutional level**. In the terms of the legal theorist David Dyzenhaus, the APA creates a series of legal “black holes” and ¶ “grey holes” that either de jure or de facto exempt presidential and administrative action from ordinary legal requirements, and hence from (one ¶ conception of) the rule of law. 19 The scope of these exemptions waxes and ¶ wanes with circumstances, expanding during emergencies and contracting ¶ during normal times, but it is never trivial, and the administrative state has ¶ never been brought wholly under the rule of law; periodically the shackles ¶ slip off altogether.¶ As we will also try to show, the subject-specific framework statutes ¶ intended to control delegations and to constrain presidential emergency ¶ powers have fallen into abeyance, de facto; **the War Powers Resolution**, for ¶ example, **is said to have died when President Clinton, in clear defiance of** ¶ **its terms, conducted a 68-day bombing campaign in Kosovo**—a conflict ¶ that was itself impossible to square with prevailing rules of international ¶ law. **When the hour of crisis tolls, Congress has little incentive or capacity** ¶ **to enforce such attempted precommitments, which typically arise from** ¶ **an ephemeral political consensus and lose their base of political support** ¶ **over time.**

**2NC UQ Overview**

***Congress is united behind Obama now—this conveys resolve***

DEB **RIECHMANN** / Associated Press / **3/27**, 2014, “Senate, House back bills to aid Ukraine” <http://www.boston.com/news/politics/2014/03/27/lawmakers-rush-pass-bill-aid-ukraine/ZWysPWt3lIgFv5Z1IjVurI/story.html>, jj

**Congress spoke with one voice against Russia’s annexation of Crimea, passing legislation in the House and Senate giving help to cash-strapped Ukraine and imposing sanctions against Russia**. The Senate approved the legislation by voice vote Thursday at the same time the House was passing a different version on a 399-19 vote. **The votes were a show of solidarity with** President Barack **Obama**, who had already announced sanctions against Russian President Vladimir Putin and others. **The president spent several days rallying U.S. allies to stand firm against Putin’s aggression.** Lawmakers intended to get a final measure to the White House by day’s end. Each bill would provide $1 billion in loan guarantees to Ukraine and impose penalties on Russia for its aggression. ‘‘President ***Putin is watching ... waiting to see if we have the resolve to act,***’’ said Sen. Bob Menendez, D-N.J., chairman of the Senate Foreign Relations Committee.

***US is coordinating a strong united response to Russia. This is different than past attempts because all the nations are meeting together and in larger number.***

Michael **Shear et al,**, Alison Smale, & David Herszehorn, **3/23**, 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

**As Russia consolidated its hold on Crimea**, raising its flag over seized military bases and detaining ousted Ukrainian commanders on Sunday, President **Obama and his international allies prepared to meet here in an effort to *develop a strong, united response* despite their diverging interests in dealing with the Kremlin.** After Russia’s invasion of Crimea and the lightning annexation of the peninsula by President Vladimir V. Putin last week, Mr. **Obama’s decision to convene the leaders of several European countries, along with Canada and Japan, brought the nations** — once again the Group of 7, without Russia — **together for the first time since the crisis in Ukraine** upended the stability and security of Europe. Continue reading the main story Related Coverage Susan E. **Rice**, Mr. Obama’s national security adviser, acknowledged that the president’s weeklong trip, including a meeting with Pope Francis on Thursday and a stop in Saudi Arabia on Friday, would be overshadowed by Ukraine and the need to press for Western unity. She **expressed confidence that the meeting here on Monday would “deepen” coordination.**

**2NC – Congress Link Wall**

***Link threshold is low – Putin is watching our every move and weakness emboldens him***

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.

***Plan creates domestic fissures for Putin to exploit – turns a regional conflict into a global one***

Fred **Kaplan**, Edward R. Murrow press fellow at the Council on Foreign Relations, “How to stop Putin in his tracks”, **3/20** 2013, http://fullcomment.nationalpost.com/2014/03/21/fred-kaplan-how-to-stop-putin-in-his-tracks/

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.***

***The crisis context will force Obama to resist. The intractable battle creates a national diversion and impairs military wartime decisions***

**Lobel 8**—Professor of Law @ University of Pittsburgh [Jules Lobel, “Conflicts Between the Commander in Chief and Congress: Concurrent Power over the Conduct of War,” Ohio State Law Journal, Vol. 69, 2008, pg. 391]

The critical difficulty with a contextual approach is its inherent ambiguity and lack of clarity, which tends to sharply shift the balance of power in favor of a strong President acting in disregard of congressional will. For example, the application of the Feldman and Issacharoff test asking whether the ***congressional restriction*** makes realistic sense in the modern world **would yield no coherent separation of powers answer if applied to the** current **Administration’s confrontation with Congress. It would undoubtedly** ***embolden the President to ignore Congress’s strictures***. **The President’s advisors would argue that the** McCain Amendment’s ban on cruel and inhumane treatment, or FISA’s **requirement** of a warrant, **does not make realistic sense in the context of the contemporary realities of the war on terror** in which we face a shadowy, ruthless nonstate enemy that has no respect for laws or civilized conduct, a conclusion hotly disputed by those opposed to the President’s policies. Focusing the debate over whether Congress has the power to control the treatment of detainees on the President’s claim that the modern realities of warfare require a particular approach will merge the separation of powers inquiry of who has the power with the political determination of what the policy ought to be. **Such an approach is likely to encourage the President to *ignore and violate legislative wartime enactments* whenever he or she believes that a statute does not make realistic sense—that is, when it conflicts with a policy the President embraces**. 53¶ The contextual approach has a “zone of twilight” quality that Justice Jackson suggested in Youngstown. 54 Often **constitutional norms matter less than political realities**—***wartime reality often favors a strong President who will overwhelm* both Congress and the courts**. While it is certainly correct— as Jackson noted—that neither the Court nor the Constitution will preserve separation of powers where Congress is too politically weak to assert its authority, **a** fluid **contextual approach is an invitation to Presidents to push** **beyond the constitutional boundaries of their powers and *ignore legislative enactments that seek to restrict their wartime authority***.¶ Moreover, **another** substantial **problem** with a contextual approach in the war powers context **is that the judiciary is unlikely to resolve the dispute**. 55 The **persistent refusal of the judiciary to adjudicate the constitutionality of the W**ar **P**owers **R**esolution **strongly suggests that courts will often refuse to intervene to resolve disputes between the President and Congress over the constitutionality of a statute that a President claims impermissibly interferes with her conduct of an ongoing war**. 56 **This result leaves the political branches to engage in an *intractable dispute* over the statute’s constitutionality that *saps the nation’s energy, diverts focus*** from the political issues in dispute, **and *endangers the rule of law***.¶ Additionally, **in wartime it is often important for issues relating to the exercise of war powers to be resolved quickly**. Prompt action is not usually the forte of the judiciary. ¶ If, however, a constitutional consensus exists or could be consolidated that Congress has the authority to check the President’s conduct of warfare, that consensus might help embolden future Congresses to assert their power. Such a consensus might also help prevent the ***crisis, chaos, and stalemate*** that **may result when the two branches assert competing constitutional positions and**, as a practical matter, **judicial review is unavailable to resolve the dispute**.¶ Moreover, **the** adoption of a contextual, realist **approach will *undermine rather than aid the cooperation and compromise* between the political branches that is so *essential to success in wartime***. In theory, an unclear, ambiguous division of power between the branches that leaves each branch uncertain of its legal authority could further compromise and cooperation. However, ***modern social science research* suggests that** the opposite occurs. 57 **Each side in the dispute is likely to grasp onto aspects or factors within the ambiguous or complex reality to support its own self-serving position. This *self-serving bias* hardens each side’s position and allows the *dispute to drag on*, as has happened with** the ongoing, unresolved **dispute over the constitutionality of the W**ar **P**owers **R**esolution. Pg. 407-409

***\*\*!!!Congressional attacks on Obama crush deterrence – war powers debate key***

**Dovere 3/5/14**

<http://www.politico.com/story/2014/03/democrats-obama-ukraine-russia-crimea-104322.html>

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***What politicians in the U.S. say in opposition*** — or don’t say in support — ***matters in Moscow***, said Michael McFaul, who just returned from three years as Obama’s ambassador to Russia. “**I do think it gives them comfort**,” McFaul said. (PHOTOS: Ukraine turmoil) McFaul said what’s going on now reminded him of September, when Obama pushed for military strikes against Syria and was rebuffed by a sudden eruption of anti-interventionism, first by the GOP but joined by Democrats. ***People in Putin’s circle sneered to him about the president’s problems on the Hill,*** McFaul said. “***They most certainly saw that as a constraint on the president’s powers***,” McFaul said**. Obama’s “weakness was not about his assessment of Russia. His weakness was about *democratic constraints on what he could do* — that Putin does not face**.”

***Unity key to perception of resolve***

**Dionne 3/19/14**

<http://www.washingtonpost.com/opinions/ej-dionne-can-putins-power-grab-in-crimea-bring-us-together/2014/03/19/9297970c-afa2-11e3-95e8-39bef8e9a48b_story.html>

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Vladimir Putin’s grab of Crimea has exposed the paradoxes in U.S. attitudes toward foreign policy. **Congress has been unusually united in condemning the Russian leader’s aggression** and calling for his isolation. His belligerent offensive has been denounced by such liberals as Sens. Chris Murphy (D-Conn.) and Dick Durbin (D-Ill.) and by many conservatives, including Sens. John McCain (R-Ariz.) and Ron Johnson (R-Wis). On the other hand, a Pew Research Center poll found that by a margin of 56 percent to 29 percent, Americans said it was more important that the United States “not get too involved” in the Ukrainian situation than to “take a firm stand against Russian actions.” **Support for minimizing involvement spanned party lines:** 50 percent of Republicans took this view, as did 55 percent of Democrats and 62 percent of independents. The survey was conducted March 6-9, before Russia annexed Crimea, but it nonetheless underscores the nation’s allergy to foreign entanglement, even as Americans also clearly and deeply mistrust Putin. **Annexing territory by force is as unacceptable to advocates of multilateralism as** it is **to** those who believe in **go-it-alone assertiveness.** **The Russian** leader’s **open mourning over the** collapse of the **Soviet Union horrifies liberals**, who saw the end of the Cold War as an opportunity for a freer, less bellicose world, **as well as conservatives**, who always said Putin’s KGB past was the truest indicator of his worldview and intentions. **But t**he nearly universal **antipathy to Putinism cannot hide our division**s, and they are especially pronounced in the Republican Party. Most of the GOP’s prominent voices preach a hard line against Putin, but a broad anti-interventionist constituency within the conservative movement continues to grow. Former representative Ron Paul spoke for this tendency in a blunt USA Today op-ed this week. “Why,” Paul asked, “does the U.S. care which flag will be hoisted on a small piece of land thousands of miles away?” Sen. Rand Paul (R-Ky.) shares his father’s libertarianism, but his efforts to navigate among competing Republican foreign policy factions during the Ukrainian crisis have led the younger Paul in several directions at once. Sen. Paul sounded like his dad on Feb. 25 when he told The Post’s Robert Costa: “The Ukraine has a long history of either being part of the Soviet Union or within that sphere.” He chastised “some on our side . . . stuck in the Cold War era” who “want to tweak Russia all the time.” In a March 10 piece for the Breitbart Web site, he mocked “politicians who have never seen war talking tough for the sake of their political careers.” But in a March 9 Time magazine essay, Sen. Paul himself took a tougher line. “It is America’s duty to condemn these actions in no uncertain terms,” he said, and to be “the strongest nation in opposing Russia’s latest aggression.” Rand Paul’s delicate dance is a reminder that when President Obama decided to go to Congress last fall to win approval for airstrikes against Syria for its use of chemical weapons, he faced resistance from doves in his own party and from anti-interventionist Republicans. Obama has faced criticism for inconstancy in abandoning military action in favor of a partnership with Russia to remove the Syrian regime’s chemical arsenal. But it’s important to remember that many in the GOP were skeptical of using force from the start. **Those who hope the U**nited **S**tates and its allies **will take** what Durbin on Wednesday called “a **good, hard, tough stand” against Putin** thus **need to consider** not only European worries about the impact of sanctions on Western economies but also ***the sustained backlash against Iraq and Afghanistan***. **Some** who supported those wars now **see a chance to challenge** “the idol of **war-weariness**,” as neoconservative commentator William Kristol put it in arguing that a “war-weary public can be awakened and rallied.” But Kristol’s proposition faces hostility within, as well as outside, his own party. Americans, particularly those bearing the greatest ongoing costs from the economic downturn, will not have much of a taste for activism in foreign policy until their burdens are eased. ***We must confront Putin, but this will require a foreign policy consensus*** that has vanished. A new one will have to be based on principles that predate the Iraq engagement and involve a more measured use of U.S. power. Thus the final paradox: **Putin has given Obama the opportunity to begin *rebuilding this consensus*** — if the president decides to try, and if his critics are willing to help him do it.

**A2: McFaul --- resolve not key**

***Plan’s restrictions tank perception of resolve - Congress and Obama must present UNITED FRONT to deter Russia***

**DePetris and French 3/19/14**

<http://nationalinterest.org/commentary/the-ugly-pointless-domestic-fight-over-ukraine-10078?page=1>

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Legitimate critiques notwithstanding, **it is long past time to stop carping over the Obama administration’s initial response.** Instead, **Republicans and Democrats** alike **need to work together in** a rare act of ***bipartisanship* to implement a unified policy that** is helpful to Ukraine’s future, **punishes Russia** for its clear violation of the United Nations Charter **and highlights *U.S. resolve*** during a time of international crisis. Taken from an objective perspective, it is difficult to see what the United States can plausibly do to convince the Russians to withdraw their 20,000+ soldiers from Crimea, short of Western acceptance of Moscow’s de-facto annexation of the peninsula. The same policies that hawkish conservatives are recommending—strict economic sanctions on Russian oligarchs surrounding President Putin; increased military commitment to NATO countries like Poland and the Baltic states; the deployment of the USS Truxton to the Black Sea for exercises; diplomatic isolation of the Russian Federation in the world community—are either already occurring, or are being actively embraced. A broad system of visa restrictions and asset freezes on Russian individuals “[who] undermine democratic processes and institutions in Ukraine [and] threaten its peace, security, stability, sovereignty, and territorial integrity” have been in effect since March 6. The U.S. House of Representatives swiftly passed a $1 billion loan package to the interim Ukrainian Government in a bipartisan fashion last week, and the Senate Foreign Relations Committee has passed their own bipartisan assistance package in an overwhelming 14-3 vote. And in a show of support to the NATO alliance, Washington has taken military steps as well, including the deployment of six additional F-15 aircraft to the Baltic Air patrol fleet and an enhanced military training partnership with Poland. Indeed, the only major recommendations that that the Obama administration has neglected to fully adopt or implement are those that could very well work at cross-purposes with a political solution to the crisis, including preparing the Republic of Georgia for admission into NATO. The United States may be the world’s remaining superpower, but even a country that possesses unparalleled military, political, and economic power would be wise to operate on a classic realist paradigm: what are America’s core national security interests in the Ukraine, and how can the United States best accomplish those objectives within a reasonable cost? Fortunately, **after a few days of rancorous partisan bickering** about the administration’s “reset” policy and President Obama’s credibility on the world stage, ***it now appears that the White House and Congress***—while still divided on the intricacies of the response—***are all in agreement that the U.S. must defend above all else the very basic obligations of the UN charter***: “All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state.” The Russian incursion into Crimea is an unquestionable breach of international law and a clear violation of Ukraine’s territorial integrity and sovereignty. Vladimir Putin, however, seems to care little about these concerns, particularly when he believes that Moscow’s national interests are directly at stake. The trick for the United States, the European Union, NATO, and every other power opposed to the use of brute force is to respond in unison, but without provoking Putin into a further act of aggression. This problem represents a classic deterrence-reassurance dilemma—the US must balance between deterring further Russian aggression and reassuring Putin that the US, EU, and NATO do not plan on threatening Russia’s interests if it behaves like a responsible power. While the US must show strength and resolve, it must also better understand why Moscow is acting in such a bold and aggressive manner. Some, like Rep. Paul Ryan, have called for the reinstatement of the Bush-era missile defense shield in Eastern Europe as a perfect way to demonstrate America’s resolve. Yet even this option could create more problems for the United States than it solves: if the objective is to punish Moscow while at the same time deescalating the crisis in Crimea, it is difficult to see how more missile defenses in Russia’s neighborhood could achieve that balance. Playing to Putin’s sense of insecurity is not the best recipe for preventing further aggression. Moving forward, **Washington should focus on how to solve the crisis at hand rather than dithering over the Obama administration’s previous policies**. ***The last thing the US needs*** ***when its credibility is on the line is to have its own politicians repeatedly questioning the country’s credibility***. ***Political debates*** over whether the administration’s past policy toward Russia has been naïve ***can take place once this crisis has been resolved.***

***Lack of US resolve in Ukraine will cause Russia-NATO war***

Vasil **Jaiani, March 5**, 2014, 6 Unintended Consequences From The West's Passive Response To The Ukraine Invasion, Forbes, <http://www.forbes.com/sites/realspin/2014/03/05/6-unintended-consequences-from-the-wests-passive-response-to-the-ukraine-invasion/>, KEL

**The leadership in Moscow developed a dangerous habit of protecting ethnic Russians and Russian citizens in foreign land**. First, Russia “stepped in” Abkhazia and South Ossetia, sovereign territories of Georgia, to protect Russian citizens who came about as a result of vigorous dissemination or Russian passports over the years leading up to the invasion. In Crimea, Putin did not even have to issue passports. 60% of the peninsula population is ethnically Russian. Although there are no credible accounts of any threat to ethnic Russians whatsoever, according to Putin they nevertheless need protection. Consequently, Russian troops are there to “protect” and occupy a part of a neighboring country.

**If the US** and European allies **fail to stop Moscow’s habit in Ukraine**, ***then several other Russian neighbors can fall prey to it***. **There are plenty ethnic Russians to “protect” in former Soviet countries. Especially large minorities live in Latvia and Kazakhstan**. **Putin numerous times expressed dissatisfaction with the way ethnic Russians are treated in Latvia. If he were to protect them in Latvia, which is a NATO member, this could lead to a crisis far graver than in Crimea.**

**\*Yes Escalation – Miscalc**

***Risk of an accident is high***

Francisco **Quintana**, senior economist at Asiya Investments, Special to Gulf News, **3/25/14**, “An escalated Ukraine issue will not be localized” <http://gulfnews.com/business/features/an-escalated-ukraine-issue-will-not-be-localised-1.1308447>, jj

Similarly, the international community would prefer to avoid troubling Russia. Global corporate interests in the country are large and it would require a long time for the sanctions to have an impact, as the country produces a large share of its own fuel and food. But **the solution to the current conflict seems to be complex**. Even though only the province of Crimea has a Russian majority, Russians still account for 30 per cent of the total population of Ukraine. **Instability will probably last for months and *the likelihood of an accident* sparking a military conflict remains high.** However, **as long as it does not *spiral out of control,* that is not such bad news** for this region.

***Miscalc likely***

**Ignatius 3/2/14** (David Ignatius writes a twice-a-week foreign affairs column and contributes to the PostPartisan blog, 3/2/14, Washington Post, “Putin’s error in Ukraine is the kind that leads to catastrophe” <http://www.washingtonpost.com/opinions/david-ignatius-putins-error-in-ukraine-is-the-kind-that-leads-to-catastrophe/2014/03/02/d376603e-a249-11e3-a5fa-55f0c77bf39c_story.html>, jj)

Vladimir **Putin has made a mistake invading Crimea, escalating a crisis for Russia that has been brewing for many months**. It might have been beneficial if President Obama could have dissuaded him from this error. But Putin’s move into Crimea appeared to spring from a deeper misjudgment about the reversibility of the process that led to the breakup of Soviet Union in 1991. The further Russia wades into this revanchist strategy, the worse its troubles will become. The Russian leader’s nostalgia for the past was on display at the Sochi Olympics. As David Remnick wrote last week in the New Yorker, Putin regards the fall of the Soviet Union as a “tragic error,” and the Olympics celebrated his vision that a strong Russia is back. That attitude led Putin to what Secretary of State John Kerry described on Sunday as a “brazen act of aggression” and a “violation of international obligations.” Kerry called on Putin to “undo this act of invasion.” The Russian leader would save himself immense grief by following Kerry’s advice, but that seems unlikely. His mistake in Sevastopol may lead to others elsewhere, though hopefully Putin will avoid reckless actions. But the more Putin seeks to assert Russia’s strength, he will actually underline its weakness. Perhaps inevitably, given Washington’s political monomania, the big subject over the weekend wasn’t Putin’s criminal attack on Crimea but whether Obama had encouraged it by being insufficiently muscular. There are many valid criticisms to be made of Obama’s foreign policy, especially in Syria, but the notion that Putin’s attack is somehow the United States’ fault is perverse. For two months the Obama administration has been prodding the European Union to take the Ukraine crisis more seriously. I’m told that U.S. reporting showed that Putin was impatient with Ukraine’s pro-Russian president, Viktor Yanukovych, and wanted him to crack down even harder on the protesters in Kiev’s Maidan Square. Putin’s distaste for Yanukovych has been obvious since he fled the capital a week ago. What Putin misunderstands most is that the center of gravity for the former Soviet Union has shifted west. Former Soviet satellites such as Poland and the Czech Republic are prosperous members of the E.U. The nations that made up what was once Yugoslavia have survived their bloody breakup, and most have emerged as strong democracies. Ukraine was set to join this movement toward the European Union last November when Yanukovych suddenly suspended trade and financial talks with the E.U. and accepted what amounted to a $15 billion bribe from Putin to stay in Russia’s camp. To the tens of thousands of courageous Ukrainians who braved the cold and police brutality to protest, Yanukovych’s submission to Moscow looked like an attempt to reverse history. The opportunity for Putin is almost precisely opposite his atavistic vision of restoration. It is only by moving west, toward Europe, that Russia itself can reverse its demographic and political trap. Year by year, the Russian political system becomes more of a corrupt Oriental despotism — with Moscow closer to Almaty than Berlin. The alternative is for Ukraine to pull Russia with it toward the West. As former national security adviser Zbigniew Brzezinski explained in a 2008 book, “If Ukraine moves to the West, first to the EU and eventually to NATO, the probability that Russia will move toward Europe is far greater. . . . Russians will eventually say, ‘Our future will be safest, our control over the Far East territories most assured . . . if there is a kind of Atlantic community that stretches from Lisbon to Vladivostok.’ ” **Putin’s Russia may well make more mistakes**: ***We may see a cascading chain of error that brings Russian troops deeper into Ukraine and sets the stage for civil war***. **Those are the kind of miscalculations that lead to catastrophic consequences, and Obama would be wise to seek to deter Russian aggression** without specifying too clearly what the U.S. ladder of escalation might be.

**A2: Econ Resilient**

***No resiliency***

**RAMPELL ’11** – economics reporter for The New York Times; wrote for the Washington Post editorial pages and financial section (Catherine, “Second Recession in U.S. Could Be Worse Than First”. August 7. http://www.nytimes.com/2011/08/08/business/a-second-recession-could-be-much-worse-than-the-first.html?pagewanted=all)

**If the economy falls back into recession**, as many economists are now warning, **the *bloodletting could be a lot more painful* than the last time around**.

Given the tumult of the Great Recession, this may be hard to believe. **But the economy is much weaker than it was at the outset of the last recession in December 2007, with most major measures of economic health — including jobs, incomes, output and industrial production — worse today than they were back then**. **And growth has been so weak that almost no ground has been recouped**, even though a recovery technically started in June 2009.

“**It would be disastrous if we entered into a recession at this stage**, given that we haven’t yet made up for the last recession,” said Conrad DeQuadros, senior economist at RDQ Economics.

When the last downturn hit, the credit bubble left Americans with lots of fat to cut, but a new one would force families to cut from the bone. Making things worse, policy makers used most of the economic tools at their disposal to combat the last recession, and have few options available.

Anxiety and uncertainty have increased in the last few days after the decision by Standard & Poor’s to downgrade the country’s credit rating and as Europe continues its desperate attempt to stem its debt crisis.

President Obama acknowledged the challenge in his Saturday radio and Internet address, saying the country’s “urgent mission” now was to expand the economy and create jobs. And Treasury Secretary Timothy F. Geithner said in an interview on CNBC on Sunday that the United States had “a lot of work to do” because of its “long-term and unsustainable fiscal position.”

But he added, “I have enormous confidence in the basic regenerative capacity of the American economy and the American people.”

Still, the numbers are daunting. In the four years since the recession began, **the civilian working-age population has grown by about 3 percent. If the economy were healthy, the number of jobs would have grown at least the same amount**.

**Instead, the number of jobs has shrunk**. Today the economy has 5 percent fewer jobs — or 6.8 million — than it had before the last recession began. The unemployment rate was 5 percent then, compared with 9.1 percent today.

**Even those Americans who are working are generally working less**; the typical private sector worker has a shorter workweek today than four years ago.

Employers shed all the extra work shifts and weak or extraneous employees that they could during the last recession. **As shown by unusually strong productivity gains, companies are now squeezing as much work as they can from their newly “lean and mean” work forces.** Should a recession return, it is not clear how many additional workers businesses could lay off and still manage to function.

**With fewer jobs and fewer hours logged, there is less income for households to spend, creating a huge obstacle for a consumer-driven economy**.

Adjusted for inflation, personal income is down 4 percent, not counting payments from the government for things like unemployment benefits. Income levels are low, and moving in the wrong direction: private wage and salary income actually fell in June, the last month for which data was available.

**Consumer spending, along with housing, usually drives a recovery**. But with incomes so weak, spending is only barely where it was when the recession began. If the economy were healthy, total consumer spending would be higher because of population growth.

And with construction nearly nonexistent and home prices down 24 percent since December 2007, the country does not have a buffer in housing to fall back on.

Of all the major economic indicators, industrial production — as tracked by the Federal Reserve — is by far the worst off. The Fed’s index of this activity is nearly 8 percent below its level in December 2007.

Likewise, and perhaps most worrisome, is the track record for the country’s overall output. According to newly revised data from the Commerce Department, the economy is smaller today than it was when the recession began, despite (or rather, because of) the feeble growth in the last couple of years.

If the economy were healthy, it would be much bigger than it was four years ago. **Economists refer to the difference between where the economy is and where it could be if it met its full potential as the “output gap.”** **Menzie Chinn, an economics professor at the University of Wisconsin, has estimated that the economy was about 7 percent smaller than its potential at the beginning of this year**.

**Unlike during the first downturn, there would be few policy remedies available if the economy were to revert back into recession**.

**Interest rates cannot be pushed down further — they are already at zero**. The Fed has already flooded the financial markets with money by buying billions in mortgage securities and Treasury bonds, and economists do not even agree on whether those purchases substantially helped the economy. So the Fed may not see much upside to going through another politically controversial round of buying.

“**There are only so many times the Fed can pull this same rabbit out of its hat,” said Torsten Slok, the chief international economist at Deutsche Bank**.

Congress had some room — financially and politically — to engage in fiscal stimulus during the last recession.

**But at the end of 2007, the federal debt was 64.4 percent of the economy. Today, it is estimated at around 100 percent of g**ross **d**omestic **p**roduct, **a share not seen since the aftermath of World War II**, and there is little chance of lawmakers reaching consensus on additional stimulus that would increase the debt.

“There is no approachable precedent, at least in the postwar era, for what happens when an economy with 9 percent unemployment falls back into recession,” said Nigel Gault, chief United States economist at IHS Global Insight. “**The *one precedent you might consider is 1937*, when there was also a premature withdrawal of fiscal stimulus, and the economy fell into another recession more painful than the first**.”

***US decline causes global wars***

**Judis,** Carnegie Endowment, 20**11**, The New Republic, August 8, [John], p. <http://www.npr.org/2011/08/08/139080654/new-republic-a-lesson-from-the-great-depression>

The first consideration has to do with the sheer gravity of the situation. What is at stake goes beyond an abstract rate of unemployment, or the prospect of a Republican White House in 2012, or even the misery of the long-term unemployed. From the beginning, **this recession has been global**. Germany has to take leadership in Europe, but **the United States is still the world's largest economy, the principal source of consumer and investment demand, and the banking capital of the world. If the United States fails to revive its economy**, and to lead in the restructuring of the international economy, **then it's unlikely that other economies in the West will pull themselves out of the slump**. **And as the experience of the 1930s testified, a prolonged global downturn can have profound political and geopolitical repercussions**. In the U.S. and Europe, **the downturn has already inspired unsavory, right-wing populist movements**. **It could also bring about trade wars and intense competition over natural resources, and the eventual breakdown of important institutions like European Union and the World Trade Organization**. Even a shooting war is possible. So while the Obama administration would face a severe challenge in trying to win support for a boost in government spending, failing to do so would be far more serious than the ruckus that Tea Party and Republican opposition could create over the next year.