### 1NC T – Statutory Restriction = Not Single Branch/Committee

#### [A.] Interpretation: Statutory restrictions are only legislation that is passed by both houses of congress and signed by the president

#### 1. Statutory restriction are limits placed on authorized activities by ruling legislation

Black’s Law

[“statutory restriction”, <http://thelawdictionary.org/statutory-restriction/>, accessed 6-2-13, AFB]

Limits or controls that have been place on activities by its ruling legislation.

#### 2. Statutes must be passed by both houses of legislature and signed by the president – only then does it become ruling legislation

West’s Encyclopedia of American Law ed. 2, “statute,” 2008. http://legal-dictionary.thefreedictionary.com/statute

An act of a legislature that declares, proscribes, or commands something; a specific law, expressed in writing.¶ A statute is a written law passed by a legislature on the state or federal level. Statutes set forth general propositions of law that courts apply to specific situations. A statute may forbid a certain act, direct a certain act, make a declaration, or set forth governmental mechanisms to aid society.¶ A statute begins as a bill proposed or sponsored by a legislator. If the bill survives the legislative committee process and is approved by both houses of the legislature, the bill becomes law when it is signed by the executive officer (the president on the federal level or the governor on the state level). When a bill becomes law, the various provisions in the bill are called statutes. The term statute signifies the elevation of a bill from legislative proposal to law. State and federal statutes are compiled in statutory codes that group the statutes by subject. These codes are published in book form and are available at law libraries.

#### [B.] Violation: The affirmative’s use of treaties does not occur through statutorily created ruling legislation.

#### Statutes and treaties are distinct – differing origin points and status of law

West’s Encyclopedia of American Law, ed. 2, “law,” 2008. http://legal-dictionary.thefreedictionary.com/Statutes+and+Treaties

Statutes and Treaties¶ After the federal Constitution, the highest laws are written laws, or statutes, passed by elected federal lawmakers. States have their own constitution and statutes.¶ Federal laws generally involve matters that concern the entire country. State laws generally do not reach beyond the borders of the state. Under Article VI, Section 2, of the U.S. Constitution, federal laws have supremacy over state and local laws. This means that when a state or local law conflicts with a federal law, the federal law prevails.¶ Federal statutes are passed by Congress and signed into law by the president. State statutes are passed by state legislatures and approved by the governor. If a president or governor vetoes, or rejects, a proposed law, the legislature may override the Veto if at least two-thirds of the members of each house of the legislature vote for the law.¶ Statutes are contained in statutory codes at the federal and state levels. These statutory codes are available in many public libraries, in law libraries, and in some government buildings, such as city halls and courthouses. They are also available on the World Wide Web. For example, the statutory codes that are in effect in the state of Michigan can be accessed at <http://www.michigan.gov/orr>. A researcher may access the United States Code, which is the compilation of all federal laws, at <http://uscode.house.gov>. The site is maintained by the Office of the Law Revision Counsel of the U.S. House of Representatives.¶ On the federal level, the president has the power to enter into treaties, with the advice and consent of Congress. Treaties are agreements with sovereign nations concerning a wide range of topics such as environmental protection and the manufacture of nuclear missiles. A treaty does not become law until it is approved by two-thirds of the U.S. Senate. Most treaties are concerned with the actions of government employees, but treaties also apply to private citizens.

#### **[C.] Prefer our interpretation:**

#### 1. Limits and ground: Expanding the restrictive mechanism into treaties and beyond statutes creates an unsustainable negative research burden to cover that many angles of restrictions – allows the affirmative to incorporate presidential origination and doesn’t include links to the house of representatives. Also creates unpredictable aff ground related to the treaty powers advantages.

#### 2. Education: Treaties debates crowd out substantive education on domestic restrictions on presidential authority – we should assess the relative strength of statutory restrictions to other types of restrictions.

#### [D.] Topicality is a voting issue – rule of game, fairness, and education

### 1NC- Executive Reform

**The Executive branch should use an executive order to enter into Treaty on Prevention of the Placement of Weapons in Outer Space and of the Threat or Use of Force against Outer Space Objects.**

#### Executive Orders alter policy quickly to employ flexibility and avoid the legislative process

Barilleaux and Kelley 2010 [Ryan J. , Professor of Political Science at Miami, OH; and Christopher S. , Lecturer (Political Science) at Miami, OH, The Unitary Executive and the Modern Presidency, Texas A&M Press, p. 80, 2010// wyo-sc]

An executive order is one of several unilateral tools presidents may use to carry out their policy objectives. Executive orders direct executive branch officers to "take an action, stop a certain type of activity, alter policy, change management practices, or accept a delegation of authority under which they will henceforth be responsible for the implementation of law."19 Presidents have come to favor the use of executive orders because they provide speed and flexibility and bypass the complicated legislative process, particularly when it appears Congress may be hostile to a president's goals. In *Wilcox v. Jackson* the Supreme Court affirmed that presidents may issue orders through department heads.20 These orders will have the same legal effect as if the president had issued them personally.21 The preamble of a typical modern executive order explains the constitutional and statutory authority of the president to issue the order, and the body of the order explains the actions to be taken or policy changes to be made. Most of the significant developments in presidential regulator review have been initiated by executive orders. (Unless otherwise spec fied, none of the regulatory review orders discussed in this chapter was based on anything besides the authority vested by the Constitution in the president and a general reference to statutes of the United States.2 )

### 1NC- Prez Powers

**Obama has built a solid basis for expanded Executive authority by pushing statutory and judicial limitations – Syria continues the trend**

Gordon **Silverstein**, Assistant Dean and Lecturer in Law at Yale Law School, and author of Law’s Allure: How Law Shapes, Constrains, Saves and Kills Politics, “Obama Just Increased Executive Power—Again,” New Republic, **9/4**/2013

Bush-Cheney Administration alumni have risen from the ashes to denounce President Obama’s decision to force Congress to play its constitutional role in a decision to use military force in Syria. It is, they insist, yet another surrender of power by a feckless President presiding over the degradation of the Executive Branch itself, the empowerment of which was one of their central goals.¶ This is wrong on two dimensions: First, despite their aggressive efforts, **the Bush-Cheney administration left the Presidency weaker, and not stronger. And** second, far from degrading the power of the Executive, the **Obama** administration **has steadily, and significantly built up and exploited presidential power.¶** While it is too early to know if **Obama’s Syrian plan will continue this** trend, there are powerful reasons to think it will.¶ **The Bush-Cheney administration** famously asserted that when it came to foreign policy and national security, the President possessed nearly unlimited, autonomous, and unreviewable power. They insisted that the President could seize and hold prisoners at Guantanamo Bay; that the President alone could decide what and how much due process they were entitled to seek and that together with Congress, they could deny the independent federal courts, the third branch of government, the right to review their decisions. And they declared that the administration had the authority to redefine the meaning of torture.¶ All these **claims** and more were built on novel and poorly supported constitutional theories. **When** they were **challenged in Court, far from** enshrining the administration’s and **permanently shifting formal power to the Executive branch, these theories and claims were rejected, and** what had once been ambiguous and contested questions about **the allocation of power was settled, not by assigning it to the Executive but**, in fact, **by ruling that it belonged exclusively to Congress.¶** Jack Goldsmith, the head of the Office of Legal Counsel in the Bush-Cheney Justice Department, would later write that the administration advanced broad and unsupportable claims and arguments because “the President and Vice President wanted to leave the presidency stronger than they found it.” But, he concludes, “the approach they took achieved exactly the opposite effect. The central irony is that **people whose explicit goal was to expand presidential power have diminished it.”¶** Consider: In 2004 the Supreme Court ruled that the Executive could not independently order the detention of prisoners at Guantanamo, but could do so in this case because Congress had implicitly delegated this power to the President through the very open-ended language of the 2001 Authorization for the Use of Military Force. This was, in short, a power that now explicitly was assigned to Congress.¶ 2004 also was the year in which Goldsmith had to repudiate and withdraw a series of legal opinions his office had released—many authored by John Yoo—including the infamous memos ostensibly offering a legal rationale for the use of torture in interrogations.¶ The Bush-Cheney legal dream team failed again in 2006 in Hamdan v. Rumsfeld when the Supreme Court rejected their assertion that those same detainees could be tried by military commissions established by Executive Order. Commissions were possible, the Court ruled, but only if they were the produce of explicit congressional authorization. Another win for Congress. Another loss for fans of Executive prerogative.¶ But this dance was far from over. In Boumediene v. Bush in 2008, Justice Anthony Kennedy delivered a stinging blow to the Bush-Cheney project, ruling that prisoners at Guantanamo Bay had the right to file petitions for habeas corpus; that Congress and Congress alone could suspend habeas, but had to do so explicitly and could not simply forbid the Courts from hearing these appeals. A question that had been left in some shroud of ambiguity since Lincoln suspended the Great Writ in the Civil War was now clear: The power belongs to Congress alone.¶ John Yoo, one of the Bush-Cheney administration’s leading lawyers, realized in 2006 that the **Supreme Court would** actually **be a major barrier on their path to the constitutional fortification of Executive power.¶** After the Court handed the administration a defeat in the military commissions decision in Hamdan v. Rumsfeld, Yoo told the New York Times that the Justices were “attempting to suppress creative thinking.” The 2006 Hamdan decision, Yoo said, could undercut the entire legal edifice that had been built by the Bush lawyers.¶ What Yoo failed to acknowledge then (and fails to acknowledge even now) is that it was the Bush-Cheney overreach, their “creativity,” that had pressed even a conservative and friendly Supreme Court to undercut the administration’s claims to power, leaving the Executive weaker than it had been when Bush and Cheney walked into the White House in January 2001.¶ And Obama? While the Bush claims actually eroded and undercut Executive power which had built up steadily since World War II, it was the administration of Barack **Obama** that actually, quietly, **efficiently and with unerring focus has expanded, embedded and solidified Executive power.** And it has done so not by making “creative” constitutional claims, but instead **by steadily (and aggressively) building and exercising Executive power**—but doing so **by pressing existing statutes and judicial rulings, rather than unsupportable constitutional theories.**¶ **Turning to Congress now for formal authorization** to use military force **in Syria could** well be another example of this effort—and it may yet **have the same effect.¶** As I wrote in 2009, less than six months into the new administration, **in areas ranging from** the assertion of **the State Secrets privilege** in efforts **to** shut down lawsuits over warrantless **wiretapping and** extraordinary **rendition to** those concerning lawsuits over **detention and treatment in Guantanamo, and** the reach of habeas corpus to **Bagram** Air Force Base in Afghanistan, **Obama’s legal team was building up a far more impressive, far stronger and far more difficult to reverse set of precedents—winning in court after court—a trend that has continued ever since, including memos defending the legality of drone strikes** targeting U.S. citizens, **and** the sweeping authority for the **electronic surveillance** among many others. **Even** in their defense of **the use of force for limited strikes in Libya**, the Obama administration seemed to state that Congress must have a role in major military actions.¶ **These are aggressive claims. They are significant. They are new assertions of power—but they rest** far more squarely **on statutes, statutory interpretation and interpretations of judicial rulings than** did the military rationale offered by **Bush and Cheney**.¶ So—we have two models. The Bush-Cheney model, full of sound and fury which ultimately left the Executive branch weaker and not stronger, and the Obama model, which builds its case for executive power on the back of statutory authorization and judicial rulings.¶ And so, what are we to make of Obama’s decision to force Congress to play a role in a decision to use military force in Syria? Are the Bush apologists right? Is this—though a very difficult needle to thread—of a piece with Obama’s successful efforts to build executive power on a vastly firmer foundation than the constitutional “creativity” of the Bush legal team?¶ It may be, and here’s why:¶ Presidents in the modern era have turned to Congress for a fig-leaf of authorization before—in the 1964 Tonkin Gulf Resolution, or the 2001 Authorization for the Use of Military Force. But these were passed in the shadow of what was perceived to be a genuine emergency. There was no time for deliberation, no time to inspect the evidence. A vote for these authorizations was one that was all too easy for a regretful Congress to abandon as the wars they had ostensibly authorized dragged on and on.¶ This time there is time. Despite withering criticism from the Bush-Cheney apologists, Obama refused to call Congress back for an emergency session. Rather than giving them just hours to support the Commander in Chief in time of crisis, he has assured the nation that the military is confident that a few weeks will make no difference in our ability to achieve our military objectives.¶ A yes vote under this scenario means Congress fully shares the ownership of this policy (and its results). It means that whatever horror comes next in the Middle East, America’s policy there will be just that—America’s policy: The product of Congress acting together with the President, under the traditional rules and process laid out by the U.S. Constitution.¶ And if Congress votes no? Then we have one of two scenarios: The blame for the next atrocity, or the next deployment of chemical weapons in the Middle East or elsewhere is as much their heavy burden as it is Obama’s or, to prevent that, Congress will be compelled to actually deal with a serious policy issue and not simply vote a few dozen more times to repeal Obamacare.¶ **Turning to Congress in this fashion is** very much **in Obama’s self-interest**. But is also **in the national interest, and** quite possibly in **the best interest of those concerned about** preserving and **enhancing Executive power. Future Presidents** who will no doubt face complicated and risky security challenges, **will require the full force of a nation united behind them and** may now be more willing to **follow the precedent Obama has set**.

#### Congressional restrictions on presidential war power prevent the presidency from responding to crises

Turner 2012

[Professor Turner holds both professional and academic doctorates from the University of Virginia School of Law, where in 1981 he co-founded the Center for National Security Law with Professor John Norton Moore—who taught the nation’s first course on national security law in 1969. Turner served as chairman of the ABA Standing Committee on Law and National Security from 1989–1992., The War Powers Resolution at 40: Still an Unconstitutional, Unnecessary, and Unwise Fraud That Contributed CASE WESTERN RESERVE JOURNAL OF INTERNATIONAL LAW·VOL. 45·2012, Directly to the 9/11 Attacks, [http://law.case.edu/journals/JIL/Documents/45CaseWResJIntlL1&2.pdf](http://law.case.edu/journals/JIL/Documents/45CaseWResJIntlL1%262.pdf), uwyo//amp]

The 1973 War Powers Resolution was a fraud upon the American people, portrayed as a legislative fix to the problem of “imperial presidents” taking America to war in Korea and Vietnam without public approval or the constitutionally required legislative sanction. By its own terms, the War Powers Resolution would not have stopped the Vietnam War. Sadly, this and other legislative intrusions upon the constitutional authority of the president contributed to the loss of millions of lives in places like Cambodia, Afghanistan, Angola, and Central America. The statute played a clear role in encouraging the terrorist attack that killed 241 Marines in 1983, and equally clearly encouraged Osama bin Laden to kill thousands of Americans on September 11, 2001. Similarly unconstitutional usurpations of presidential power prevented our Intelligence Community from preventing those attacks and dissuaded a key ally from sharing sensitive information that might also have prevented them. After forty years, the time has come to bring an end to this congressional lawbreaking.

#### Presidential power is zero-sum- the branches compete

Barilleaux and Kelley 2010 [Ryan J. , Professor of Political Science at Miami, OH; and Christopher S. , Lecturer (Political Science) at Miami, OH, The Unitary Executive and the Modern Presidency, Texas A&M Press, p. P 196-197, 2010// wyo-sc]

In their book *The Broken Branch,* Mann and Ornstein paint a different view. They discuss a wider range of public policy areas than just uses of force. Their argument is that although party is important as a conditioning factor for times when Congress might try to restrain an aggressive or noncompliant executive, there has also been a broader degrading of institutional power that has allowed, in a zero-sum context, the president to expand executive power at the expense of Congress. Mann and Ornstein thus posit that congressional willingness to subordinate its collective power to that of the president has occurred across domestic politics and foreign affairs. They argue that a variety of factors are at fault for this trend, including the loss of institutional identity, the willingness to abdicate responsibility to the president, the demise of "regular order," and most importantly that Congress has lost its one key advantage as a legislative body—the decay of the deliberative process. Thus, they do recognize that party politics has played an important role in the degrading of congressional power, but they see a larger dynamic at work, one that reaches beyond partisanship. While we agree with Howell and Pevehouse that Congress retains important mechanisms for constraining the president, we tend to agree with the Mann and Ornstein view that there has been a significant and sustained decline in Congress's willingness to use these mechanisms to challenge presidential power. This tendency has been more prevalent in foreign affairs but has occurred noticeably across the spectrum of public policy issues. Building from both of those perspectives, and others, we argue that it is helpful to understand the pattern of congressional complicity in the rise of presidential power by viewing Congress's aiding and abetting as the logical outcomes of a collective action problem.31 By constitutional design, the legislative branch is in competition with the president for institutional power, yet Congress is less than ideally suited for such a political conflict. Congress's comparative disadvantage begins with its 535 "interests" that are very rarely aligned, and if so, only momentarily. Because individual reelection overshadows all other goals, members of Congress naturally seek to take as much credit and avoid as much blame from their constituencies as possible.32 The dilemma this creates for members is how to use or delegate its collective powers in order to maximize credit and minimize blame in the making of public policy. Congress can choose to delegate power internally to committees and party leaders or externally to the executive branch. One can conceptualize the strategic situation of members of Congress in terms of a prisoner's dilemma.33 If members cooperate (that is, in Mann and Ornstein's parlance, if members identify with the institution), they could maintain and advance Congress's institutional power. But they would have to bypass some potential individual payoffs that could come from defection, such as "running against Congress" as an electoral strategy. A stronger institution should make all members of Congress better off, but it also makes them responsible for policymaking. If members defect from the institution, they thus seek to maximize constituency interests either by simply allowing power to fall by the wayside or by simply delegating it to the president. As more and more members choose to defect over time, the "public good" of a strong Congress is not provided for or maintained—and Congress's institutional authority erodes and presidential power fills in the gap. Why, in other words, is congressional activism so often "less than meets the eye," as Barbara Hinckley maintained in her book by that title? Or why has the ''culture of deference" that Stephen Weissman identified developed as it has?34 We argue that the collective action problem that exists in Congress leads to the development of these trends away from meaningful congressional stewardship of foreign policy and spending.

#### Strong executive key to contain WMD threat of North Korea/rogue states

Nzelibe & Yoo 06

[Jide Nzelibe and John C. Yoo. , Yoo is a professor of law at the University of California at Berkeley School of Law , ,Rational war and constitutional design.(Symposium on Executive Power).

Yale Law Journal 115.9 (July 2006): p2512(30), uwyo//amp]

The declining value of costly signals is counterbalanced by the benefit of using preemptive force against terrorists and rogue states. As September 11 showed, terrorist attacks can occur without warning because their unconventional nature allows their preparation to be concealed within the normal activities of civilian life. Terrorists have no territory or regular armed forces from which to detect signs of an impending attack. To defend itself from such an enemy, the United States might need to use force earlier and more often than was the norm during a time when nation-states generated the primary threats to American national security. (63) As with terrorism, the threat posed by rogue nations may again require the United States to use force earlier and more often than it would like. (64) Rogue nations may very well be immune to pressure short of force designed to stop their quest for WMD or their threat to the United States. Rogue nations, for example, have isolated themselves from the international system, are less integrated into the international political economy, and repress their own populations. This makes them less susceptible to diplomatic or other means of resolving disputes short of force, such as economic sanctions. Lack of concern for their own civilian populations renders the dictatorships that often govern rogue nations more resistant to deterrence. North Korea, for example, appears to have continued its development of nuclear weapons despite years of diplomatic measures to change its course. (65) These new threats to American national security change the way we think about the relationship between the process and substance of the warmaking system. The international system as it existed at the end of the Cold War allowed the United States to choose a warmaking system that could have placed a premium on deliberation and the approval of multiple institutions, whether for purposes of political consensus (and hence institutional constraints that lower the expected value of war) or for purposes of signaling private information in the interests of reaching a peaceful bargain. If, however, the nature of threats has changed and the level of threats has increased, and military force is the most effective means for responding to those threats, then it may make more sense for the United States to use force preemptively. Given the threats posed by WMD proliferation, rogue nations, and international terrorism, at the very least it seems clear that we should not adopt a warmaking process that contains a built-in presumption against using force abroad or that requires long and deliberate procedures. These developments in the international system may demand that the United States have the ability to use force earlier and more quickly than in the past. In order to forestall a WMD attack, or to take advantage of a window of opportunity to strike at a terrorist cell, the executive branch needs the flexibility to act quickly, possibly in situations in which congressional consent cannot be obtained in time to act on the intelligence. These cases suggest that a permanent constitutional rule requiring congressional permission to use force would be over-inclusive. In certain situations, particularly when the United States is facing a nation-state with a similar political system or one that can draw on a sophisticated understanding of foreign nations, signaling through congressional participation may prove valuable. But costly signals may prove ineffective in other situations, particularly when the opponent is a rogue state or an international terrorist organization. There may be little value in revealing private information through legislative commitments if the opponent does not understand the meaning of congressional participation or does not share a common value system that would allow a bargain to be struck. In other words, the signaling model that underwrites the value of congressional participation breaks down when confronted with these opponents. In such cases, we might conclude that the benefits of swift, even preemptive military action might outweigh the potential effectiveness of signaling. These considerations suggest that a two-tier approach to war powers might be desirable, in which conflicts with similar nation-states should involve congressional authorization, which can only assist the executive branch in reaching a bargain with a foreign nation. But if the opponent is a terrorist organization or a rogue nation, the United States might be better off retaining a system of executive initiative in war. We should make an important clarification. Our argument does not preclude the possibility that some nondemocractic regimes could understand the informational value of legislative signaling, but it assumes that democratic regimes are more likely to appreciate such signals. In some circumstances, the President might seek legislative authorization for the use of force against nondemocractic states to improve the chances of a peaceful settlement. But it will depend on the circumstances and on whether the benefits of such a signal would be outweighed by the costs of delay. We believe that the President is best suited, as a structural matter, to determine whether to seek to signal a nondemocractic regime with legislative authorization.

**An unchecked North Korea causes global catastrophe**

**Hayes and Green, 10**

[\*Victoria University AND Executive Director of the Nautilus Institute (Peter and Michael, “-“The Path Not Taken, the Way Still Open: Denuclearizing the Korean Peninsula and Northeast Asia”, 1/5, http://www.nautilus.org/fora/security/10001HayesHamalGreen.pdf) uwyo//amp]

**The consequences of failing to address the proliferation threat posed by the North Korea developments, and related political and economic issues, are serious, not only for the Northeast Asian region but for the whole international community. At worst, there is the possibility of nuclear attack1, whether by intention, miscalculation, or merely accident, leading to the resumption of Korean War hostilities.** On the Korean Peninsula itself, **key population centres are well within short or medium range missiles.** **The whole of Japan is likely to come within North Korean missile range**. Pyongyang has a population of over 2 million, Seoul (close to the North Korean border) 11 million, and Tokyo over 20 million. **Even a limited nuclear exchange would result in a holocaust of unprecedented proportions. But the catastrophe within the region would not be the only outcome. New research indicates that even a limited nuclear war in the region would rearrange our global climate far more quickly than global warming.** Westberg draws attention to new studies modelling the effects of even a limited nuclear exchange involving approximately 100 Hiroshima-sized 15 kt bombs2 (by comparison it should be noted that the United States currently deploys warheads in the range 100 to 477 kt, that is, individual warheads equivalent in yield to a range of 6 to 32 Hiroshimas).The studies indicate that **the soot from the fires produced would lead to a decrease in global temperature by 1.25 degrees Celsius for a period of 6-8 years**.3 In Westberg’s view: **That is not global winter, but the nuclear darkness will cause a deeper drop in temperature than at any time during the last 1000 years.** The temperature over the continents would decrease substantially more than the global average. **A decrease in rainfall over the continents would also follow…The period of nuclear darkness will cause much greater decrease in grain production than 5% and it will continue for many years...hundreds of millions of people will die from hunger…To make matters even worse, such amounts of smoke injected into the stratosphere would cause a huge reduction in the Earth’s protective ozone.4** These, of course, are not the only consequences. **Reactors might also be targeted, causing further mayhem and downwind radiation effects, superimposed on a smoking, radiating ruin left by nuclear next-use.** Millions of refugees would flee the affected regions. **The direct impacts, and the follow-on impacts on the global economy via ecological and food insecurity, could make the present global financial crisis pale by comparison. How the great powers, especially the nuclear weapons states respond to such a crisis, and in particular, whether nuclear weapons are used in response to nuclear first-use, could make or break the global non proliferation and disarmament regimes. There could be many unanticipated impacts on regional and global security relationships5, with subsequent nuclear breakout and geopolitical turbulence, including possible loss-of-control over fissile material or warheads in the chaos of nuclear war, and aftermath chain-reaction affects involving other potential proliferant states.** The Korean nuclear proliferation issue is not just a regional threat but a global one that warrants priority consideration from the international community.

### 1NC- Debt Ceiling

#### Debt ceiling will be raised – top priority, no thumpers

Houston Chronicle 9/10

“How Long Can We Continue Without a Congress?”, <http://blog.chron.com/goplifer/2013/09/how-long-can-we-continue-without-a-congress/>, MCR

By a large margin, the **last Congress got less accomplished than any in modern history**. The current Congress may actually do less. There is almost no Congressional action too trivial or uncontroversial to catch the eye of the Tea Party watchdogs protecting us from socialism.¶ So, how long can this continue? Apart from the debt ceiling, **Congress doesn’t face** any scheduled do-or-die events. **Although the Tea Party is itching to force** a **doom**sday **over the debt ceiling, they are alone in their urge to wreak havoc** on global capitalism. **They will** probably **fail and the debt ceiling will be raised**.

#### Obama’s push ensures compromise to avoid default

Kuhnenhenn 9/8

Jim, “Issues test Obama’s persuasion, mobilizing skills”, <http://www.salon.com/2013/09/08/issues_test_obamas_persuasion_mobilizing_skills/>, MCR

Win or lose, **Obama and lawmakers** then would **run headlong into a debate over the budget**.¶ **Congress will have a limited window** to continue government operations before the new budget year begins Oct. 1.¶ **Congressional leaders probably will agree to hold spending at current budget levels** for about two months or three months. That would delay a confrontation with the White House and pair a debate over 2014 spending levels with the government’s need to raise its current $16.7 trillion borrowing limit. The Treasury says the government will hit that ceiling in mid-October.¶ **Obama has been adamant** that **he will not negotiate over the debt limit**. He says a similar faceoff in 2011 hurt the economy and caused Standard & Poors to lower its rating of the nation’s debt, which made it more expensive to borrow.¶ **White House** officials say they **ultimately have leverage because** they believe **Republicans would be punished politically for playing brinkmanship and threatening the nation with a** default.¶ The **White House is counting on pressure from traditional Republican** allies, particularly in the business sector. “It is insane not to raise the debt ceiling,” U.S. Chamber of Commerce President Thomas Donohue said last week on C-SPAN. Donohue pledged to find primary challengers against lawmakers who threaten a default.

**Presidential war powers is controversial-causes regular fights in congress**

**Cohen 11**

(Tom, CNN Wire News editor. “Debate over war powers re-emerges in Congress, courts” 7-16-11 http://www.cnn.com/2011/POLITICS/06/17/war.powers.libya/index.html//wyoccd)

Washington (CNN) -- **An endless Washington debate over the president's power to go to war has resurfaced with the NATO-led Libya military mission**, **pitting the Obama administration against House Speaker John Boehner as well as anti-war liberals in clashes threatening to stretch from Congress to the courts to the golf course.**¶ Boehner, R-Ohio, demanded more information from the White House this week on the U.S. role in the Libya mission, warning in a letter that President Barack Obama would be in violation of the War Powers Resolution of 1973 if he failed to get congressional authorization by Sunday, the 90th day since U.S. forces launched the campaign.¶ The War Powers Resolution gives the president 60 days to get congressional approval for sending U.S. forces to war, followed by a 30-day extension to end the hostilities. Boehner told reporters Thursday that if the White House fails to provide the requested information, Congress might seek to defund the military effort when it considers a defense appropriation measure next week.¶ "The ultimate option is the House, in fact, the Congress has the power of the purse," Boehner said. "And certainly that is an option as well."¶ In response to Boehner's letter, the White House sent Congress a 32-page report that asserted Obama didn't need congressional authorization because the U.S. forces play only a supporting role in Libya and don't engage in what the War Powers Resolution defined as hostilities.¶ "We're obviously not changing our mission," White House Press Secretary Jay Carney said Friday, later adding: "What we have said is that our role in this mission, our support role and the kind of engagement we have right now, does not meet, in our legal analysis, ... the threshold set by the War Powers Resolution for congressional action."¶ Meanwhile, a group of 10 House members led by liberal Democrat Dennis Kucinich of Ohio and Republican Walter Jones of North Carolina, has filed a federal lawsuit challenging Obama's power to commit U.S. forces to the Libya mission.¶ "We are intending through our presence and through this lawsuit to correct an imbalance which exists today, to correct a deficiency in the separation of powers, to correct ... and to firmly establish that Congress is a co-equal branch of government and that the founders made it unmistakably clear they did not intend for the war power to be placed in the hands of an executive," Kucinich said in announcing the lawsuit on Wednesday.¶ **The showdown comes amid an already charged political environment, with Vice President Joe Biden leading bipartisan talks aimed at getting a deficit reduction deal that can bring congressional approval to raise the federal debt ceiling.**¶ Both the War Powers issue and the deficit reduction talks are likely to come up Saturday when Obama and Biden host Boehner and Republican Gov. John Kasich of Ohio for a round of golf billed as a bonding exercise.¶ Carney said the golf outing "is meant to be an opportunity for the speaker and the president, as well as the vice president and Ohio governor, to have a conversation, to socialize in a way that so rarely happens in Washington."¶ "Obviously, I would expect they will talk about some of the very important issues that have to be dealt with by this administration and this Congress," Carney said, later adding that "it's the kind of thing the president believes is useful for the leaders in Washington to do more frequently, not the game itself, but ... to engage with each other in a non-confrontational way to sort out the business between them and the differences between them."¶ **Political wrangling over war powers is common in Washington, with presidents frequently seeking to expand their freedom to commit U.S. forces and Congress battling to exert influence on the process.**

#### Failure to raise the debt ceiling ensures collapse of the global economy, U.S. economic leadership, and free trade

Davidson 9/10

Adam, co-founder of NPR’s “Planet Money,” a podcast and blog, “Our Debt to Society”, <http://www.nytimes.com/2013/09/15/magazine/our-debt-to-society.html?pagewanted=all&_r=0>, MCR

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

¶ The U.S. benefits enormously from its status as global reserve currency and safe haven. Our interest and mortgage rates are lower; companies are able to borrow money to finance their new products more cheaply. As a result, there is much more economic activity and more wealth in America than there would be otherwise. If that status erodes, **the U.S. economy’s peaks will be lower and recessions deeper; future generations will have fewer job opportunities and suffer more when the economy falters**. And, Mather points out, no other country would benefit from America’s diminished status. When you make the base risk-free asset more risky, **the entire global economy becomes riskier and costlier**.

#### Nuclear war

Khalilzad ’11 Zalmay was the United States ambassador to Afghanistan, Iraq, and the United Nations during the presidency of George W. Bush and the director of policy planning at the Defense Department from 1990 to 1992, “ The Economy and National Security”, 2-8-11, <http://www.nationalreview.com/articles/print/259024>, MCR

Today, economic and fiscal trends pose the most severe long-term threat to the United States’ position as global leader. While the United States suffers from fiscal imbalances and low economic growth, the economies of rival powers are developing rapidly. The continuation of these two trends could lead to a shift from American primacy toward a multi-polar global system, leading in turn to increased geopolitical rivalry and even war among the great powers. The current recession is the result of a deep financial crisis, not a mere fluctuation in the business cycle. Recovery is likely to be protracted. The crisis was preceded by the buildup over two decades of enormous amounts of debt throughout the U.S. economy — ultimately totaling almost 350 percent of GDP — and the development of credit-fueled asset bubbles, particularly in the housing sector. When the bubbles burst, huge amounts of wealth were destroyed, and unemployment rose to over 10 percent. The decline of tax revenues and massive countercyclical spending put the U.S. government on an unsustainable fiscal path. Publicly held national debt rose from 38 to over 60 percent of GDP in three years. Without faster economic growth and actions to reduce deficits, publicly held national debt is projected to reach dangerous proportions. If interest rates were to rise significantly, annual interest payments — which already are larger than the defense budget — would crowd out other spending or require substantial tax increases that would undercut economic growth. Even worse, if unanticipated events trigger what economists call a “sudden stop” in credit markets for U.S. debt, the United States would be unable to roll over its outstanding obligations, precipitating a sovereign-debt crisis that would almost certainly compel a radical retrenchment of the United States internationally. Such scenarios would reshape the international order. It was the economic devastation of Britain and France during World War II, as well as the rise of other powers, that led both countries to relinquish their empires. In the late 1960s, British leaders concluded that they lacked the economic capacity to maintain a presence “east of Suez.” Soviet economic weakness, which crystallized under Gorbachev, contributed to their decisions to withdraw from Afghanistan, abandon Communist regimes in Eastern Europe, and allow the Soviet Union to fragment. If the U.S. debt problem goes critical, the United States would be compelled to retrench, reducing its military spending and shedding international commitments. We face this domestic challenge while other major powers are experiencing rapid economic growth. Even though countries such as China, India, and Brazil have profound political, social, demographic, and economic problems, their economies are growing faster than ours, and this could alter the global distribution of power. These trends could in the long term produce a multi-polar world. If U.S. policymakers fail to act and other powers continue to grow, it is not a question of whether but when a new international order will emerge. The closing of the gap between the United States and its rivals could intensify geopolitical competition among major powers, increase incentives for local powers to play major powers against one another, and undercut our will to preclude or respond to international crises because of the higher risk of escalation. The stakes are high. In modern history, the longest period of peace among the great powers has been the era of U.S. leadership. By contrast, multi-polar systems have been unstable, with their competitive dynamics resulting in frequent crises and major wars among the great powers. Failures of multi-polar international systems produced both world wars. American retrenchment could have devastating consequences. Without an American security blanket, regional powers could rearm in an attempt to balance against emerging threats. Under this scenario, there would be a heightened possibility of arms races, miscalculation, or other crises spiraling into all-out conflict. Alternatively, in seeking to accommodate the stronger powers, weaker powers may shift their geopolitical posture away from the United States. Either way, hostile states would be emboldened to make aggressive moves in their regions.

### 1NC- K

#### LINK—THE AFF FETISHIZES THE LAW AND ITS ABILITY TO RESOLVE PRESIDENTIAL POWERS, THEIR CALL RESULTS IN A RETURN TO LAW THAT DESTROYS THE POSSIBILITY FOR RADICAL POLITICS

NEOCLEOUS 2006

(Mark Neocleous, Politics & History @ Brunel University, “the Problem with Normality”, Alternatives, no. 31 //wyo-tjc)

To criticize the use of emergency powers in terms of a suspension of the law, then, is to make the mistake of counterpoising normality and emergency, law and violence. In separating “normal” from “emergency,” with the latter deemed “exceptional,” this approach parrots the conventional wisdom that posits normalcy and emergency as two discrete and separable phenomena. This essentially liberal paradigm assumes that there is such a thing as “normal” order governed by rules, and that the emergency constitutes an “exception” to this normality. “Normal” here equates with the separation of powers, entrenched civil liberties, an ongoing debate about public policy and law, and the rule of law, while “emergencies” are thought to require strong executive rule, little time for discussion, and are premised on the supposedly necessary suspension of the law and thus the discretion to suspend key liberties and rights. But this rests on two deeply ideological assumptions: first, the assumption that emergency rule is aberrational; and, second, an equation of the emergency/nonemergency dichotomy with a distinction between constitutional and nonconstitutional action. Thus liberalism seeks to separate emergency rule from the normal constitutional order, thereby preserving the Constitution in its pristine form while providing the executive with the power to act in an emergency.47 But the historical evidence suggests that emergency powers are far from exceptional; rather, they are an ongoing aspect of normal political rule. Emergency, in this sense, is what emerges from the rule of law when violence needs to be exercised and the limits of the rule of law overcome. The genealogy of “emergency” is instructive here. “Emergency” has its roots in the idea of “emerge.” The Oxford English Dictionary suggests that “emerge” connotes “the rising of a submerged body out of the water” and “the process of coming forth, issuing from concealment, obscurity, or confinement.” Both these meanings of “emerge” were once part of the meaning of “emergency,” but the first is now rare and the second obsolete. Instead, the modern meaning of “emergency” has come to the fore, namely a sudden or unexpected occurrence demanding urgent action and, politically speaking, the term used to describe a condition close to war in which the normal constitution might be suspended. But what this tells us is that in “emergency” lies the idea of something coming out of concealment or issuing from confinement by certain events. This is why “emergency” is a better category than exception: Where “emergency” has this sense of “emergent,” exception instead implies a sense of ex capere, that is, of being taken outside. Far from being outside the rule of law, emergency powers emerge from within it. They are thus as important as the rule of law to the political management of the modern state. There is, however, an even wider argument to be made. The idea that the permanent emergency involves a suspension of the law encourages the idea that resistance must involve a return to legality, a return to the normal mode of governing through the rule of law. But this involves a serious misjudgment in which it is simply assumed that legal procedures, both international and domestic, are designed to protect human rights from state violence. Law itself comes to appear largely unproblematic. What this amounts to is what I have elsewhere called a form of legal fetishism, in which law becomes a universal answer to the problems posed by power. Law is treated as an independent or autonomous reality, explained according to its own dynamics. This produces the illusion that law has a life of its own, abstracting the rule of law from its origins in class domination and oppression and obscuring the ideological mystification of these processes in the liberal trumpeting of the rule of law.48 To demand the return to the “rule of law” is to seriously misread the history of the relation between the rule of law and emergency powers and, consequently, to get sucked into a less-than-radical politics in dealing with state violence. Part of what I am suggesting is that emergency measures, as state violence, are part of the everyday exercise of powers, working alongside and from within rather than against the rule of law, as part of a unified political strategy in the fabrication of social order.

#### SOCIETY HAS BEEN REPEATEDLY CONFOUNDED AT THE FAILURE OF LAW TO CONTAIN VIOLENCE—WE SEE LAW AS A ‘LESSER EVIL’ THAT IS NECESSARY TO HUMANIZE WAR. QUITE TO THE CONTRARY, THE LAWS OF WAR LEGITIMIZE AND PROTECT STATIST FORMS OF VIOLENCE AND CRUSH DISSENT

BERMAN (Prof of Law at Brooklyn Law School) 2004

[Nathaniel, “Privleging Combat?”, Columbia Journal of Transnational Law, p. ln //wyo-tjc]

**Through examining the legal doctrines crucial to defining the combatants' privilege**, in my view the key concept of jus in bello, **this Article seeks to undo the circumlocutions that often block frank discussion of the relationship of law to war. Contrary to conventional wisdom**, I argue that **it is misleading to see law's relationship to war as primarily one of the limitation of organized violence, and even more misleading to see the laws of war as historically progressing toward an ever-greater** **limitation of violence. n6 Instead**, I put forward three central propositions. First, **rather than standing in opposition to war, law has long been directly involved in the construction of war - the construction of war as a separate sphere of human activity in [\*5] which the "normal" rules of social life, codified, for example, in the domestic criminal law regulating violence, do not operate. n7 Rather than opposing violence, the legal construction of war n8 serves to channel violence into certain forms of activity engaged in by certain kinds of people, while excluding other forms** engaged in by other people. n9

#### The Alternative is to write against the state.

#### Exposing the law as violence is necessary to create space for rethinking that makes social relations outside of statist violence possible

Neocleous 2003

[Mark, Teaches politics @ Brunel, Imagining the state, Philadelphia: Open University Press, 6-7/uwyo-ajl]

The last point should indicate to the reader that this is a polemical book about a polemical topic. As such, I should be clear about my intentions. If a hidden agenda seems nasty, then an exposed one looks downright impudent.13 Writers these days increasingly like to stand aside from the affray. This is nowhere more obvious than in books in which affray is a central issue-namely books on issues such as the state, power and capital. On the one hand, this is no doubt due to the fate of the academy in contemporary capitalism-academic research assessment exercises which seem to have knocked the political stuffing out of seemingly political writers (best not write anything too political about this political topic, in case it damages one's promotion prospects). On the other hand, it is also clearly connected to the demise of any coherence the Left once had. Writers on the Left appear to be happier to retreat into ever more exegetical work on text after text, with little sense as to the purpose of reading political writers in the first place. Or, worse, they have bought into the stunningly naive socio-political claim that we have moved into a world in which there is politics without enemies.4 (And if there are no enemies, then there is no ground for any fundamental disagreement and thus no real need to say anything interesting at all.) Too many intellectuals on the Left have thus developed an instrumental inability to think beyond the instructions and parameters provided for them by the state and one of its key ideological apparatuses - the university. So let me say that this book is written from outside the statist political imaginary (or at least as much as one can be outside it), and also against it. To write against the statist imaginary is thus intended as an act of resistance - though admittedly not the bravest act of resistance one might imagine, since the state aims to dominate the thought of even those who oppose it (indeed, one might say especially those who oppose it). Pierre Bourdieu has argued that `to endeavour to think the state is to risk either taking over, or being taken over by, the thought of the state','~ and as I argue in Chapter 2, as part of its administration of civil society the state aims to structure the way we view the world by generating the categories through which citizens come to imagine collective identity and thus their own political subjectivity. One of the implications of this is that the statist political imaginary has assisted the state in setting limits on the theoretical imagination, acting as a block on the possibility of conceiving of a society beyond the state.This is a book that tries to think the state without either taking over or being taken over by the thought of the state. It therefore rests on a different political imaginary, one which I mention here and return to only briefly at the very end of the book, which arises out of the tradition of the oppressed which teaches us that the `state of exception' in which we live is not the exception but the rule. As Walter Benjamin recognized, to write against the state of exception in this way is to aim to bring about a real state of emergency which imagines the end of the state, and thus an end to the possibility of fascism.

### 1NC- Heg Advantage

#### New great powers are rising and will soon be on par with the us—prefer our evidence because it cites the two most important indicators of a power shift

Layne 12

[Chris, Professor of IR and Political Science at Texas A&M, “This Time It’s Real: The End of Unipolarity and the Pax Americana”, p. online //wyo-tjc]

American decline is part of a broader trend in international politics: the shift of economic power away from the Euro-Atlantic core to rising great and regional powers (what economists sometimes refer to as the ‘‘emerging market’’ nations). Among the former are China, India, and Russia. The latter category includes Indonesia, Turkey, South Korea, Brazil, and South Africa. In a May 2011 report, the World Bank predicted that six countries—China, India, Brazil, Russia, Indonesia, and South Korea—will account for one-half of the world’s economic growth between 2011 and 2025 (Politi 2011; Rich 2011). In some respects, of course, this emergence of new great powers is less about rise than restoration. As Figure 1 indicates, in 1700 China and India were the world’s two largest economies. From their perspective—especially Beijing’s—they are merely regaining what they view as their natural, or rightful, place in the hierarchy of great powers. The ascent of new great powers is the strongest evidence of unipolarity’s end. The two most important indicators of whether new great powers are rising are relative growth rates and shares of world GDP (Gilpin 1981; Kennedy 1987). The evidence that the international system is rapidly becoming multipolar—and that, consequently, America’s relative power is declining—is now impossible to deny, and China is Exhibit A for the shift in the world’s center of economic and geopolitical gravity. China illustrates how, since the Cold War’s end, potential great powers have been positioning themselves to challenge the United States.

#### Multipolarity will arrive in two decades as other powers catch up to the US—transition to offshore balancing now is key to avoid unending cycles of warfare\*\*

Layne 9

[Christopher, Professor of Political Science at Texas A&M, Review of International Studies, “America’s Middle East grand strategy after Iraq: the moment for offshore balancing has arrived”, 2009, p. asp]

Some primacists believe that the US is immune to being counter-balanced because, as the only great power in a ‘unipolar’ system, it is so much more powerful than its nearest possible competitors.4 Yet, recent studies by the CIA offer compelling evidence that by 2020 the era of America’s unipolar ascendancy will be drawing to a close as new poles of power in the international system approach the US share of world power.5 And, of course, growing apprehensions about the military, as well as economic, implications of China’s rapid ascent are – at the very least – an implicit acknowledgment that the days of unchallenged US dominance in world affairs are numbered. Offshore balancers believe the US must adjust to incipient multipolarity because they understand that – unless the US is prepared to fight an unending series of preventive wars – new great powers inevitably will emerge in the next decade or two.

**Conflict with China is inevitable unless we accept retrenchment—no amount of accommodation or good relations can avoid a hegemonic clash**

**Layne 12**

[Chris, Professor of IR and Political Science at Texas A&M, “This Time It’s Real: The End of Unipolarity and the Pax Americana”, p. online //wyo-tjc]

Revealingly, I**kenberry** makes clear this expectation when **he says that the deal the United States should propose to China is for Washington ‘‘to accommodate a rising China** by offering it status and position within the regional order in return for Beijing’s acceptance and accommodation of Washington’s core interests, which include remaining a dominant security provider within East Asia’’ (Ikenberry 2011:356). **It is easy to see why the United States would want to cut such a deal but it is hard to see what’s in it for China. American hegemony is waning and China is ascending, and there is zero reason for China to accept this bargain** because it aims to be the hegemon in its own region. **The unfolding** Sino- American **rivalry in East Asia can be seen as an example of Dodge City syndrom**e (in American Western movies, one gunslinger says to the other: ‘‘This town ain’t big enough for both of us’’) **or as a geopolitical example of Newtonian physics (two hegemons cannot occupy the same region at the same time**). **From either perspective, the dangers should be obvious: unless the United States is willing to accept China’s ascendancy** in East (and Southeast) Asia, **Washington and Beijing are on a collision course.**

**EXTENDED DETERRENCE GUARANTEES WAR WITH CHINA WITHIN 10 YEARS—TAIWAN DISPUTE**

**Layne in ‘7**

[Christopher, Professor of Political Science @ Texas A&M, American Empire: A Debate , P. 75 //wyo-tjc]

Finally, **Taiwan is a powder-keg issue in Sino-American relations. China remains committed to national reunification, yet Taiwan is moving percepti- bly toward independence**. Almost certainly, Beijing would regard a Taiwanese declaration of independence as a casus belli. It is unclear how the United States would respond to a China-Taiwan conflict, although President George \V Bush created a stir in 2001 when he declared that the United States would intervene militarily in the event of a Chinese attack on Taiwan. For sure, how- ever, it is safe to predict that there would be strong domestic political pressure in favor of American intervention. Beyond the arguments that Chinese mili- tary action against Taiwan would undermine U.S. interests in a stable world order and constitute "aggression," **ideological antipathy toward China and support for a democratizing Taiwan would be powerful incentives for Ameri- can intervention**. On Taiwan, in other words, **the arguments of U.S. primacists have come close to locking-in Washington to a potentially dangerous policy** The primacists' claim that the United States must be prepared to defend Taiwan from Chinese invasion overlooks three points. First, for nearly a quar- ter century, the United States has recognized that Taiwan is a Chinese prov- ince, not an independent state. Second, America's European and Asian allies have no interest in picking a quarrel with China over Taiwan's fate. If Wash- ington goes to the mat with Beijing over Taiwan, it almost certainly will do so alone. (Given their unilateralist bent, however, the prospect of fighting China without allies might not be much concern to American primacists.) Third, **by defending Taiwan, the United States runs the risk of armed confronta- tion with China-probably not in the immediate future, but almost certainly within the next decade or so**.

**SECOND, WAR WITH CHINA LEADS TO DETERRENCE BREAKDOWNS AND NUCLEAR HOLOCAUST**

**Johnson in 1**

[Chalmers, “Time to Bring the Troops Home”, The Nation, May 14, p. lexis // wyo-tjc]

China is another matter. **No sane figure in the Pentagon wants a war with China, and all serious US militarists know that China's minuscule nuclear capacity is not offensive but a deterrent** against the overwhelming US power arrayed against it (twenty archaic Chinese warheads versus more than 7,000 US warheads). Taiwan, whose status constitutes the still incomplete last act of the Chinese civil war, remains the most dangerous place on earth. Much as the 1914 assassination of the Austrian crown prince in Sarajevo led to a war that no one wanted, **a misstep in Taiwan by any side could bring the United States and China into a conflict that neither wants**. Such a war would bankrupt the United States, deeply divide Japan and probably end in a Chinese victory, given that China is the world's most populous country and would be defending itself against a foreign aggressor. More seriously, **it could easily escalate into a nuclear holocaust. However, given the nationalistic challenge to China's sovereignty of any Taiwanese attempt to declare its independence formally, forward-deployed US forces on China's borders have virtually no deterrent effect**.

### Space Wep Adv

#### Space weaponization is not inevitable: new code of conduct, threats are conflated, and no viable technologies exist

Kluger 12

(Jeffry Kluger is a senior editor at TIME. “Peace in Space: Why Obama Is Right (and the Far Right Is Wrong)” 3-12-12//wyo-ccd)

What’s got Bolton and Yoo unsheathing their light sabers this week is President Obama’s decision to follow the European Union’s code of conduct for space, an accord that calls for “prevent[ing] outer space from becoming an area of conflict.” It would achieve this through such probably not-crazy measures as preventing interference with another nation’s space assets, enhancing the “safety, security and predictability of outer-space activities,” and encouraging “transparency and confidence-building measures.” It would also try to limit the increase in space debris — which is the cosmic equivalent of laws against littering. So you wouldn’t think there’s much to object to here. But you’re not Yoo — or Bolton. The arguments the Sith lords make in the Times don’t differ much from the ones a lot of people made in 1957, when the Soviet Union launched Sputnik, and half the U.S. went all tinfoil hat about the country suddenly having to go to sleep under a Russian moon. For the record, Sputnik was a 23-in., 183-lb. ball that is best remembered for its uncanny ability to say “beep-beep-beep” over and over again. It burned up after three months without ever bombing Peoria. Bolton and Yoo see two main security threats in the new Obama initiative: the possibility that the U.S. will lose its edge in antimissile space technology and the risk that we’ll cede our lead in antisatellite warfare to, yes, China. So let’s take antimissile technology first. Americans can be almost completely certain that we will never fall behind in this area because we’re not meaningfully ahead to begin with — and neither is anyone else. To the extent that such a technological advantage does exist, it’s roughly akin to being the global leader in practical nuclear-fusion technology — which basically means that your entirely unworkable fusion reactors are bigger and more expensive than everyone else’s. That’s not exactly the Lombardi trophy. It was in March 1983 that President Reagan first announced the antimissile Strategic Defense Initiative — quickly dubbed Star Wars by anyone who wasn’t actually part of the Reagan Administration — and since then, the U.S. has spent a minimum of $120 billion on the project, according to a 2009 report by the Council on Foreign Relations, without ever showing that it could actually block a hostile missile. The most successful tests of the impractical system have involved firing our own defensive missile at one of our own incoming missiles, carefully calibrating them so they arrive at the same point in the sky at the same moment — and helping things along by equipping the target vehicle with a sort of homing beacon. This is not, you won’t be surprised to learn, the way an actual nuclear exchange would play out. The danger of the Chinese skeet-shooting American satellites out of the sky is similarly overstated. It’s true that in 2007 China destroyed one of its own, defunct weather satellites with a kinetic kill vehicle. That landmark achievement, however, took place a cool 22 years after the U.S. first demonstrated the same ability. And just to show the world we still have our chops, we destroyed one of our own satellites much the same way just a year after China’s achievement. The difference between this kind of planned hunt and a hostile attack on America’s satellite fleet is a considerable one — but not to Yoo and Bolton. We shouldn’t expect China to voluntarily accept limits on its space strategy anytime soon,” they warn. “In a war, China could potentially destroy our satellites and still retain its own GPS capabilities.” Indeed it could. But there’s a great deal that can happen in the land of potentially that will never happen in the land of really. What truly seems to have Yoo and Bolton so cheesed off is not the threat to America’s security, but the fact that President Obama acted unilaterally, agreeing on his own to comply with the terms of the E.U. accord without submitting a formal treaty to the Senate. They acknowledge that Bill Clinton did something similar with the International Criminal Court treaty and that “even Ronald Reagan” did precisely the same with the Strategic Arms Limitation Talks treaty. Reagan, they note, reversed course in 1986 when he received evidence of Soviet cheating. Why couldn’t Obama be similarly nimble? A secret agenda, of course. “When they were academics,” Yoo and Bolton write, “several of [Obama’s] current advisers loudly proclaimed that simply signing treaties without the Senate’s consent helped form binding ‘customary international law.’” Put aside for the moment that the words loudly and binding are merely confections of the writers, the fact is that both international and American common law are built partly of just such broadly embraced practices and indeed always have been.

#### The United States is currently attempting to draft a code of conduct and other countries have shown interest

Listner 12

(Michael is a space law attorney with a focus on counseling organizations on issues relating to domestic and international space law. “US rebuffs current draft of EU Code of Conduct: is there something waiting in the wings?” 1-16-12 http://www.thespacereview.com/article/2006/1//wyoccd)

An American alternative to the Code? If the Obama Administration is not going to continue with the current draft of the Code, is there an alternative that it has in mind? A comment by in the wake of Tauscher’s comment made by another government official may help to answer that question. According to the unidentified government official, the draft Code is not being rejected outright and it could serve as starting point for future discussions on an international code of conduct. These comments suggest that the administration may already have an alternative to the Code in mind. Insiders may have also corroborated Tauscher’s statement in that the administration may soon be publically announcing a series of talking points, which could serve as the foundation of a campaign leading to a US-led international code of conduct. If the US is indeed seeking to spearhead its own code of conduct, it will likely face the same challenges and criticisms that the EU effort faced in addition to a potentially hostile EU, who may be reluctant to participate after having its effort effectively commandeered. It is also likely that nations such as China and Russia will remain steadfast against any attempts to institute an international code of conduct given their preference to address outer space security matters through legally-binding arms control measures such as the PPWT, which both nations have co-sponsored in UN Conference of Disarmament. A more important issue is whether a US-led effort would be inclusive and seek the input of other nations such as India in crafting an international code so as to address specific geographic and cultural interests, or whether the U.S. will unilaterally craft a code or otherwise only invite the major space-faring nations in an effort to curry their support for the measure. However, Nuland’s statements suggests that the US may reach out to countries, such as India, to ensure that their geopolitical security interests are also represented. The question remains whether those countries would be open to engaging in, or otherwise trust direct negotiations with, the US. There is also the question of how spearheading an international code of conduct will dovetail into the current approach towards space security laid out in the current US space policy. The United States will be participating in the Group of Government Experts on Outer Space in 2012 to present its plan to use redefined and repurposed transparency and confidence-building measures (TCBMs) in lieu of legally-binding treaties to address outer space security issues.5 Selling the idea to the international community is not going to be an easy task, taking into account that China and Russia have made it clear they do not support the US approach. Both of these nations have collaborated in generating a soft-power din in the UN over the issue of outer space security in general and space weapons in particular, which the US may find hard to overcome. If the US does pursue an international code, it could be intended to supplement the current US approach.

#### China doesn’t want a space race – pushing for a space ban

Zhang 5

 (Hui, Research Associate at the Harvard Kennedy School, “Action/Reaction: U.S. Space Weaponization and China, *Arms Control Today*, December, <http://www.armscontrol.org/act/2005_12/DEC-CVR>)

Beijing, however, would prefer to avoid this outcome. Chinese officials argue that weaponizing space is in no state’s interest, while continued peaceful exploitation redounds to the benefit of all states. Rather than battling over space, China wants countries to craft an international ban on space weaponization. U.S. Moves Toward Space Weaponization.

#### No impact to Warming- Mitigation and adaptation will solve

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

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

#### China outweighs and won’t be influenced by the plan

Harvey, environment reporter – the Guardian, 11/9/’11

(Fiona, <http://www.guardian.co.uk/environment/2011/nov/09/fossil-fuel-infrastructure-climate-change>)

Birol also warned that China – the world's biggest emitter – would have to take on a much greater role in combating climate change. For years, Chinese officials have argued that the country's emissions per capita were much lower than those of developed countries, it was not required to take such stringent action on emissions. But the IEA's analysis found that within about four years, China's per capita emissions were likely to exceed those of the EU. In addition, by 2035 at the latest, China's cumulative emissions since 1900 are likely to exceed those of the EU, which will further weaken Beijing's argument that developed countries should take on more of the burden of emissions reduction as they carry more of the responsibility for past emissions. In a recent interview with the Guardian recently, China's top climate change official, Xie Zhenhua, called on developing countries to take a greater part in the talks, while insisting that developed countries must sign up to a continuation of the Kyoto protocol – something only the European Union is willing to do. His words were greeted cautiously by other participants in the talks. Continuing its gloomy outlook, the IEA report said: "There are few signs that the urgently needed change in direction in global energy trends is under way. Although the recovery in the world economy since 2009 has been uneven, and future economic prospects remain uncertain, global primary energy demand rebounded by a remarkable 5% in 2010, pushing CO2 emissions to a new high. Subsidies that encourage wasteful consumption of fossil fuels jumped to over $400bn (£250.7bn)."Meanwhile, an "unacceptably high" number of people – about 1.3bn – still lack access to electricity. If people are to be lifted out of poverty, this must be solved – but providing people with renewable forms of energy generation is still expensive. Charlie Kronick of Greenpeace said: "The decisions being made by politicians today risk passing a monumental carbon debt to the next generation, one for which they will pay a very heavy price. What's seriously lacking is a global plan and the political leverage to enact it. Governments have a chance to begin to turn this around when they meet in Durban later this month for the next round of global climate talks." One close observer of the climate talks said the $400bn subsidies devoted to fossil fuels, uncovered by the IEA, were "staggering", and the way in which these subsidies distort the market presented a massive problem in encouraging the move to renewables. He added that Birol's comments, though urgent and timely, were unlikely to galvanise China and the US – the world's two biggest emittters – into action on the international stage. "The US can't move (owing to Republican opposition) and there's no upside for China domestically in doing so. At least China is moving up the learning curve with its deployment of renewables, but it's doing so in parallel to the hugely damaging coal-fired assets that it is unlikely to ever want (to turn off in order to) to meet climate targets in years to come."

## 2NC

#### Prefer the 1NC evidence because it gives restriction the “statutory” context of the resolution and our violation evidence is in the context of war powers –restriction is meaningless without context and self-referential to the point of uselessness.

Victorian Law Reform Commission, Chapter 6 of the “Easements and Covenants: Final Report 22,” 1905

6.33 ‘Restriction’ has no fixed meaning in legislation. Its meaning depends on the ¶ context. The Subdivision Act contains a definition but it is inadequate and the ¶ related statutes do not assist:¶ • The Subdivision Act defines ‘restriction’ as ‘a restrictive covenant or ¶ restriction which can be registered or recorded in the register under the ¶ Transfer of Land Act’.31¶ • The Transfer of Land Act provides for the recording of ‘restrictive covenants’ ¶ only.32 Plans that may include restrictions can be registered, but the ¶ restrictions specified in the plans are not recorded.33¶ • Adding to the confusion, the Planning and Environment Act defines ¶ ‘registered restrictive covenant’ to mean ‘a restriction within the meaning ¶ of the Subdivision Act’.34¶ 6.34 This ‘circle of definitions’ was the subject of comment by VCAT in Focused Vision ¶ Pty Ltd v Nillumbik SC:¶ 35¶ [I]t is confusing to employ the defined word itself in a definition. The result ¶ is that there is no effective definition and no fixed meaning in law of the ¶ concept of restriction.36¶ VCAT added that ‘the definitions make clear that the primary, if not exclusive, ¶ meaning of a “restriction” is a “restrictive covenant”’.37

#### Clarity is key – statutory restriction needs clarity or becomes confused and unenforceable restriction

Victorian Law Reform Commission, Chapter 6 of the “Easements and Covenants: Final Report 22,” 1905

RESTRICTIVE COVENANTS DISTINgUISHED FROM STATUTORy ¶ AgREEMENTS AND RESTRICTIONS¶ 6.14 Restrictive covenants need to be distinguished from covenants in statutory ¶ agreements and restrictions in a registered plan (statutory restrictions). ¶ 6.15 ‘Restrictive covenant’ is a well-defined legal term and its legal consequences are ¶ fully specified in case law. It belongs in the realm of property law. Its clarity is ¶ being marred by legislation that extends the legal tests and procedures that apply ¶ to restrictive covenants to statutory agreements and uses the term ‘restrictive ¶ covenant’ to define restrictions. ¶ 6.16 There is a need to clarify meanings and to use standard and consistent definitions ¶ in legislation. Due to uncertainty about the legal effects, multiple methods are ¶ sometimes used to create an enforceable restriction.15 In other cases, the method ¶ used does not create an enforceable restriction at all.¶

#### Statutory restrictions and treaty restrictions are distinct

Robert Bejesky, LL.M. International Law @ Georgetown, taught international law courses for Cooley Law School and the Department of Political Science at the University of Michigan, “WAR POWERS PURSUANT TO FALSE ¶ PERCEPTIONS AND ASYMMETRIC ¶ INFORMATION IN THE “ZONE OF ¶ TWILIGHT”, St Mary’s Law Journal, 2013.

The Commander in Chief authority is a core preclusive power that ¶ designates the President as the head of the military command chain once ¶ Congress activates the power.48 Moreover, peripheral Commander in ¶ Chief powers are bridled by both statutory and treaty restrictions.49 The ¶ media lore of using “Commander in Chief” coterminous with “President” ¶ might occasionally be a misnomer outside of war, perhaps abetting ¶ presidential expansionism when combined with commentators employing ¶ terms such as “inherent authority.” Clearly, if Congress has not activated ¶ war powers, the President still possesses inherent authority to react ¶ expeditiously and unilaterally to defend the nation when confronted with ¶ imminent peril.50 However, the Framers drew a precise distinction when ¶ they specifically empowered the President “to repel and not to commence ¶ war.”51 Alexander Hamilton explained that latitude was required “because ¶ it is impossible to foresee or to define the extent and variety of national ¶ exigencies, and the correspondent extent and variety of the means which ¶ may be necessary to satisfy them.”52¶ The Constitution allocates authority in foreign policy. Congress’s ¶ authority in international relations includes ratifying treaties with Senate ¶ approval, implementing international law, and actualizing international ¶ initiatives with substantial domestic effects or those that require funding.53¶ Nonetheless, the President is the country’s exclusive agent in international ¶ relations.54 As John Marshall stated in the House of Representatives in ¶ 1800, “The President is the sole organ of the nation in its external ¶ relations, and its sole representative with foreign nations.”55 As the ¶ solitary voice as head of state, the President may be congressionally ¶ obliging by markedly incorporating congressional opinion when ¶ representing the nation, or by favoring executive prerogative in developing ¶ initiatives for peacetime affairs.56 However, the Court recognized that the ¶ head of state power can “be regulated by treaty or by [an] act of ¶ [C]ongress” and that those restrictions must “be executed by the ¶ [E]xecutive.”57

#### Treaties are separately published – not part of published statutes

John J. Ross, William C. Blakely Law Library, “united states treaties and international agreements,” Sandra Day O’Connor College of law, no date. http://www.law.asu.edu/library/RossBlakleyLawLibrary/ResearchNow/ResearchGuides/TreatiesandInternationalAgreements.aspx

Post-1949 Treaties

Beginning January 1, 1950, treaties were no longer published in the Statutes at Large. Rather, a new set was created called United States Treaties and Other International Agreements.¶ ¶ United States Treaties and Other International Agreements (U.S.T.)¶ United States Treaties and Other International Agreements is the official source for treaties ratified after 1949. Bound volumes contain the text of each treaty in all of the signatories' languages and list the important dates during the ratification process. This set is about 14 years behind schedule.

#### Treaties aren’t considered statutory constructions – that’s an old interpretation

Curtis Bradely, Board of Editors for American Journal of International Law, “Intent, Presumptions, and Non-Self-Executing Treaties, “*The American Journal of International Law*, vol 102, No 3, July 2008

I think that would be an erroneous take on Medellin's broader import. The real impact of ¶ the Medellin decision may well reside in the subtle maturation of thinking it reflects for treaty ¶ interpretation. Treaties are no longer regarded, for purposes of construction, as some weird ¶ hybrid of contracts and statutes. The proxy bouts of old-in which treaty interpretation cases ¶ were used as a form of "shadowboxing" for the "main event" of statutory construction juris ¶ prudence-are now at an end. Textualism is placed as a first principle of construction, but with ¶ the recognition that text has limits of meaning in treaties, as in other forms of legal writing. A ¶ new eclecticism in the selection of extrinsic sources for treaty interpretation is confirmed. ¶ Wholesale judicial deference to executive branch positions in treaty interpretation is modu ¶ lated and, to some degree, restrained. All in all, these are positive moves for the jurisprudence ¶ of treaty interpretation, particularly in the context of the contentious debates of the last three ¶ decades. Medellin leaves open, of course, many further questions and problems of analysis for ¶ future treaty interpretation cases, but it does chart a positive course for this important area of ¶ U.S. foreign relations law.

**A collapse of US hegemony is inevitable due to rising challengers, decline in US power as proved by Afghanistan and Iraq, and how IR works**

**Liu et al 12**

(Debin Liu, security analyst and researcher. Rizwan Naseer, security analyst and researcher. Musrat Amin, security analyst and researcher. “Withering Hegemony of US and Evolving De-centered Globalism: A Theoretical account” Winter 2012 Proquest//wyoccd)

**Hegemonic stability theory served the idea very well in post world war II scenario when United States had assumed insurmountable might in economic and military affairs and designed liberal economic policies**, established international regimes e.g. World Bank and IMF to reconstruct war-torn Europe and regulated world economy. **Despite cold war obstruction United States had been playing the role of a Hegemon for liberal economies till the end of cold war. After the demise of Soviet Union United States rose to the status of a hyperpower**. That was the time when no other actors were sufficiently powerful to balance or challenge American might. Europe was making headway but being American ally had no designs of balancing American power. China received miraculous up-thrust and rose to the status of great power but with no clear aspiration of ruling the world. Russia started recovering and returning to mainstream international politics once again as the upcoming era is described by Barry Buzan as De-centered Globalism with no Superpowers but great powers (Buzan, 201 1).¶ **The nature of power is so strange that in international system it cannot be monopolized , states rise to the status of super power in international system and then after the decay sets in or the other mighty actors rise so fast that the existing powers are superseded by some other rising powerful actors. This struggle for supremacy is both perennial and universal in international politics.** United States proclaimed as a supreme power after the demise of Soviet Union. Unipolar World all revolved around American ideals and hegemonic policies to spread the notion of free market and democracy across globe. **United States' unilateralism got debilitated after Afghan war** (2001**) and Iraq invasion** (2003).United States with active support of NATO allies failed to accomplish desired goals in these troubled areas. **Failure to bring peace and order in these countries put a big question mark on the validity of 'Hegemonic Stability Theory' on one hand and American might to rule the world unilaterally on the other hand**. According to Niall Ferguson the "'unipolarity' identified by some commentators following the Soviet collapse cannot last much longer, for the simple reason that history hates a 'hyper power'. **Sooner or later, challengers will emerge, and back we must go to a multipolar or multi-power world**" (Ferguson, 2004).¶ **Power works according to the law of nature that vacuum is quickly filled by a powerful state or group of states. History is the witness that in world politics there has always been a hegemon or in a struggle to become**. If we take stock of world hegemons in historical times we find that centuries ago Spain, France and Britain practiced their supremacy in world affairs and today United States is the Hegemon. The celebrated nineteenth-century German historian Leopold von Ranke in his work depicted modern European history as a perpetual struggle for domination, in that system the balance of power was possible only through recurrent conflict. The prognostication about American and Soviet superiority in world politics made by Yale University historian Paul Kennedy in his best-selling 1987 work, The Rise and Fall of the Great Powers: Economic Change and Military Conflict from 1500 to 2000, is that like all past empires, the U.S. and Russian superpowers would inevitably succumb to overstretch. But they could not stay longer in their supreme positions and eventually would be taken over; Kennedy argued about China and Japan that both the rising powers are still burden-free from the deadweight of imperial military commitments (Ferguson, 2004).

**Hegemony is empirically unstable due to a narrowing of gap in terms of military superiority, technology, and economic power, all culminated with the balancing of rising powers. Prefer our evidence because it comes from the most renown and supported political scholarship**

**Liu et al 12**

(Debin Liu, security analyst and researcher. Rizwan Naseer, security analyst and researcher. Musrat Amin, security analyst and researcher. “Withering Hegemony of US and Evolving De-centered Globalism: A Theoretical account” Winter 2012 Proquest//wyoccd)

**The concept of balance of power is considered as one of the oldest and fundamental concept in the field of international relations**. **International relations theorists had been defining balance of power differently to highlight its significance and relevance in international politics**, **as** David **Hume declared balance of power as scientific law due to its significance in international politics**. Glenn Snyder highlighted balance of power as a core theoretical concept in international relations. Hans Morgenthau called balance of power as "iron law of politics" and Henry Kissinger, regarded balance of power as more an art than a science (Paul, Writz & Fortman, 2004). **Significance and relevance of balance of power even in contemporary times cannot be ignored where states are actively pursuing balance of power policies to check the rise of other rival states,** though it was a fashionable trend among states in historical times**.**¶ **"The concept of balance of power ideally ensures that power is distributed in such a way that no single state or entity is able to dominate the remaining states or entities. Objective characteristics such as relative military power and economic resources determine the distribution of capabilities and hence play a central role in establishing which states occupy the positions of major powers. M**ajor Powers keep strategy of balancing as topmost priority in security realm because a successful balancing strategy ensures peace and it is a precondition of the preservation of the state system"(Odgaard,2007:25).¶ Cold war presents precise example of balance of power between United States and Soviet Union. Both the states had developed Weapons of Mass Destruction (WTvlDs) and made alliances with other states to extend their influence across globe. United States formed security alliance of North Atlantic Treaty Organization (NATO) and Soviet Union counterbalanced by concluding WARSA Pact. There was a condition of quasi balance of power between them that shunned them from engaging into any direct clash that could escalate into nuclear catastrophe. Scholars adjudge the reason of about balance between both powers as a major reason of de-escalation.¶ Balancing strategy is exercised by the big powers and small states alike. According to realist paradigm when leading states in the anarchic structure of international relations use their resources to pursue their security objectives, other major powers struggle to keep a check upon rising power of other states who may pose a serious threat to their interest in future. Realist's argument is that "**Power is checked most effectively by counterbalancing strategy."** **Even major powers don't feel secure from other major or rising powers; they feel threat from other major or rising powers to their security. They think that other powers may endanger their security when they gain relatively more power.** The basic axiom of balance-of-power theory is that great powers will develop and mobilize military capabilities sufficient to constrain the most powerful among them. **Though the theory has been formulated in many ways over the centuries, the "key proffer" of almost all versions of the theory is that "states tend to balance against threats of hegemony over the system.**" Therefore, the theory posits that once a state reaches at or near the top of the international heap in resources of power, its relative enhancement of power invites more and more counterbalancing from other competitive actors.¶ Balance of Power Theory also propounds that states try to prevent the rise of a 'hegemon'. **A handful of the scholars, who disapprove 'Balance of Power Theory', sound out that contemporary world structure is unipolar, with United States as the strongest power** (economically, politically, and militarily) **and there is no counterbalancing taking place to United States' hegemony**. The remarkable change in alliances since the demise of the Soviet Union has been the expansion of NATO, and the other thing is Pentagon's drastic increase in defense budget to make US army insurmountable, has not invited any grand alliance from other great power and even no such an alliance is in the offing(Brooks and Wohlforth,2008:22). **The scenario presented by the group of scholars seems to be vague. It's been very short time that United States started enjoying status of unipolarity but it does not mean that no power would dare to counterbalance US hegemony in the upcoming decades.** **Because of US declined power and popularity, rise of other great powers like China, Russia and European Union, reflects that in the coming decades US may face counterbalance by other major powers, as history is the witness that even vast and mighty empires declined and were overtaken by other rising powers.**¶ **This does not necessarily mean that the US is in systemic decline, but US is gradually losing that smart power that differentiates it from other major power players. Although the US still possesses incomparable military prowess, superior technology and its economy remains the world's largest but alarming for US is that the gap of asymmetric power with others is narrowing**. It is therefore being anticipated that due to the global distribution of power shiftthere are grave chances that the peace, prosperity and liberal ideals would get a severe blow as a consequence of serious conflict. Another analysis is presented about US contemporary hegemony that over the last two decades no major power has posed any serious challenge to US hegemonic designs in world affairs rather some powerful actors most notably Canada, Western European states, lndia, South Korea, Australia, Singapore and Philippines have joined US that has helped minimizing the conflict among these powers. However, as the hegemonic might that motivated these powers to banwagon US withers away then this international order will be transformed into another kind of international order with more decentralized power. In that scenario with more diffused power structure United States policies and interests may face more challenges by dissident powers and in that case American interests and policies can be challenged by dissenter powers (Zhang, 201 1).

**Timeframe- Syrian chemical weapons use lowers threshold for NK lashout**

**Bodeen 09/10**

[Christopher Bodeen, 09/10/13, U.S. warns of North Korean chemical weapons threat, <http://www.armytimes.com/article/20130910/NEWS08/309100003/U-S-warns-North-Korean-chemical-weapons-threat>, uwyo//amp]

Miller said he emphasized to his Chinese counterpart that **lowering the threshold for chemical weapons use could put U.S. troops at risk and threaten China’s security and that of the entire globe**. **“I emphasized the massive chemical weapons arsenal that North Korea has and that we didn’t want to live in a world in which North Korea felt that the threshold for chemical weapons usage had been lowered,”** Miller told reporters at a briefing following his talks Monday with Wang Guanzhong, the Chinese army’s deputy chief of staff. It was strongly in China’s interest that there be a “strong response to Assad’s clear and massive use of chemical weapons,” Miller said he told Wang.

**Probability- capable of in nuclear detonation in the American heartland, killing millions**

**Pry 2013**

[Peter Vincent Pry is executive director of the Task Force on National and Homeland Security, and served on the Congressional EMP Commission and the House Armed Services Committee and at the CIA., April 15th, 2013, The danger of dismissing North Korea’s nuclear threat, http://www.washingtontimes.com/news/2013/apr/15/the-danger-of-dismissing-north-koreas-nuclear-thre/#ixzz2alIMb9Qg

Follow us: @washtimes on Twitter, uwyo//amp]

**North Korea could deliver a nuclear bomb** in the hold of a freighter under a foreign flag **to destroy a U.S. port city** such as New York or Los Angeles. **They could give a bomb to terrorist groups** such as al Qaeda or Hezbollah to deliver by truck or plane across the porous U.S. border. They could use a false-flagged freighter to move a Scud or their medium-range Nodong missile close enough to make a nuclear strike on the U.S. mainland. What about North Korea’s claim that it has long-range nuclear missiles that can strike the United States right now? If our current crop of leaders is as prudent as were President Dwight Eisenhower and Sen. Lyndon Johnson in 1957, they would warn the American people that **North Korean nuclear threats to the U.S. heartland may be real**. After all, **North Korea has had at least three successful nuclear tests** and successfully orbited a satellite the latter being the usual indicator that a nuclear power has achieved intercontinental reach. A recently leaked Defense Intelligence Agency briefing concludes **North Korea probably has miniaturized nuclear warheads** for ballistic missiles. The Obama administration is desperately backpedaling from this assessment, trying to downplay and even deny the existence of a North Korean nuclear-missile threat in sad contrast to the example of strategic prudence, realism and honesty set by Eisenhower and Johnson**. After the Soviet Union successfully tested a nuclear weapon in 1949** and then launched into orbit its Sputnik satellite in 1957, **a bipartisan national consensus quickly emerged that the USSR had achieved a technological breakthrough, and would soon possess** intercontinental ballistic missiles (**ICBMs) capable of delivering nuclear annihilation against the American heartland.** Consequently, the United States launched a crash program to develop ICBMs and other systems to deter this emerging Soviet missile threat. Liberal historians often criticize those Republican and Democratic leaders of 1957 for “overreacting” to an allegedly exaggerated “missile gap” that spurred the United States to outrace the Soviet Union in ICBM production. President John F. Kennedy was glad, though, to have a 5-to-1 advantage over the Soviets in ICBMs during the 1962 Cuban Missile Crisis. There is no such thing as an excess of caution when it comes to anticipating and preparing to deter or defeat the existential threat represented by nuclear weapons. Prudence, caution and preparedness are the watchwords that enabled the United States to avoid a thermonuclear holocaust and ultimately prevail in the Cold War. Contrary to most press reporting, that North Korea has nuclear missiles is old news. Previously, the DIA (2011), European intelligence agencies (2009), and a CIA official (2008) have all stated publicly that North Korea has miniaturized nuclear warheads and deployed them on its Nodong medium-range missile. This is a conservative, sound assessment, since North Korea has been working on nuclear warheads for nearly 20 years, and has had three nuclear tests. Israel and South Africa developed nuclear warheads for their missiles without any nuclear tests. North Korea’s long-range missile orbited a satellite that weighs only 220 pounds. Can a nuclear warhead weigh so little? North Korea’s so-called Space Launch Vehicle could deliver against the U.S. heartland any of the following nuclear weapons: Using the technology of 56 years ago, the United States in 1957 deployed the MK-9, a nuclear weapon weighing 120 pounds with a yield of 15 kilotons, as powerful as the 9,000-pound Hiroshima bomb (10 to 15 kilotons), but with weight reduced to nearly 1 percent. Using the technology of 51 years ago, the United States in 1962 deployed the W-45 missile warhead, which weighed 150 pounds with a yield of 15 kilotons. Using the technology of 49 years ago, the United States in 1964 deployed the W-58 Polaris warhead, which weighed 257 pounds and had a yield of 200 kilotons some 20 times more powerful than the Hiroshima bomb. The W-58 was deployed 19 years after Hiroshima. **North Korea has been working on nuclear weapons for 19 years, but using modern 21st-century technology, with access to copious declassified U.S. materials on nuclear-weapons design, and with help from Russia, China, Pakistan, Iran and others. The** W-58 was a thermonuclear warhead, while North Korea is assessed as having only plutonium- and uranium-fission atomic weapons. Might North Korea have the H-bomb? In 2010, North Korea may have conducted two clandestine tests of fusion nuclear devices, according to credible European analysis of radionuclides. The United States focuses on North Korea’s plutonium and uranium programs because that is all we can see. Hiding advancement to thermonuclear weapons is relatively easy. The U.S. did not know Israel developed thermonuclear weapons, and assessed Israel as having only atomic weapons until the defection of Israeli nuclear weapons expert Mordechai Vanunu exposed that Israel has thermonuclear weapons, too developed clandestinely without testing. The worst case for the United States is if North Korea has super-electromagnetic pulse weapons**. A single such nuclear warhead detonated over America would generate a powerful electromagnetic pulse that would assuredly collapse the national electric grid and other critical infrastructures necessary to sustain modern society and the lives of 310 million Americans.** Such a super-warhead would likely be small enough for delivery against the U.S. mainland by North Korea’s long-range missiles. **Russia, South Korea, China and the U.S. EMP Commission have all warned that North Korea has super-electromagnetic pulse nuclear weapons**. **Prudence and caution dictate that North Korea’s threats to make nuclear attacks on the U.S. mainland should not be lightly dismissed as mere “bluster.”** If we are prepared to be so misled by our leaders, then we should be ready to hear from the White House and Congress in the near future that Iran despite orbiting several satellites, and even if it conducts three successful nuclear tests is still not a real threat to the American heartland.

**Subpoint B) Institutionally weakened executive kills U.S. leadership—makes us look arrogant, hypocritical, and kills our ability to commit militarily.**

**Mallaby 2K**

[Sebastian Mallaby, Director of the Maurice R. Greenberg Center for Geoeconomic Studies and Paul A. Volcker Senior Fellow for International Economics at the Council on Foreign Relations, “The Bullied Pulpit; A Weak Chief Executive Makes Worse Foreign Policy,” Foreign Affairs, February 2000, <http://www.lexisnexis.com/hottopics/lnacademic/?verb=sr&csi=7984&sr=HLEAD(Bullied%20Pulpit-A%20Weak%20Chief%20Executive%20Makes%20Worse%20Foreign%20Policy,%20The)%20and%20date%20is%202000> // wyo-ch]

All of these arguments may have merit. The evidence cited by both camps can be better explained by the structural weakness of the presidency. **Take**, for example, **one celebrated error: President Clinton's declaration at the start of the Kosovo war that the Serbs need not fear NATO ground troops. This announcement almost certainly cost lives by encouraging the Serbs to believe that America was not serious about stopping ethnic cleansing. The ad hominem school sees in this example proof of Clinton's incompetence; the sociological school sees in it proof of isolationist pressure, which made the option of ground troops untenable.** But **a third explanation, offered privately by a top architect of the Kosovo policy, is more plausible**. According to this official, **the president knew that pundits and Congress would criticize whichever policy he chose. Clinton therefore preemptively took ground troops off the table, aware that his critics would then urge him on to a ground war -- and also aware that these urgings would convince Belgrade that Washington's resolve would stiffen with time, rather than weaken. The president's stand against ground troops was therefore the logical**, tactical **move of a leader feeling vulnerable to his critics. Other failings of American diplomacy can likewise be accounted for by the advent of the nonexecutive presidency.** **Several commentators**, notably Samuel Huntington and Garry Wills in these pages, **have attacked the arrogance of America's presumption to offer moral leadership to the world. But American leaders resort to moral rhetoric largely out of weakness. They fear that their policy will be blocked unless they generate moral momentum powerful enough to overcome domestic opponents**. Likewise, **critics point to the hypocrisy of the United States on the world stage. America seeks U.N. endorsement when convenient but is slow to pay its U.N. dues; America practices legal abortion at home but denies funds to organizations that do the same abroad.** Again**, this hypocrisy has everything to do with the weak executive. The president has a favored policy but is powerless to make Congress follow it. Still other critics decry American diplomacy as a rag-bag of narrow agendas:** Boeing lobbies for China trade while Cuban-Americans demand sanctions on Cuba. Here, too, presidential power is the issue. **A strong presidency might see to it that America pursues its broader national interest, but a weak one cannot**. This is why Clinton signed the Helms-Burton sanctions on Cuba even though he knew that these would do disproportionate harm to U.S. relations with Canada and Europe. What if **America's nonexecutive presidency is indeed at the root of its diplomatic inadequacy**? First, it follows that **it is too optimistic to blame America's foreign policy drift on the weak character of the current president. The institution of the presidency itself is weak, and we would be unwise to assume that a President Gore or Bradley or Bush will perform much better. But it also follows that it is too pessimistic to blame America's foreign policy drift on cultural forces that nobody can change, such as isolationism or multiculturalism. We are dealing with an institutional problem, so it will take institutional reform to improve matters. America must explore ways of arresting the erosion of executive power,** by streamlining the confirmation process, by reversing the Supreme Court's Clinton v. Jones decision in order to limit the executive's vulnerability to legal assault, and by avoiding legislated mandates in foreign policy. Since the republic's founding, **Americans have been suspicious of concentrated power.**

**Subpoint B) Strong executive key to solve climate change-lack of congressional action prevents solvency in the squo and executive negotiating power key to check environmental and economic collapse**

**Wold 2012**

[Chris Wold, Professor of Law & Director, International Environmental Law Project

(IELP), 2012, Lewis & Clark Law School, 2012, CASE WESTERN RESERVE JOURNAL OF INTERNATIONAL LAW·VOL. 45·2012, uwyo//amp]

In 2007, then-Senator Barack **Obama wrote, “As the world’s largest producer of greenhouse gases, America has the responsibility to lead.”1 As President, he has led.** At the domestic level, working primarily through the Environmental Protection Agency, President Obama has increased fuel economy standards,2 imposed new limits ongreenhouse gas emissions from “major emitting facilities,”3 and imposed limits on emissions relating to the development of oil and gas,4 among many other things.5 As he has said, **he must use his executive power because “We Can’t Wait” for Congress to act on climate change.6 Nonetheless, he must do more.** President **Obama has pledged to the international community that the United States will reduce its greenhouse gases by 17% of 2005 levels by 2020** and by 83% by 2050.7The President has also set a goal of ensuring that “[b]y 2035 we will generate 80 percent of our electricity from a diverse set of clean energy sources—including renewable energy sources like wind, solar, biomass, and hydropower; nuclear power; efficient natural gas; and clean coal.”8 None of his actions come close to meeting these goals. Moreover, **he must do more to help the international community reach its goal of keeping average global temperatures from increasing 2°C** above pre-industrial levels.9 Many **scientists argue that the 2°C goal can be met, and the worst impacts of climate change avoided,** if we keep carbon dioxide concentrations below 350 parts per million (ppm).10 As of July 2012, atmospheric concentrations of carbon dioxide exceeded 394 ppm.11 **The United States is by far the largest historic contributor** to these high levels of atmospheric carbon dioxide, having contributed 28.52% of carbon dioxide from energy.12 As such**, the United States must do much more to ensure that the world’s largest historic emitter of greenhouse gases fulfills its moral and perhaps legal obligation to reduce greenhouse gases before we reach climate change tipping points beyond which climate change will be irreversible for millennia** to come.And indeed, President **Obama can do much more**. As described below**, the president can use his foreign affairs power to take a more positive role on the international stage**, **whether that stage is the climate change negotiations, the negotiations concerning other international treaties, or within the World Trade Organization. He can also do more with his executive power**, **not only by increasing existing standards but also by applying them to existing sources of greenhouse gases**, not just new sources. Further, President **Obama has so far failed to take advantage of strategies to mitigate emissions of short-term climate forcers** such as black carbon that could provide significant climate benefits. Lastly, **the approaches adopted so far have not pushed regulated entities or others to develop the transformative technologies that will be needed to deliver sufficient climate change benefits to avert the environmental and economic crisis that lies ahead** if we fail to take more aggressive action.

**Flexible presidency key to OCO**

**Munoz 12**

[Carlo Munoz, writer for The Hill, 11/14/12, Obama authorizes new cyber warfare directive, [http://thehill.com/blogs/defcon-hill/policy-and-strategy/267879-report-obama-authorizes-new-cyber-warfare-directive//](http://thehill.com/blogs/defcon-hill/policy-and-strategy/267879-report-obama-authorizes-new-cyber-warfare-directive/), uwyo//amp]

Specifically, **the new presidential directive differentiates between network defense capabilities and other so-called "cyber operations"** which address DOD's recently disclosed offensive capabilities in the digital realm. “What [**the directive**] does, really for the first time, is it **explicitly talks about how we will use cyber operations,”** a senior White House official told the Post on Wednesday. “**Network defense is** what you’re doing inside **your own networks**. ... **Cyber operations is stuff outside that space**," the official added. The Pentagon in October acknowledged that **U.S. military forces are able to carry out preemptive or retaliatory acts of cyber warfare. "Our mission is to defend this nation**. We defend. We deter. And if called upon, we take decisive action," Defense Secretary Leon Panetta said during his keynote address to the Business Executives For National Security conference in New York. **"If a crippling cyber attack were launched against our nation, the American people must be defended,"** he said. **"And if the commander in chief orders a response, the Defense Department must be ready to act."** **The senior administration official said the directive signed by Obama would enable the administration to be “flexible” in dealing with cyber threats.** “It continues to be our policy that we shall undertake the least action necessary to mitigate threats and that we will prioritize network defense and law enforcement as the preferred courses of action.”

**Grid attacks causes retaliation and nuclear war**

**Tilford 12** Robert, Graduate US Army Airborne School, Ft. Benning, Georgia, “Cyber attackers could shut down the electric grid for the entire east coast” 2012, <http://www.examiner.com/article/cyber-attackers-could-easily-shut-down-the-electric-grid-for-the-entire-east-coa>

To make matters worse a cyber attack that can take out a civilian power grid, for example could also cripple the U.S. military.¶ The senator notes that is that the same power grids that supply cities and towns, stores and gas stations, cell towers and heart monitors also power “every military base in our country.”¶ “Although bases would be prepared to weather a short power outage with backup diesel generators, within hours, not days, fuel supplies would run out”, he said.¶ Which means military **command and control centers could go dark**.¶ Radar systems that detect air threats to our country **would shut Down completely**.¶ “Communication between commanders and their troops would also go silent. And many weapons systems would be left without either fuel or electric power”, said Senator Grassley.¶ “So in a few short hours or days, the mightiest military in the world would be left scrambling to maintain base functions”, he said.¶ We contacted the Pentagon and officials confirmed the threat of a cyber attack is something very real.¶ Top national security officials—including the Chairman of the Joint Chiefs, the Director of the National Security Agency, the Secretary of Defense, and the CIA Director— have said, “preventing a cyber attack and improving the nation’s electric grids is among the most urgent priorities of our country” (source: Congressional Record).¶ So how serious is the Pentagon taking all this?¶ Enough to start, or end a war over it, for sure (see video: Pentagon declares war on cyber attacks http://www.youtube.com/watch?v=\_kVQrp\_D0kY&feature=relmfu ).¶ A cyber attack today against the US could very well be seen as an “Act of War” and could be met with a “full scale” US military response.¶ That could include the use **of “nuclear weapons**”, if authorized by the President.

**UQ**

**Asking for authorization has made presidential war powers stronger-it is a political move designed to spread blame and he still believes he can act alone**

**Posner 9-3**

(Eric Andrew Posner is Kirkland and Ellis Professor of Law at the University of Chicago Law School. “Obama Is Only Making His War Powers Mightier”9-3-13 http://www.slate.com/articles/news\_and\_politics/view\_from\_chicago/2013/09/obama\_going\_to\_congress\_on\_syria\_he\_s\_actually\_strengthening\_the\_war\_powers.html//wyoccd)

**President Obama’s surprise announcement that he will ask Congress for approval of a military attack on Syria is being hailed as a vindication of the rule of law and a revival of the central role of Congress in war-making**, even by critics. But all of this is wrong. **Far from breaking new legal ground, President Obama has reaffirmed the primacy of the executive in matters of war and peace. The war powers of the presidency remain as mighty as ever**.¶ **It would have been different if the president had announced that only Congress can authorize the use of military force,** as dictated by the Constitution, which gives Congress alone the power to declare war. That would have been worthy of notice, a reversal of the ascendance of executive power over Congress. **But the president said no such thing. He said**: “**I believe I have the authority to carry out this military action without specific congressional authorization**.” Secretary of State John Kerry confirmed that the president “has the right to do that”—launch a military strike—“no matter what Congress does.”¶ **Thus, the president believes that the law gives him the option to seek a congressional yes or to act on his own. He does not believe that he is bound to do the first.** He has merely stated the law as countless other presidents and their lawyers have described it before him**.¶ The president’s announcement should be understood as a political move, not a legal one**. **His motive is both self-serving and easy to understand, and it has been all but acknowledged by the administration. If Congress now approves the war, it must share blame with the president if what happens next in Syria goes badly.** If Congress rejects the war, it must share blame with the president if Bashar al-Assad gases more Syrian children. The big problem for Obama arises if Congress says no and he decides he must go ahead anyway, and then the war goes badly. He won’t have broken the law as he understands it, but he will look bad. He would be the first president ever to ask Congress for the power to make war and then to go to war after Congress said no. (In the past, presidents who expected dissent did not ask Congress for permission.)¶

**Mass expansion-DADT repeal, Women in combat repeal, DREAMER’s order, drone strikes**

**Roussey 2013**

[February 10th, 2013, Obama's Commandments: How the president is wielding executive power in 2nd term, <http://www.wjla.com/articles/2013/02/obama-s-commandments-how-the-president-is-wielding-executive-power-in-2nd-term-85070.html#ixzz2alLaj29S>, uwyo//amp]

Regulations give teeth and specificity to laws are essential to their functioning even as they create bureaucratic bloat. **Congress-skirting executive orders and similar presidential directives** are less numerous and generally have less reach than laws. But **every president uses them and often tests how far they can go**, especially **in times of war and other crises**. President Harry Truman signed an executive order in 1952 directing the Commerce Department to take over the steel industry to ensure U.S. troops fighting in Korea were kept supplied with weapons and ammunition. The Supreme Court struck it down. Other significant actions have stood. President Franklin D. Roosevelt issued an order in February 1942 to relocate more than 110,000 Japanese-Americans living on the West Coast to internment camps after Japan's attack on the Pearl Harbor naval base. Decades later, Congress passed legislation apologizing and providing $20,000 to each person who was interned. After the terrorist attacks of Sept. 11, 2001, President George W. Bush approved a series of executive orders that created an office of homeland security, froze the assets in U.S. banks linked to al-Qaida and other terrorist groups, and authorized the military services to call reserve forces to active duty for as long as two years. Bush's most contentious move came in the form of a military order approving the use of the military tribunals to put accused terrorists on trial faster and in greater secrecy than a regular criminal court**. Obama also has wielded considerable power in secret,** upsetting the more liberal wing of his own party. **He has carried forward Bush's key anti-terrorism policies and expanded the use of unmanned drone strikes** against terrorist targets in Pakistan and Yemen. **When a promised immigration overhaul failed in legislation, Obama went part way there simply by ordering that immigrants brought illegally to the United States as children be exempted from deportation** and granted work permits if they apply. So, too, **the ban on gays serving openly in the military was repealed before the election, followed now by the order lifting the ban on women serving in combat. Those measures did not prove** especially **contentious.** Indeed, the step on immigration is thought to have helped Obama in the election. It may be a different story as the administration moves more forcefully across a range of policy fronts that sat quiet in much of his first term.

**-Libya**

**Meckler ‘12**

[Laura Meckler, writer for WSJ, March 30th, 2012, Obama Shifts View of Executive Power, <http://online.wsj.com/article/SB10001424052702303812904577292273665694712.html>, uwyo//amp]

When he ran for president, Barack Obama promised to roll back President George W. Bush's use of executive power, a defining point of the Bush presidency. The pledge was part of a broader pitch about Mr. Obama's governing style, which he said would focus on solving problems in a pragmatic, cooperative way. **The allure of executive power**, it turns out, **is hard to resist. Most every chief executive has found ways to escape the shackles of the legislature and expand the power of the presidency. Three years into his first term, Mr. Obama has developed his own expansive view** of going it alone**, asserting new executive powers and challenging members of Congress** in both parties. "He's using executive orders as a political tool—'I can't work with this Congress so I'm going to do it myself,'" said Sen. Lindsey Graham (R., S.C.), who has worked with the White House on selective issues. "That's not the way he campaigned." He generally supports Mr. Obama's executive actions in national security but not on domestic affairs. Traditionally, **clashes about executive power have centered on national security and foreign policy. In Mr. Obama's case, he pursued military action in Libya without congressional authorization, saying the action was limited. And he significantly expanded a drone campaign aimed at al Qaeda figures, where suspects**—including U.S. citizens—**have been targeted and killed based on the judgment of the executive branch alone.**

**LX**

**Oversight of the executive makes it impossible for the President to respond to the rapid nature of today’s security threats**

**Mcullough 2013**

[Michael Mcullough, fine arts counsel to major corporations describing the DOJ’s “White Paper” argument in favor of unrestrained exec power, February 21, 2013, From Drones to Drachms, <http://mcculloughllc.wordpress.com/2013/02/21/presidential-power/>, uwyo//amp]

**The “White Paper**,” written by government lawyers, **makes a pointed** but unsubstantiated case for an unconstrained executive, necessary to deal with the security threats of today’s world. **This new view sees terrorism and associated threats to Homeland America as qualitatively different from past security threats.** As a result, a **more flexible kind of “executive power” is required**; one **that cannot be readily accommodated within the traditional scheme of judicial and legislative oversight**. As it turns out, **the unique qualities of “executive power**”- what Hamilton described in the Federalist Papers **as the capacity to act with “decision, activity, secrecy and despatch” – are unique and essential advantages in this new world. And the nature of warfare against these new enemies relies more on intelligence gathering and covert action**, **so waiting for the courts or Congress to review or ratify executive action may compromise America’s ability to defend itself.**

**Congressional restrictions on presidential war power prevent the presidency from responding to crises**

**Turner 2012**

[Professor Turner holds both professional and academic doctorates from the University of Virginia School of Law, where in 1981 he co-founded the Center for National Security Law with Professor John Norton Moore—who taught the nation’s first course on national security law in 1969. Turner served as chairman of the ABA Standing Committee on Law and National Security from 1989–1992., The War Powers Resolution at 40: Still an Unconstitutional, Unnecessary, and Unwise Fraud That Contributed CASE WESTERN RESERVE JOURNAL OF INTERNATIONAL LAW·VOL. 45·2012, Directly to the 9/11 Attacks, [http://law.case.edu/journals/JIL/Documents/45CaseWResJIntlL1&2.pdf](http://law.case.edu/journals/JIL/Documents/45CaseWResJIntlL1%262.pdf), uwyo//amp]

**The 1973 War Powers Resolution** was a fraud upon the American people, **portrayed as a legislative fix to the problem of “imperial presidents” taking America to war** **in Korea and Vietnam without public approval** or the constitutionally required legislative sanction. By its own terms, the War Powers Resolution would not have stopped the Vietnam War. Sadly, **this and other legislative intrusions upon the constitutional authority of the president contributed to the loss of millions of lives in** places like **Cambodia, Afghanistan, Angola, and Central America**. The statute played a clear role in encouraging the terrorist attack that killed 241 Marines in 1983, and equally clearly encouraged Osama bin Laden to kill thousands of Americans on September 11, 2001. Similarly **unconstitutional usurpations of presidential power prevented our Intelligence Community from preventing those attacks and dissuaded a key ally from sharing sensitive information** **that might also have prevented them**. After forty years, **the time has come to bring an end to this congressional lawbreaking.**

**Wep Adv**

 **[2] Warming won’t cause extinction**

**Barrett**, professor of natural resource economics – Columbia University, **‘7**

(Scott, **Why Cooperate? The Incentive to Supply Global Public Goods**, introduction)

First, **climate change does not threaten the survival of the human species**.5 If unchecked, it will cause other species to become extinction (though **biodiversity is being depleted now due to other reasons**). **It will alter critical ecosystems** (though **this is also happening now**, and **for reasons unrelated to climate change**). It will reduce land area as the seas rise, and in the process displace human populations. “**Catastrophic” climate change is** possible, but **not certain.** Moreover, and unlike an asteroid collision, **large changes** (**such as sea level rise** of, say, ten meters) **will likely take centuries to unfold, giving societies time to adjust.** “Abrupt” climate change is also possible, and will occur more rapidly, perhaps over a decade or two. However, **abrupt climate change** (such as a weakening in the North Atlantic circulation), though potentially very serious, **is unlikely to be ruinous.** Human-induced climate change is an experiment of planetary proportions, and we cannot be sur of its consequences. **Even in a worse case scenario**, however, global **climate change is not the equivalent of the** Earth being hit by **mega-asteroid.** Indeed, **if it were as damaging as this, and if we were sure that it would be this harmful**, then **our incentive to address this threat would be overwhelming.** The challenge would still be more difficult than asteroid defense, but we would have done much more about it by now.

**[3] Warming will take centuries**

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

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

**Alt Causes ext.**

**[2] Existing carbon triggers the impact**

Daniel **Rirdan 12**, founder of The Exploration Company, “The Right Carbon Concentration Target”, June 29, <http://theenergycollective.com/daniel-rirdan/89066/what-should-be-our-carbon-concentration-target-and-forget-politics?utm_source=feedburner&utm_medium=feed&utm_campaign=The+Energy+Collective+%28all+posts%29>

James Hansen and other promi­nent cli­ma­tol­o­gists are call­ing **to bring** the **CO2** atmos­pheric level **to 350 parts per million**. In fact, an orga­ni­za­tion, 350.org, came around that ral­ly­ing cry. This **is far more radical than most politicians are willing to entertain.** And **it is not likely to be enough.** **The 350ppm target will not reverse the clock** as far back as one may assume. It was in 1988 that we have had these level of car­bon con­cen­tra­tion in the air. But wait, there is more to the story. **1988-levels of CO2 with 2012-levels of all other green­house gases** **bring us to** a state of affairs equiv­a­lent to that around **1994** (2.28 w/m2). And then there are aerosols. There is good news and bad news about them. The good news is that as long **as we keep spewing** mas­sive amounts of **particulate matter and soot into the air**, more of **the sun’s rays are scattered back to space**, over­all the reflec­tiv­ity of clouds increases, and other effects on clouds whose over­all net effect is to cool­ing of the Earth sur­face. **The bad news is that once we stop polluting**, stop run­ning all the diesel engines and the coal plants of the world, **and the soot finally settles down**, **the real state of affairs will be unveiled within weeks.** Once we fur­ther get rid of the aerosols and black car­bon on snow, **we may be** very well be **worse off than** what we have had around **2011** (a pos­si­ble addi­tion of 1.2 w/m2). Thus, it is not good enough **to stop all green­house gas emis­sions**. In fact, it **is not even close to** being **good enough.** A carbon-neutral econ­omy at this late stage is an unmit­i­gated disaster. **There is a need for a carbon-negative economy.** Essentially, it means that **we have not only to stop emitting**, to the tech­no­log­i­cal extent pos­si­ble, **all green­house gases, but also capture** much of **the crap we have already out­gassed and lock it down.** And **once we do the above, the ocean will burp its excess gas**, which has come from fos­sil fuels in the first place. **So we will have to draw down and lock up that carbon, too.** We have taken fos­sil fuel and released its con­tent; now we have to do it in reverse—hundreds of bil­lions of tons of that stuff.

**[3] More alt causes:**

**[a] solar irradiance**

**Ravilious ‘07**

[Kate, freelance science writer with a degree in geology. She has written for New Scientist, The Economist, The Daily Telegraph, The Guardian, The Independent, Focus Magazine, Archaeology Magazine, EPSRC Publications, National Geographic Daily News, BBC Science News, and Environmental Research Web., 2.28.7, “Mars Melt Hints at Solar, Not Human, Cause for Warming, Scientist Says”, National Georgraphic, <<http://news.nationalgeographic.com/news/2007/02/070228-mars-warming.html>> //wyo-hdm]

**Simultaneous warming on Earth and Mars suggests that our planet's recent climate changes have a natural—and not a human-induced—cause**, according to one scientist's controversial theory. Earth is currently experiencing rapid warming, which the vast majority of climate scientists says is due to humans pumping huge amounts of greenhouse gases into the atmosphere. Mars, too, appears to be enjoying more mild and balmy temperatures. In 2005 data from NASA's Mars Global Surveyor and Odyssey missions revealed that **the carbon dioxide "ice caps" near Mars's south pole had been diminishing for three summers in a row.**  Habibullo Abdussamatov, head of space research at St. Petersburg's Pulkovo Astronomical Observatory in Russia, says the **Mars data is evidence that** the current **global warming on Earth is being caused by changes in the sun. "The long-term increase in solar irradiance is heating both Earth and Mars,**" he said. Abdussamatov believes that changes in the sun's heat output can account for almost all the climate changes we see on both planets. Mars and Earth, for instance, have experienced periodic ice ages Neg—Warming Frontline Ravilious Continues throughout their histories. "Man-made greenhouse warming has made a small contribution to the warming seen on Earth in recent years, but it cannot compete with the increase in solar irradiance," Abdussamatov said. By studying fluctuations in the warmth of the sun, Abdussamatov believes he can see a pattern that fits with the ups and downs in climate we see on Earth and Mars.

**[b] Ocean cycles**

**Rose, 10’**

David Rose, The mini ice age starts here, [**http://www.dailymail.co.uk/sciencetech/article-1242011/DAVID-ROSE-The-mini-ice-age-starts-here.html**](http://www.dailymail.co.uk/sciencetech/article-1242011/DAVID-ROSE-The-mini-ice-age-starts-here.html), accessed 6-26-2010, WYO/JF

**According to the US National Snow and Ice Data Centre in Colorado, Arctic summer sea ice has increased by 409,000 square miles, or 26 per cent, since 2007 – and even the most committed global warming activists do not dispute this.**  **The scientists’ predictions** also undermine the standard climate computer models, which assert that the warming of the Earth since 1900 has been driven solely by man-made greenhouse gas emissions and will continue as long as carbon dioxide levels rise. They say that their research **shows that much of the warming was caused by oceanic cycles when they were in a ‘warm mode’ as opposed to the present ‘cold mode’.** This challenge to the widespread view that the planet is on the brink of an irreversible catastrophe is all the greater because the scientists could never be described as global warming ‘deniers’ or sceptics.

**China doesn’t want a space race – pushing for a space ban**

**Zhang 5**

 (Hui, Research Associate at the Harvard Kennedy School, “Action/Reaction: U.S. Space Weaponization and China, *Arms Control Today*, December, <http://www.armscontrol.org/act/2005_12/DEC-CVR>)

**Beijing, however, would prefer to avoid this outcome. Chinese officials argue that weaponizing space is in no state’s interest, while continued peaceful exploitation redounds to the benefit of all states. Rather than battling over space, China wants countries to craft an international ban on space weaponization. U.S. Moves Toward Space Weaponization.**

**China isn’t even developing ASAT’s – their evidence is based on faulty old intelligence**

**Day 8**

 (Dwayne, “Paper Dragon,” *Space Review*, June 23, <http://www.thespacereview.com/article/1155/1>)

**But if you look in the current version of CMP, laser ASATs are mentioned only briefly, without any supporting evidence.** Thus, over the past several years, *Military Power of the People’s Republic of China* has gone from extensive discussion about Chinese interest in laser ASATs, to the conclusion that they were actually in development, to dramatically downplaying the entire subject. Now there could be a number of reasons for this. I**ntelligence reports only represent points in time and they are inherently incomplete and inaccurate**. Perhaps the U.S. intelligence community gathered better information indicating that the possibility of Chinese laser ASAT weapons is now less likely than they thought five years ago. Or perhaps the Chinese abandoned laser research that proved too costly or unproductive. Or perhaps the authors of CMP took a closer look at their earlier data and determined that it was unreliable. **We do not know. Like the parasitic microsatellite case, the DoD has not bothered to explain why it changed its conclusions.** However, **this is important in part because it does not appear as if the American press actually noticed the change. When the 2008 version of CMP was released, several press accounts noted that the report indicated that the Pentagon believes that China is now developing laser ASATs—ignoring the fact that a) such a claim has appeared in numerous previous versions of CMP, and b) the Pentagon statements about Chinese laser ASATs have actually decreased over time**.