## 1

**Interpretation “restriction” is a method of prohibiting authority**

P.A. **Mohammed**, J. Sri Chithira Aero And Adventure ... vs The Director General Of Civil ... on 24 January, 1997¶ Equivalent citations: AIR 1997 Ker 121¶ Sri Chithira Aero And Adventure ... vs The Director General Of Civil ... on 24 January, **1997**. http://www.indiankanoon.org/doc/255504/?type=print

10. **Microlight aircrafts or hang gliders shall not be flown over an assembly of persons or over congested areas or restricted areas including cantonment areas, defence installations etc**. unless prior permission in writing is obtained from appropriate authorities. **These provisions do not create any restrictions. There is no total prohibition of operation of microlight aircraft or hang gliders. The distinction between 'regulation' and 'restriction' must be clearly perceived. The 'regulation' is a process which aids main function within the legal precinct whereas 'restriction' is a process which prevents the function without legal sanction**. Regulation is allowable but restriction is objectionable. What is contained in the impugned clauses is, only **regulations and not restrictions**, complete or partial. They **are issued with authority conferred on the first respondent**, under Rule 133A of the Aircraft Rules consistent with the provisions contained in the Aircraft Act 1934 relating to the operation, use etc. of aircrafts flying in India. Microlight aircrafts, hang gliders and powered hang gliders are all coming within the definition of 'aircraft' contained in Section 2( 1) of the Act. Section 5 of **the Act authorises** the Central Government to make rules regulating among other things use and operation of aircraft and lor securing the safety of aircraft operation. Rule 133A authorises the first respondent to issue directions relating to the operation and use of the aircraft. Thus the analysis of the above provisions would sufficiently indicate that **the** impugned **clauses** contained in Exts. P4 and P5 **are** purely **measures regulating** the use and **operation** of aircrafts.

**Increase means to become greater**

Increase:

in·crease verb \in-ˈkrēs, ˈin-ˌ\

intransitive verb

**1: to become progressively greater (as in size, amount, number, or intensity)**

2: to multiply by the production of young

**That’s Merriam-Webster 12**, http://www.merriam-webster.com/dictionary/increase?show=0&t=1348112715

**Executive authority stems from the constitution or statutory delegation.**

**Gaziano**, **2001**

(Todd, senior fellow in Legal Studies and Director of the Center for Legal Judicial Studies at the Heritage Foundation, 5 Texas Review of Law & Politics 267, Spring, lexis)

Although President Washington's Thanksgiving Proclamation was hortatory, other proclamations or orders that communicate presidential decisions may be legally binding. n31 Ultimately **the authority for all presidential orders or directives must come from either the Constitution or from statutory delegations**. **The source of authority (constitutional versus statutory) carries important implications for the extent to which that authority may be legitimately exercised or circumscribed**. Regardless of the source of substantive power, however, the authority to use written directives in the exercise of that power need not be set forth in express terms in the Constitution or federal statutes. As is explained further below, the authority to issue directives may be express, implied, or inherent in the substantive power granted to the President. The Constitution expressly mentions certain functions that are to be performed by the President. Congress has augmented the President's power by delegating additional authority within these areas of responsibility. The following are among the more important grants of authority under which the President may issue at least some directives in the exercise of his constitutional and statutorily delegated powers: Commander in Chief, Head of State, Chief Law Enforcement Officer, and Head of the Executive Branch.

**Violation – The Aff increases presidents war powers authority – It doesn’t prohibit the president from doing anything**

**Coronogue 12** – **1AC Author** (Graham, JD at duke, “A NEW AUMF: DEFINING COMBATANTS IN THE WAR ON TERROR”, http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1294&context=djcil, zzx)

This **congressional authorization gave the president the authority to use force against those involved in the 9/11 attacks and their allies**, but the war on terror has moved beyond this mandate. **In 2001, al-Qaeda, the Taliban, and Osama bin Laden were clearly the “enemy.**”3 **The AUMF addressed this threat by providing domestic authorization for the use of force against all entities closely tied to 9/11.** However, ten years after the attacks, bin Laden is dead and the Taliban is a shadow of its former self.4 Yet the United States still uses the AUMF to justify the use of force against new terrorist and extremist groups, many of which were not closely involved in 9/11 and may not have even existed in 2001. Given this disconnect, politicians have advocated amending, scrapping, or reaffirming the AUMF to have it reflect the present reality of the conflict. The Obama administration argues that the AUMF should remain the same and has taken pains to expand the authorization to cover new terrorist threats from organizations unrelated to al-Qaeda.5 However, this ten-year-old authorization must be revised. **The United States is facing a new and still evolving enemy; our law on conflict must evolve with it.** We should not expect the President to simply reinterpret or stretch statutory language when considering such fundamentally important issues as national security, deadly force, and indefinite detention. This "stretching" out of the statute will create significant questions of legality and authorization in times when we cannot afford to hesitate or second-guess. **The President and the armed forces need an updated, clear, and explicit authorization to execute this war effectively** and know the limits of their power. In short. Congress must amend or update the AUMF to reflect the current reality of conflict and guide the President's prosecution of this war.

**Vote Neg**

**Limits – Their aff justifies any aff that has the judiciary or Congress clarify in ways that expand war powers - 1000s of ways to do that**

**Ground – Increasing restrictions is key to stable neg link and cp ground – clarifications to authority make all DA links non-unique – bidirectional affs are especially bad because they are reading neg ground on the aff**

**The aff is extra-topical – AUMF applies to things outside the resolution -**

**Justice.gov 2006** (January 27, “THE NSA PROGRAM TO DETECT AND PREVENT TERRORIST ATTACKS

MYTH V. REALITY” <http://www.justice.gov/opa/documents/nsa_myth_v_reality.pdf>)

**Myth: The NSA program is illegal. Reality: The President’s authority** to authorize the terrorist surveillance program is **firmly based both in** his constitutional authority as Commander-in-Chief, and in **the** Authorization for Use of Military Force (**AUMF**) passed by Congress after the September 11 attacks. • As Commander-in-Chief and Chief Executive, the President has legal authority under the Constitution to authorize the NSA terrorist surveillance program. ¾ The Constitution makes protecting our Nation from foreign attack the President’s most solemn duty and provides him with the legal authority to keep America safe. ¾ It has long been recognized that the President has inherent authority to conduct warrantless surveillance to gather foreign intelligence even in peacetime. Every federal appellate court to rule on the question has concluded that the President has this authority and that it is consistent with the Constitution. ¾ Since the Civil War, wiretaps aimed at collecting foreign intelligence have been authorized by Presidents, and the authority to conduct warrantless surveillance for foreign intelligence purposes has been consistently cited and used when necessary. • **Congress confirmed and supplemented the President's constitutional authority to authorize this program when it passed the AUMF**. ¾ **The AUMF authorized the President to use “all necessary and appropriate military force against those** nations, **organizations**, or persons **he determines planned**, authorized, committed, or aided in the terrorist attacks that occurred on **September 11**, 2001.” **¾ In its Hamdi decision, the Supreme Court ruled that the AUMF also authorizes the “fundamental incident[s] of waging war.”** **The history of warfare makes clear that electronic surveillance** of the enemy **is** a **fundamental** incident to the use of military force.

**Extra T is a voter for limits – surveillance was rejected from the topic and is a whole new set of advantage ground and disads – it has to be a voting issue or it becomes a no risk issue for the Aff**

## 2

#### Text: The Executive Branch of the United States should issue an executive order to increase restrictions on the targeted killing and indefinite detention authorities granted by the 2001 Authorization for Use of Military Force and modified by the 2012 National Defense Authorization Act by limiting the targets of those authorities to al-Qaeda, the Taliban, or those nations, organizations, or persons who enjoy close and well-established collaboration with al-Qaeda or the Taliban.

#### Executive action is De Facto and De Jure self-binding create accountability from the courts and risk political alienation for going back on promises

Posner and Vermeule 2010 [Eric A. , Professor of Law at the University of Chicago Law School and Editor of The Journal of Legal Studies; Adrian , Harvard Law Professor, The Executive Unbound: After the Madisonian Republic, Oxford Press, p. 138-139//wyo-sc]

Many of our mechanisms are unproblematic from a legal perspective, as they involve presidential actions that are clearly lawful. But a few raise legal questions; in particular, those that involve self-binding.59 Can a president bind himself to respect particular first-order policies? With qualifications, the answer is "yes, at least to the same extent that a legislature can." Formally, a duly promulgated executive rule or order binds even the executive unless and until it is validly abrogated, thereby establishing a new legal status quo.60 The legal authority to establish a new status quo allows a president to create inertia or political constraints that will affect his own future choices. In a practical sense, presidents, like legislatures, have great de facto power to adopt policies that shape the legal landscape for the future. A president might commit himself to a long-term project of defense procurement or infrastructure or foreign policy, narrowing his own future choices and generating new political coalitions that will act to defend the new rules or policies. More schematically, we may speak of formal and informal means of selfbinding: 1. The president might use formal means to bind himself. This is possible in the sense that an executive order, if otherwise valid, legally binds the president while it is in effect and may be enforced by the courts. It is not possible in the sense that the president can always repeal the executive order if he can bear the political and reputational costs of doing so. 2. The president might use informal means to bind himself. This is not only possible but frequent and important. Issuing an executive rule providing for the appointment of special prosecutors, as Nixon did, is not a formal self-binding.61 However, there may be political costs to repealing the order. This effect does not depend on the courts' willingness to enforce the order, even against Nixon himself. Court enforcement makes the order legally binding while it is in place, but only political and reputational enforcement can protect it from repeal. Just as a dessert addict might announce to his friends that he is going on a no-dessert diet in order to raise the reputational costs of backsliding and thus commit himself, so too the repeal of an executive order may be seen as a breach of faith even if no other institution ever enforces it. In what follows, we will invoke both formal and informal mechanisms. For our purposes, the distinction between the authority to engage in de jure self-binding (legally limited and well-defined) and the power to engage in de facto self-binding (broad and amorphous) is secondary. So long as policies are deliberately chosen with a view to generating credibility, and do so by constraining the president’s own future choices in ways that impose greater costs on ill-motivated presidents than on well-motivated ones, it does not matter whether the constraint is formal or informal.

## 3

#### Immigration reform will pass – PC is key

Lopez 1/1/14 (Oscar, Latin Times, "New Year 2014: 4 Reasons Immigration Reform Will Pass In 2014," http://www.latintimes.com/new-year-2014-4-reasons-immigration-reform-will-pass-2014-141778)

Immigration reform is set to be the key issue of 2014. Following Mitt Romney's dismal performance among Latino voters in the 2012 election, both sides of the Government woke up to the necessity for comprehensive reform on immigration. Indeed, in his State of the Union address in February, President Obama declared that “the time has come to pass comprehensive immigration reform.” Yet with the House divided over Obamacare and the budget crisis, the Government Shutdown let immigration reform die. 2014 will change that: and here are 4 Reasons Why.¶ 1. Republican Support: A fundamental lack of support from the GOP has always been one of the major obstacles for passing comprehensive reform legislation, and indeed this seemed to be the case this year after the Bill passed by the Senate was struck down by Congress. However, more and more GOP members are realizing the significance of the Latino vote and understanding that passing comprehensive immigration reform is the most significant way of securing support from Latino voters. ¶ A July poll from Latino Decisions found that immigration reform was the most important issue facing the Latino community for 60 percent of those surveyed. The poll also found that 70 percent of those questioned were dissatisfied with the job Republicans were doing on the issue. The survey also found the 39 percent would be more likely to support a Republican congressional candidate if immigration reform was passed with Republican leadership. ¶ Republican candidates have become aware of the significance of immigration reform for the party. Even in traditionally conservative Republican strongholds like Texas, candidates are turning towards immigration reform. According to Republican strategist and CNN en Español commentator Juan Hernandez, "it also wouldn’t surprise me if after the primary, the candidates move to the center and support reform. For Republicans to stay in leadership in Texas, we must properly address immigration.”¶ The March 2014 primaries will be a key moment in determining how reform progresses: Republican Strategist John Feehery suggests, “The timing on this is very important. What was stupid to do becomes smart to do a little bit later in the year.” Once the primaries are over, GOP members will have the chance to implement reform legislation without fear of challenges from the right. ¶ 2. Legalization Over Citizenship: While the Senate’s 2013 immigration reform bill was struck down by Congress, GOP party members have indicated that they will support legislation which favors legalization of undocumented immigrants over a path to citizenship.¶ Meanwhile, a recent survey from Pew Research Hispanic Trends Project demonstrated that 55 percent of Hispanic adults believe that legalizing immigrants and removing the fear of deportation is more important than a pathway to citizenship (although citizenship is still important to 89 percent of Latinos surveyed.)¶ As CBS suggests, “Numbers like these could give leverage to lawmakers who are interested in making some reforms to the legal immigration system, but not necessarily offering any kind of citizenship.”¶ If House Republicans offered legalization legislation for the undocumented community, this could put pressure on the President to compromise. And while this kind of reform would not be as comprehensive as the Senate’s bill, a bipartisan agreement would be a significant achievement towards accomplishing reform.¶ 3. Activism Steps Up: 2013 saw one of the biggest surges in grassroots activism from immigration supporters, and political leaders started to listen. The hunger strike outside the White House was a particularly significant demonstration and drew visits of solidarity from a number of leaders from both sides of Congress, including the President and First Lady.¶ Immigration reform activists have promised "we will be back in 2014." Indeed, 2014 promises to be a year of even greater activism. Activist Eliseo Medina has pledged that immigrant advocacy groups would visit “as many congressional districts as possible” in 2014 to ensure further support.¶ Protests, rallies and marchers are likely to increase in 2014, putting greater pressure on Congress to pass legislation. Such visual, vocal protests will be key in ensuring comprehensive reform.¶ 4. Leadership: As immigration reform comes to the fore, party leaders will step up in 2014 to ensure change is achieved. While President Obama has made clear his support for comprehensive reform, House Speaker John Boehner previously stated that he had “no intention” of negotiating with the Senate on their comprehensive immigration bill. ¶ However, towards the end of 2013, it seemed that Representative Boehner was changing his tune. In November, President Obama revealed that “the good news is, just this past week Speaker Boehner said that he is “hopeful we can make progress” on immigration reform.” As if to prove the point, Boehner has recently hired top aide Rebecca Tallent to work on immigration reform.¶ With bipartisan leadership firmly focused on immigration reform and party members on both sides realizing the political importance of the issue, comprehensive legislation is one thing we can be sure of in 2014.

#### Fighting to defend his war power will sap Obama’s capital, trading off with rest of agenda

**Kriner, 10** --- assistant professor of political science at Boston University

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

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

**Immigration key to clean tech – solves warming.**

**Herman and Smith ‘10** (Richard T. Herman is the founder of Richard T. Herman & Associates, law firm in Cleveland, Ohio, also the co-founder of a chapter of TiE, a global network of entrepreneurs started in 1992 in Silicon Valley. He has appeared on National Public Radio, FOX News, and various affiliates of NBC, CBS, and ABC. He has also been quoted in such publications as USA Today,InformationWeek, PCWorld, ComputerWorld, CIO, Site Selection and National Lawyers Weekly, Robert L. Smith is a veteran journalist who covers international cultures and immigration issues for the Cleveland Plain Dealer, Ohio’s largest newspaper. Bob He has written extensively about immigration issues and has interviewed people at all points of the immigrant experience, from undocumented field workers to hugely successful entrepreneurs, Parts of this paper were excerpted from the book “Immigrant Inc.: Why Immigrant Entrepreneurs are Driving the New Economy (and how they will save the American worker)” (John Wiley & Sons, 2009) by Richard T. Herman & Robert L. Smith.  Available wherever books are sold, “Why Immigrants Can Drive the Green Economy,” Immigation Policy Center)

Raymond Spencer, an Australian-born entrepreneur based in Chicago, has a window on the future—and a gusto for investing after founding a high-technology consulting company that sold for more than $1 billion in 2006. “I have investments in maybe 10 start-ups, all of which fall within a broad umbrella of a ‘green’ theme,” he said. “And it’s interesting, the vast majority are either led by immigrants or have key technical people who are immigrants.” It should come as no surprise that immigrants will help **drive the green revolution**. America’s young scientists and engineers, especially the ones drawn to emerging industries like alternative energy, tend to speak with an accent. The 2000 Census found that immigrants, while accounting for 12 percent of the population, made up nearly **half of the all scientists and engineers** with doctorate degrees. Their importance will only grow. Nearly 70 percent of the men and women who entered the fields of science and engineering from 1995 to 2006 were immigrants. Yet, the connection between immigration and the development and commercialization of alternative energy technology is rarely discussed. Policymakers envision millions of new jobs as the nation pursues renewable energy sources, like wind and solar power, and builds a smart grid to tap it. But Dan Arvizu, **the leading expert** on solar power and the director of the National Renewable Energy Laboratory of the U.S. Department of Energy in Golden, Colorado, warns that **much of the clean-technology talent lies overseas**, in nations that began **pursuing alternative energy** sources **decades ago.** Expanding our **own clean-tech industry will require working closely with foreign nations and** foreign-born **scientists**, he said. Immigration restrictions are making collaboration difficult. His **lab’s** **efforts to work with a Chinese energy lab**, for example, **were** **stalled due to U.S. immigration barriers**. “We can’t get researchers over here,” Arvizu, the son of a once-undocumented immigrant from Mexico, said in an interview in March 2009, his voice tinged with dismay. “It makes no sense to me. We need a much more enlightened approach.” Dr. Zhao Gang, the Vice Director of the Renewable Energy and New Energy International Cooperation Planning Office of the Ministry of Science and Technology in China, says that America needs that enlightenment fast. “The Chinese government continues to impress upon the Obama administration that **immigration restrictions are creating major impediments to U.S.-China collaboration on clean energy** development,” he said during a recent speech in Cleveland. So what’s the problem? Some of it can be attributed to national security restrictions that impede international collaboration on clean energy. But Arvizu places greater weight on immigration barriers, suggesting that national secrecy is less important in the fast-paced world of green-tech development. “We are innovating so fast here, what we do today is often outdated tomorrow. Finding solutions to alternative energy is a complex, global problem that requires global teamwork,” he said. **We need** an **immigration** system **that prioritizes** the attraction and retention of **scarce, high-end talent** needed **to invent and commercialize alternative energy technology** and other emerging technologies. One idea we floated by Arvizu was a new immigrant “Energy Scientist Visa,” providing fast-track green cards for Ph.D.s with the most promising energy research, as reviewed by a panel of top U.S. scientists. Arvizu enthusiastically responded, “Wow, that’s a brilliant idea.” As the recent submission of the Startup Visa Act bill suggests, there’s really no shortage of good ideas of leveraging immigration to jumpstart the economy. The challenge is getting the American people to understand that high-skill immigration creates jobs, that the current system is broken, and that action is required now.

**Studies show warming is human caused and will cause extinction**

**Ahmed 2010**

(Nafeez Ahmed, Executive Director of the Institute for Policy Research and Development, professor of International Relations and globalization at Brunel University and the University of Sussex, Spring/Summer 2010, “Globalizing Insecurity: The Convergence of Interdependent Ecological, Energy, and Economic Crises,” Spotlight on Security, Volume 5, Issue 2, online)

Perhaps **the most notorious indicator is anthropogenic global warming**. **The landmark** 2007 Fourth **Assessment** Report of the UN Intergovernmental Panel **on Climate Change** (IPCC) – which **warned that at then-current rates of increase of fossil fuel emissions, the earth’s global average temperature would likely rise by 6°C by the end of the 21st century** **creating a** largely **uninhabitable planet** – was a wake-up call to the international community.[v] **Despite the pretensions of ‘climate sceptics,’ the peer-reviewed scientific literature has continued to produce evidence that the IPCC’s original scenarios were wrong – not because they were too alarmist**, but on the contrary, **because they were far too conservative**. According to a paper in the Proceedings of the National Academy of Sciences, **current CO2 emissions are worse than all six scenarios contemplated by the IPCC. This implies that the IPCC’s worst-case six-degree scenario severely underestimates the most probable climate trajectory** under current rates of emissions.[vi] It is often presumed that a 2°C rise in global average temperatures under an atmospheric concentration of greenhouse gasses at 400 parts per million (ppm) constitutes a safe upper limit – **beyond which further global warming could trigger rapid and abrupt climate changes that, in turn, could tip the whole earth climate system into a process of irreversible, runaway warming.[**vii] Unfortunately, we are already well past this limit, with the level of greenhouse gasses as of mid-2005 constituting 445 ppm.[viii] Worse still, cutting-edge scientific data suggests that the safe upper limit is in fact far lower**. James Hansen**, director of the NASA Goddard Institute for Space Studies, **argues that the absolute upper limit for CO2 emissions is 350 ppm: “If the present overshoot of this target CO2 is not brief, there is a possibility of seeding irreversible catastrophic effects.**”[ix] A wealth of **scientific studies** has **attempted to explor**e the role of **positive-feedback mechanisms between different climate sub-systems**, the operation of which could intensify the warming process. **Emissions beyond 350 ppm over decades are likely to lead to the total loss of Arctic sea-ice** in the summer **triggering magnified absorption** of sun radiation, **accelerating warming**; the melting of Arctic permafrost triggering **massive methane injections** into the atmosphere, accelerating warming; the **loss of half the Amazon rainforest** triggering the momentous release of billions of tonnes of stored carbon, accelerating warming; and **increased microbial activity in the earth’s soi**l leading to further huge releases of stored carbon, accelerating warming; to name just a few. **Each of these feedback sub-systems alone is sufficient by itself to lead to irreversible, catastrophic effects that could tip the whole earth climate system over the edge**.[x] Recent studies now estimate that the **continuation of business-as-usual would lead to global warming of three to four degrees Celsius before 2060 with multiple irreversible, catastrophic impacts; and six, even as high as eight, degrees by the end of the century – a situation endangering the survival of all life on earth.[**xi]

**4**

**The logic of the affirmative asks how war should be waged rather than if war should be waged at all—their methods only spark temporary interest in the military-industrial complex—it leads to free reign of the mentality of constant war**

**Lichterman 3**

[Andrew, Program Director of the Western States Legal Foundation, Missiles of Empire: America’s 21st Century Global Legions, WSLF Information Bulletin, Fall 2003, http://www.wslfweb.org/nukes.htm]

**Criticizing the Hubcaps while the Juggernaut Rolls On** **The U.S. military-industrial complex today is** so **immense** as to defy comprehension. **Even those** few **paying attention tend to focus on one small piece at a time. One month it may be** proposals for **nuclear weapons** with certain new capabilities. **Then the attention may shift to missile defense– but** there too, **only a small part of the program attracts public debate, with** immense **programs like the airborne laser proceeding almost invisibly. Proposals for** the intensive **militarization of space** like the Space Plane **come to light for a day or two, attracting a brief flurry of interest**; the continuing, broad development of military space technologies, from GPS-aided guidance to radiation hardened microchips to space power generation, draw even less scrutiny. There is so broad a consensus among political elites supporting the constant refinement of conventional armaments that new generations of strike aircraft, Navy ships, and armored vehicles attract little notice outside industry and professional circles, with only spectacular cost overruns or technical failures likely to draw the occasional headline. **A few Congresspeople will** **challenge one or another particularly extreme new** **weapon** (e.g. the “Robust Nuclear Earth Penetrator”), **but usually on** narrow **pragmatic** **grounds: we can accomplish the same “mission”** **with less risky or cheaper weapons. But the question of “why,” seldom is asked, only “how,”** or “how much does it cost?” Most of **the programs** **that constitute the military machine glide silently onward undisturbed,** like the body of a missile submarine invisible below the deceptively small surfaces that rise above the sea. The United States emerged after both World War II and the Cold War as the most powerful state on earth-- the one with the most choices. The first time, all of this was still new. We could perhaps understand our ever deeper engagement with the machinery of death as a series of tragic events, of the inevitable outcome of fallible humans grappling with the titanic forces they had only recently unleashed, in the context of a global confrontation layered in secrecy, ideology, and fear. But this time around, since the end of the Cold War, **we must see the United States as truly choosing, with every new weapon and every new war, to lead the world into** a renewed spiral towards **catastrophe**. The past is written, but our understanding of it changes from moment to moment. The United States began the nuclear age as the most powerful nation on earth, and proclaimed the character of the “American Century” with the bombings of Hiroshima and Nagasaki, a cryptic message written in the blood of innocents. Its meaning has come clear over fifty years of technocratic militarism, punctuated by the deaths of millions in neo-colonial warfare and underscored always by the willingness to end the world rather than share power with anyone. **The path ahead still can be changed, but we must begin with an understanding of where we are, and how we got here.** In the United States, there is a very long way to go before we have a debate about the uses of military force that addresses honestly the weapons we have and seek to develop, much less about the complex social forces which impel the United States to maintain its extraordinary levels of forces and armaments. Most Americans don’t know what their government is doing in their name, or why. Their government, regardless of the party in power, lies about both its means and its ends on a routine basis. And there is nothing the government lies about more than nuclear weapons, proclaiming to the world for the last decade that the United States was disassembling its nuclear facilities and leading the way to disarmament, while rebuilding its nuclear weapons plants and planning for another half century and more of nuclear dominance.74 It is clear by now that **fighting violence with yet more violence**, claiming to stop the spread of nuclear weapons by threatening the use of nuclear weapons, **is a dead end.** **The very notion of “enforcement,”** that some countries have the right to judge and punish others for seeking “weapons of mass destruction,” **has become an excuse for war making, a cover and justification for the power and profit agenda of secretive and undemocratic elites. The only solution that will increase the security of ordinary people anywhere is for all of us**, in our respective societies, **to do everything** we can **to get** **the most violent elements in our cultures– whether in or out of uniform– under control.** In the United States, **this will require far more than changing a few faces in Washington. We will need a genuine peace movement, ready to make connections to** movements for **ecological balance,** and **for social and economic justice**, and by doing so **to address the causes of war. Before we can expect others to join us, it must be clear that we are leaving the path of violence.**

**Awareness of militarism key – our internalized acceptance of war guarantees endless violence that ensures planetary destruction and structural violence**

**Lawrence 9**

[Grant, “Military Industrial "War" Consciousness Responsible for Economic and Social Collapse,” OEN—OpEdNews, March 27]

As a presidential candidate, [Barack Obama](http://obama.senate.gov/) called [Afghanistan](http://en.wikipedia.org/wiki/War_in_Afghanistan_%282001%E2%80%93present%29) ''the war we must win.'' He was absolutely right. Now it is time to win it... Senators [John McCain](http://www.imdb.com/name/nm0564587/) and Joseph Lieberman [calling](http://www.miamiherald.com/opinion/inbox/story/960269.html) for an expanded war in Afghanistan "How true it is that **war can destroy everything of value.**" Pope Benedict XVI [decrying](http://www.google.com/hostednews/afp/article/ALeqM5iuue8kE-e0lYZVFpt4RlbX4M_IEw) the suffering of Africa Where troops have been quartered, brambles and thorns spring up. In the track of great armies there must follow lean years. Lao Tzu on [War](http://www.sacred-texts.com/tao/salt/salt09.htm) **As Americans we are raised on the utility of war to conquer every problem. We have a drug problem so we wage war on it. We have a cancer problem so we wage war on it. We have a crime problem so we wage war on it. Poverty cannot be dealt with but it has to be warred against. Terror is another problem that must be warred against.** **In the** [**United States**](http://maps.google.com/maps?ll=38.8833333333,-77.0166666667&spn=10.0,10.0&q=38.8833333333,-77.0166666667%20%28United%20States%29&t=h)**, solutions can only be found in terms of wars. In a society that functions to support a massive military industrial war machine** and empire, **it is important that the terms promoted support the conditioning of its citizens. We are conditioned to see war as the solution to** major **social ills and** major **political disagreements.** That way **when we see so much of our resources devoted to war then we don't question the utility of it. The term "war" excites** mind and body **and creates a fear mentality** that looks at life in terms of attack. In war, there has to be an attack and a must win attitude to carry us to victory. **But is this war mentality working for us?** In an age when **nearly half of our tax money goes to support the war machine** and a good deal of the rest is going to support the elite that control the war machine, we can see that our present war mentality is not working. Our values have been so perverted by our war mentality that we see sex as sinful but killing as entertainment. **Our society is dripping violence. The violence is fed by poverty, social injustice,** the break down of family **and** community that also arises from **economic injustice**, and by the managed media. **The cycle of violence that exists in our society exists because it is useful to those that control society. It is easier to sell the war machine when your population is conditioned to violence. Our military industrial consciousness may not be working for** nearly **all of the life of the planet but it does work for the very few that are the master manipulators of our values** and our consciousness. Rupert Murdoch, the media monopoly man that runs the "Fair and Balanced" [Fox Network](http://www.fox.com/), Sky Television, and [News Corp](http://www.newscorp.com/) just to name a few, [had](http://en.wikipedia.org/wiki/Rupert_Murdoch) all of his 175 newspapers editorialize in favor of the [Iraq war](http://en.wikipedia.org/wiki/Iraq_War). Murdoch snickers when [he says](http://www.newscorpse.com/ncWP/?p=341) "we tried" to manipulate public opinion." The Iraq war was a good war to Murdoch [because,](http://www.americanprogress.org/issues/2004/07/b122948.html) "The death toll, certainly of Americans there, by the terms of any previous war are quite minute." But, to the media manipulators, the phony politicos, the military industrial elite, a million dead Iraqis are not to be considered. **War is big business and it is supported by a war consciousness that allows it to prosper. That is why** more war in Afghanistan, the war on Palestinians, and the **other wars around the planet** in which the [military industrial complex](http://en.wikipedia.org/wiki/Military-industrial_complex) builds massive wealth and power **will continue. The military industrial war mentality is not only killing, maiming, and destroying but it is also contributing to the present social and economic collapse.** As mentioned previously, **the massive wealth transfer that occurs when the American people give half of their money to support death and destruction is money that could have gone to support a just society. It is no accident that after years of war and preparing for war, our society is crumbling. Science and technological resources along with economic and natural resources have been squandered in the never-ending pursuit of enemies. All of that energy could have been utilized for the good of humanity,** ¶ **instead of maintaining the power positions of the** very few **super wealthy.** So the suffering that we give is ultimately the suffering we get. **Humans want to believe that they can escape the consciousness that they live in. But that consciousness determines what we experience and how we live. As long as we choose to live in "War" in our minds then we will continue to get "War" in our lives. When humanity chooses to wage peace on the world then there will be a flowering of life.** But until then we will be forced to live the life our present war consciousness is creating.

**The alternative is to reject the 1AC in favor of a pacifistic solution to problems.**

**The only way to solve is by adopting a pacifistic mindset—the shift away from militarism is key**

**Demenchonok 9**

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**Where, then, does the future lie? Unilateralism, hegemonic political anarchy, mass immiseration, ecocide, and global violence**—a Hobbesian bellum omnium contra omnes? **Or international cooperation, social justice, and genuine collective—political and human—security?** Down which path lies cowering, fragile hope?¶ **Humanistic thinkers** approach these problems from the perspective of their concern about the situation of individuals and the long-range interests of humanity. They **examine** in depth the **root causes of** these **problems, warning about the consequences of escalation and, at the same time, indicating the prospect of their possible solutions through nonviolent means and a growing global consciousness. Today's world is in desperate need of realistic alternatives to violent conflict. Nonviolent action—properly planned and executed—is a powerful and effective force for political and social change. The ideas of peace and nonviolence, as expressed by** Immanuel **Kant,** Leo **Tolstoy,** Mahatma **Gandhi,** **M**artin **L**uther **K**ing**, and many contemporary philosophers**—supported by peace and civil rights movements—**counter the ~~paralyzing~~** **fear with hope and offer a realistic alternative: a rational approach to the** solutions to the **problems**, encouraging people to be the masters of their own destiny.¶ **Fortunately, the memory of the tragedies of war and the growing realization of this new existential situation of humanity has awakened the global conscience and generated protest movements demanding necessary changes. During the four decades of the Cold War,** which polarized the world, **power politics was challenged by the** common perspective of humanity, of the supreme value of human life, and **the ethics of peace.** Thus, in Europe, which suffered from both world wars and totalitarianism, spiritual-**intellectual efforts to find solutions to these problems generated ideas of** "new thinking," aiming for **peace, freedom, and democracy. Today, philosophers, intellectuals, progressive political leaders, and peace-movement activists continue to promote a peaceful alternative.** In the asymmetry of power, despite being frustrated by war-prone politics, **peaceful projects emerge** each time, like a phoenix arising from the ashes, **as the only viable alternative for the survival of humanity. The new thinking** in philosophy **affirms the supreme value of** human and nonhuman **life, freedom, justice, and the future of human civilization. It asserts that the** transcendental task of the **survival of humankind and the rest of the biotic community must have an unquestionable primacy in comparison to particular interests** of nations, social classes, and so forth. In applying these principles to the nuclear age, **it considers a just and lasting peace as a categorical imperative for the survival of humankind, and thus proposes a world free from nuclear weapons** and from **war and organized violence.**44 In tune with the Charter of the United Nations, **it calls for** the **democratization** of international relations and for **dialogue and cooperation in order to secure peace, human rights, and solutions to global problems.** It further calls for the transition toward a cosmopolitan order.¶ **The escalating global problems are symptoms of** what might be termed **a** contemporary **civilizational disease**, developed over the course of centuries, in which techno-economic progress is achieved at the cost of depersonalization and dehumanization. Therefore, **the possibility of an effective "treatment" today depends on** whether or not **humankind** will be able to regain its humanity, thus establishing new relations of the individual with himself or herself, with others, and with nature. **Hence the need for a new philosophy of humanity and an ethics of nonviolence and planetary co-responsibility to help us make sense not only of our past historical events, but also of the extent, quality, and urgency of our present choices.**

## Terror

#### AUMF revisions crush counter-terror- crushes flexibility, announces our vulnerabilities, and snowballs

Corn, 13 Geoffrey, Professor of Law and Presidential Research Professor, Testimony at the Hearing of the Senate Armed Services Committee Subject: "The Law of Armed Conflict, the Use of Military Force, and the 2001 Authorization for Use of Military Force" May 16th, Federal News Service, Nexis

Because I do not believe there is inconsistency between the nature of U.S. operations to date and these inherent limitations, I do not believe it is necessary at this point in time to modify the AUMF. Instead, I believe that Congress should continue to engage in oversight to remain fully apprised of the strategic, operational, and at times tactical decisionmaking processes that result in the employment of U.S. combat power pursuant to the statute, enabling Congress to ensure that such use falls within the scope of an authorization targeted at al Qaeda, intended to protect the Nation from future terrorist attacks, and that these operations reflect unquestioned commitment to the principles of international law that regulate the use of military force during any armed conflict. I believe the AUMF effectively addresses the belligerent threat against the United States posed by terrorist groups. I emphasize the term ‘‘belligerent’’ for an important reason. It is obvious that the AUMF has granted authority to use the Nation’s military power against threats falling within its scope. Therefore, only those organizations that pose a risk of sufficient magnitude to justify invoking the authority associated with armed conflict should be included within that scope as a result of their affiliation with al Qaeda. Determining what groups properly fall within this scope is, therefore, both critical and challenging. The AUMF provides the President with the necessary flexibility to tailor U.S. operations to the evolving nature of this unconventional enemy, maximizing the efficacy of U.S. efforts to deny al Qaeda the freedom of action they possessed in Afghanistan prior to Operation Enduring Freedom. In reaction to this evolution, the United States has employed combat power against what the prior panel referred to as associated forces or co-belligerents of al Qaeda, belligerent groups assessed to adhere to the overall terrorist objectives of the organization and engage in hostilities alongside al Qaeda directed against the United States or its interests. The focused on shared ideology, tactics, and indicia of connection between high-level group leaders seems both logical and legitimate for including these offshoots of al Qaeda within the scope of the AUMF as co-belligerents, a determination that, based on publicly available information, has to date been limited to groups seeking the sanctuary of the Afghanistan-Pakistan border areas, Yemen, or Somalia. If Congress does, however, choose to revise the AUMF, I do not believe that the revision should incorporatean exclusive list of defined co-belligerent groups, a geographic scope limitation, or some external oversight of targeting decisions**,** all of which would undermine the efficacy of U.S. operations by signaling to the enemy limits on U.S. operational and tactical reach**.** It is an operational and tactical axiom that insurgent and non- state threats rarely seek the proverbial toe-to-toe confrontation with clearly superior military forces. Al Qaeda is no different. Indeed, their attempts to engage in such tactics in the initial phases of Operation Enduring Freedom proved disastrous. Incorporating such limitations into the AUMF would, therefore, be inconsistent with the operational objective of seizing and retaining the initiative against this unconventional enemy and the strategic objective of preventing future terrorist attacks against the United States. Finally, I believe to target decisionmaking during armed conflict is a quintessential command function and that the President, acting in his own capacity or through subordinate officers, should make these decisions. He and his subordinates bear an obligation to ensure compliance with the Law of Armed Conflict and other principles of international law when employing U.S. combat power. Every subordinate officer in the chain of command is sworn to uphold and defend the constitution which, by implication, also requires compliance with this law. I believe the level of commitment to ensuring such compliance in structure, process, education, training, and internal oversight is more significant today than at any time in our Nation’s history. As one familiar with all these aspects of the compliance process, I am discouraged by the common assertion that there is insufficient oversight for targeting decisions. Furthermore, I believe few people better understand the immense moral burden associated with a decision to order lethal attack than experienced military leaders who never take these decisions lightly. If our confidence in these leaders to make sound military decisions is sufficient to entrust to them the lives of our sons and daughters—and on this point, again I must admit my self-interest as my son is a second-year cadet in the U.S. Air Force Academy and my brother is a serving colonel in the United States Army—I believe it must be sufficient to judge when and how to employ lethal combat power against an enemy. These leaders spend their entire professional careers immersed in the operational, moral, ethical, and legal aspects of employing combat power. I just do not believe some external oversight mechanism or a Federal judge is more competent to make these extremely difficult and weighty judgments as the people that this Nation entrusts for that responsibility. Finally, I would like to make one comment on the very hotly discussed issue of associated forces and the scope of the AUMF. In my view, when the administration refers to an associated or affiliated force, it is referring to a process of mutation that this organization undergoes. Obviously, we are dealing with an enemy that is going to seek every asymmetrical tactic to avoid the capability of the United States to disrupt or disable its operations. Part of that tactic, I think is to recruit and grow affiliated organizations. I certainly understand the logic of wanting to include those organizations within the scope of a revised AUMF. My concern echoes that of Senator Inhofe, which is the risk is if you open that Pandora’s box, what other changes to this authority might be included in the statute which I believe could denigrate or limit the effectiveness of U.S. military operations. And so while I believe Congress absolutely has an important function to ensure that the use of force under the statute is consistent with the underlying principles that frame the enactment of the AUMF, which is to defeat al Qaeda as an entity in the corporate sense and protect the United States from future terrorist attacks, I do not believe at this point in time it is necessary to modify the statute

**No scenario for nuclear terror---consensus of experts**

Matt **Fay ‘13**, PhD student in the history department at Temple University, has a Bachelor’s degree in Political Science from St. Xavier University and a Master’s in International Relations and Conflict Resolution with a minor in Transnational Security Studies from American Military University, 7/18/13, “The Ever-Shrinking Odds of Nuclear Terrorism”, webcache.googleusercontent.com/search?q=cache:HoItCUNhbgUJ:hegemonicobsessions.com/%3Fp%3D902+&cd=1&hl=en&ct=clnk&gl=us&client=firefox-a

**For over a decade now, one of the most oft-repeated threats** raised by policymakers—the one that in many ways justified the invasion of Iraq—**has been that of nuclear terrorism. Officials** in both the Bush and Obama administrations, including the presidents themselves, **have raised the specter of the atomic terrorist.** But **beyond mere rhetoric, how likely is a nuclear terrorist attack** really?¶ While pessimistic estimates about America’s ability to avoid a nuclear terrorist attack became something of a cottage industry following the September 11th attacks, a number of **scholars** in recent years **have pushed back** against this trend. Frank **Gavin has put post-9/11 fears of nuclear terrorism into historical context** (pdf) **and argued against the prevailing alarmism**. Anne **Stenersen** of the Norwegian Defence Research Establishment **has challenged the idea that al Qaeda was ever bound and determined to acquire a nuclear weapon.** John **Mueller ridiculed the notion of nuclear terrorism** in his book Atomic Obsessions **and highlighted the numerous steps a terrorist group would need to take**—all of which would have to be successful—**in order to procure, deliver, and detonate an atomic weapon. And** in his excellent, and exceedingly even-handed, treatment of the subject, On Nuclear Terrorism, Michael **Levi outlined the difficulties terrorists would face building their own nuclear weapon and discussed how a “system of systems” could be developed to interdict potential materials smuggled into the U**nited **S**tates—**citing a “Murphy’s law of nuclear terrorism” that could possibly dissuade terrorists from even trying in the first place**.¶ But what about the possibility that a rogue state could transfer a nuclear weapon to a terrorist group? That was ostensibly why the United States deposed Saddam Hussein’s regime: fear he would turnover one of his hypothetical nuclear weapons for al Qaeda to use.¶ Enter into this discussion Keir Lieber and Daryl Press and their article in the most recent edition of International Security, “Why States Won’t Give Nuclear Weapons to Terrorists.” Lieber and Press have been writing on nuclear issues for just shy of a decade—doing innovative, if controversial work on American nuclear strategy. However, I believe this is their first venture into the debate over nuclear terrorism. And while **others, such as Mueller, have argued that states are unlikely to transfer nuclear weapons to terrorists**, this article is the first to tackle the subject with an empirical analysis.¶ The title of their article nicely sums up their argument: **states will not turn over nuclear weapons terrorists**. To back up this claim, **Lieber and Press attack the idea that states will transfer nuclear weapons to terrorists because terrorists operate of absent a “return address**.” Based on an examination of attribution following conventional terrorist attacks, the authors conclude:¶ [**N]either a terror group nor a state sponsor would remain anonymous after a nuclear attack**. We draw this conclusion on the basis of four main findings. First, data on a decade of terrorist incidents reveal a strong positive relationship between the number of fatalities caused in a terror attack and the likelihood of attribution. Roughly three-quarters of the attacks that kill 100 people or more are traced back to the perpetrators. Second, attribution rates are far higher for attacks on the U.S. homeland or the territory of a major U.S. ally—97 percent (thirty-six of thirty-seven) for incidents that killed ten or more people. Third, tracing culpability from a guilty terrorist group back to its state sponsor is not likely to be difficult: few countries sponsor terrorism; few terrorist groups have state sponsors; each sponsor terrorist group has few sponsors (typically one); and only one country that sponsors terrorism, has nuclear weapons or enough fissile material to manufacture a weapon. In sum, **attribution of nuclear terror incidents would be easier than is typically suggested, and passing weapons to terrorists would not offer countries escape from** the constraints of **deterrence**.¶ From this analysis, Lieber and Press draw two major implications for U.S. foreign policy: claims that it is impossible to attribute nuclear terrorism to particular groups or potential states sponsors undermines deterrence; and fear of states transferring nuclear weapons to terrorist groups, by itself, does not justify extreme measures to prevent nuclear proliferation.¶ This is a key point. While there are other reasons nuclear proliferation is undesirable, **fears of nuclear terrorism have been used to justify a wide-range of policies**—up to, and including, military action. **Put in its proper perspective however—given the difficulty in constructing and transporting a nuclear device and the improbability of state transfer—nuclear terrorism hardly warrants** the type of exertions many **alarmist assessments** indicate it should.

**No impact to terrorism – too hard to pull off post 9/11, not enough personnel to carry out an attack, too much pressure because of security restrictions**

**Schneier 10**

(Bruce, a security technologist and author of "Beyond Fear: Thinking Sensibly About Security in an Uncertain World.", “Opinion: Where Are All the Terrorist Attacks?”, March 2010, <http://www.aolnews.com/opinion/article/opinion-why-arent-there-more-times-square-style-terrorist-attacks/19463843>)

Hard to Pull Off **Terrorism sounds easy**, but the actual attack is the easiest part. **Putting together the people, the plot and the materials is hard. It's hard to sneak terrorists into the U.S. It's hard to grow your own inside the U.S. It's hard to operate; the general population, even the Muslim population, is against you.** Movies and television make terrorist plots look easier than they are. It's hard to hold conspiracies together. It's easy to make a mistake. **Even 9/11, which was planned before the climate of fear that event engendered, just barely succeeded. Today, it's much harder to pull something like that off without slipping up and getting arrested.** Few Terrorists **But even more important than the difficulty of executing a terrorist attack, there aren't a lot of terrorists out there. Al-Qaida isn't a well-organized global organization** with movie-plot-villain capabilities; it's a loose collection of people using the same name. **Despite the post-9/11 rhetoric, there isn't a terrorist cell in every major city. If you think about the major terrorist plots we've foiled in the U.S. -- the JFK bombers, the Fort Dix plotters -- they were mostly** [**amateur terrorist wannabes**](http://www.schneier.com/essay-174.html) **with no connection to any sort of al-Qaida central command, and mostly no ability to effectively carry out the attacks they planned. The successful terrorist attacks** -- the Fort Hood shooter, the guy who flew his plane into the Austin IRS office, the anthrax mailer -- **were largely nut cases operating alone**. Even the unsuccessful shoe bomber, and the equally unsuccessful Christmas Day underwear bomber, had minimal organized help -- and that help originated outside the U.S. **Terrorism doesn't occur without terrorists, and they are far rarer than popular opinion would have it.**

**The worst case scenario happened – no extinction**

**Dove 12** [Alan Dove, PhD in Microbiology, science journalist and former Adjunct Professor at New York University, “Who’s Afraid of the Big, Bad Bioterrorist?” Jan 24 2012, http://alandove.com/content/2012/01/whos-afraid-of-the-big-bad-bioterrorist/]

The second problem is much more serious. Eliminating the toxins, we’re left with a list of infectious bacteria and viruses. With a single exception, these organisms are probably near-useless as weapons, and history proves it.¶ There have been at least three well-documented military-style deployments of infectious agents from the list, plus one deployment of an agent that’s not on the list. I’m focusing entirely on the modern era, by the way. There are historical reports of armies catapulting plague-ridden corpses over city walls and conquistadors trying to inoculate blankets with Variola (smallpox), but it’s not clear those “attacks” were effective. Those diseases tended to spread like, well, plagues, so there’s no telling whether the targets really caught the diseases from the bodies and blankets, or simply picked them up through casual contact with their enemies.¶Of the four modern biowarfare incidents, two have been fatal. The first was the 1979 Sverdlovsk anthrax incident, which killed an estimated 100 people. In that case, a Soviet-built biological weapons lab accidentally released a large plume of weaponized Bacillus anthracis (anthrax) over a major city. Soviet authorities tried to blame the resulting fatalities on “bad meat,” but in the 1990s Western investigators were finally able to piece together the real story. The second fatal incident also involved anthrax from a government-run lab: the 2001 “Amerithrax” attacks. That time, a rogue employee (or perhaps employees) of the government’s main bioweapons lab sent weaponized, powdered anthrax through the US postal service. Five people died.¶ That gives us a grand total of around 105 deaths, entirely from agents that were grown and weaponized in officially-sanctioned and funded bioweapons research labs. Remember that.¶Terrorist groups have also deployed biological weapons twice, and these cases are very instructive. The first was the 1984 Rajneeshee bioterror attack, in which members of acult in Oregon inoculated restaurant salad bars with Salmonella bacteria (an agent that’s not on the “select” list). 751 people got sick, but nobody died. Public health authorities handled it as a conventional foodborne Salmonella outbreak, identified the sources and contained them. Nobody even would have known it was a deliberate attack if a member of the cult hadn’t come forward afterward with a confession. Lesson: our existing public health infrastructure was entirely adequate to respond to a major bioterrorist attack.¶ The second genuine bioterrorist attack took place in 1993. Members of the Aum Shinrikyo cult successfully isolated and grew a large stock of anthrax bacteria, then sprayed it as an aerosol from the roof of a building in downtown Tokyo. The cult was well-financed,and had many highly educated members, so **this** release over the world’s largest city really **represented a worst-case scenario**.¶ **Nobody got sick** or died. From the cult’s perspective, it was a complete and utter failure. Again, the only reason we even found out about it was a post-hoc confession. Aum members later demonstrated their lab skills by producing Sarin nerve gas, with far deadlier results. Lesson: one of the top “select agents” is extremely hard to grow and deploy even for relatively skilled non-state groups. It’s a really crappy bioterrorist weapon.¶ Taken together, these events point to an uncomfortable but inevitable conclusion: our biodefense industry is a far greater threat to us than any actual bioterrorists.

**No econ decline war---best and most recent data**

Daniel W. **Drezner 12**, Professor, The Fletcher School of Law and Diplomacy, Tufts University, October 2012, “The Irony of Global Economic Governance: The System Worked,” <http://www.globaleconomicgovernance.org/wp-content/uploads/IR-Colloquium-MT12-Week-5_The-Irony-of-Global-Economic-Governance.pdf>

**The final outcome addresses** a dog that hasn’t barked: **the effect of the Great Recession on cross-border conflict** and violence. During the initial stages of the crisis, multiple **analysts asserted** that **the financial crisis would lead states to increase** their **use of force** as a tool for staying in power.37 Whether through greater **internal repression, diversionary wars, arms races, or** a ratcheting up of **great power conflict**, there were genuine concerns that the global economic downturn would lead to an increase in conflict. Violence in the Middle East, border disputes in the South China Sea, and even the disruptions of the Occupy movement fuel impressions of surge in global public disorder. ¶ The **aggregate data suggests otherwise**, however. The Institute for Economics and Peace has constructed a “Global Peace Index” annually since 2007. A key conclusion they draw from the 2012 report is that “**The average level of peacefulness in 2012 is** approximately **the same as** it was in **2007**.”38 **Interstate violence** in particular **has** **declined** **since the start of the financial crisis** – **as have military expenditures** in most sampled countries. Other **studies confirm** that **the Great Recession has** **not triggered any increase in violent conflict**; the secular decline in violence that started with the end of the Cold War has not been reversed.39 Rogers Brubaker concludes, “**the crisis has not** to date **generated** the surge in **protectionist nationalism or ethnic exclusion that might have been expected**.”40¶ None of these data suggest that the global economy is operating swimmingly. Growth remains unbalanced and fragile, and has clearly slowed in 2012. Transnational capital flows remain depressed compared to pre-crisis levels, primarily due to a drying up of cross-border interbank lending in Europe. Currency volatility remains an ongoing concern. Compared to the aftermath of other postwar recessions, growth in output, investment, and employment in the developed world have all lagged behind. But the Great Recession is not like other postwar recessions in either scope or kind; expecting a standard “V”-shaped recovery was unreasonable. One financial analyst characterized the post-2008 global economy as in a state of “contained depression.”41 The key word is “contained,” however. **Given the severity, reach and depth of the 2008 financial crisis**, **the proper comparison is with Great Depression**. And **by that standard, the outcome variables look impressive**. As Carmen Reinhart and Kenneth Rogoff concluded in This Time is Different: “that its macroeconomic outcome has been only the most severe global recession since World War II – and not even worse – must be regarded as fortunate.”42

## Firebreak

#### No war – deterrence checks escalation

Ganguly, 8

[Sumit Ganguly is a professor of political science and holds the Rabindranath Tagore Chair at Indiana University, Bloomington. “Nuclear Stability in South Asia,” International Security, Vol. 33, No. 2 (Fall 2008), pp. 45–70]

As the outcomes of the 1999 and 2001–02 crises show, nuclear deterrence is robust in South Asia. Both crises were contained at levels considerably short of full-scale war. That said, as Paul Kapur has argued, Pakistan’s acquisition of a nuclear weapons capability may well have emboldened its leadership, secure in the belief that India had no good options to respond. India, in turn, has been grappling with an effort to forge a new military doctrine and strategy to enable it to respond to Pakistani needling while containing the possibilities of conflict escalation, especially to the nuclear level.78 Whether Indian military planners can fashion such a calibrated strategy to cope with Pakistani probes remains an open question. This article’s analysis of the 1999 and 2001–02 crises does suggest, however, that nuclear deterrence in South Asia is far from parlous, contrary to what the critics have suggested. Three specific forms of evidence can be adduced to argue the case for the strength of nuclear deterrence. First, there is a serious problem of conflation in the arguments of both Hoyt and Kapur. Undeniably, Pakistan’s willingness to provoke India has increased commensurate with its steady acquisition of a nuclear arsenal. This period from the late 1980s to the late 1990s, however, also coincided with two parallel developments that equipped Pakistan with the motives, opportunities, and means to meddle in India’s internal affairs—particularly in Jammu and Kashmir. The most important change that occurred was the end of the conflict with the Soviet Union, which freed up military resources for use in a new jihad in Kashmir. This jihad, in turn, was made possible by the emergence of an indigenous uprising within the state as a result of Indian political malfeasance.79 Once the jihadis were organized, trained, armed, and unleashed, it is far from clear whether Pakistan could control the behavior and actions of every resulting jihadist organization.80 Consequently, although the number of attacks on India did multiply during the 1990s, it is difficult to establish a firm causal connection between the growth of Pakistani boldness and its gradual acquisition of a full-fledged nuclear weapons capability. Second, India did respond with considerable force once its military planners realized the full scope and extent of the intrusions across the Line of Control. Despite the vigor of this response, India did exhibit restraint. For example, Indian pilots were under strict instructions not to cross the Line of Control in pursuit of their bombing objectives.81 They adhered to these guidelines even though they left them more vulnerable to Pakistani ground ªre.82 The Indian military exercised such restraint to avoid provoking Pakistani fears of a wider attack into Pakistan-controlled Kashmir and then into Pakistan itself. Indian restraint was also evident at another level. During the last war in Kashmir in 1965, within a week of its onset, the Indian Army horizontally escalated with an attack into Pakistani Punjab. In fact, in the Punjab, Indian forces successfully breached the international border and reached the outskirts of the regional capital, Lahore. The Indian military resorted to this strategy under conditions that were not especially propitious for the country. Prime Minister Jawaharlal Nehru, India’s first prime minister, had died in late 1964. His successor, Lal Bahadur Shastri, was a relatively unknown politician of uncertain stature and standing, and the Indian military was still recovering from the trauma of the 1962 border war with the People’s Republic of China.83 Finally, because of its role in the Cold War, the Pakistani military was armed with more sophisticated, U.S.-supplied weaponry, including the F-86 Sabre and the F-104 Starfighter aircraft. India, on the other hand, had few supersonic aircraft in its inventory, barring a small number of Soviet-supplied MiG-21s and the indigenously built HF-24.84 Furthermore, the Indian military remained concerned that China might open a second front along the Himalayan border. Such concerns were not entirely chimerical, because a Sino-Pakistani entente was under way. Despite these limitations, the Indian political leadership responded to Pakistani aggression with vigor and granted the Indian military the necessary authority to expand the scope of the war. In marked contrast to the politico-military context of 1965, in 1999 India had a self-confident (if belligerent) political leadership and a substantially more powerful military apparatus. Moreover, the country had overcome most of its Nehruvian inhibitions about the use of force to resolve disputes.85 Furthermore, unlike in 1965, India had at least two reserve strike corps in the Punjab in a state of military readiness and poised to attack across the border if given the political nod.86 Despite these significant differences and advantages, the Indian political leadership chose to scrupulously limit the scope of the conflict to the Kargil region. As K. Subrahmanyam, a prominent Indian defense analyst and political commentator, wrote in 1993:. The awareness on both sides of a nuclear capability that can enable either country to assemble nuclear weapons at short notice induces mutual caution. This caution is already evident on the part of India. In 1965, when Pakistan carried out its “Operation Gibraltar” and sent in infiltrators, India sent its army across the cease-fire line to destroy the assembly points of the infiltrators. That escalated into a full-scale war. In 1990, when Pakistan once again carried out a massive infiltration of terrorists trained in Pakistan, India tried to deal with the problem on Indian territory and did not send its army into Pakistan-occupied Kashmir.87

#### No nuclear escalation and outside powers will stay out

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This situation would occur if China attempted to use force to achieve unification, the United States intervened, and China’s efforts were defeated, but Beijing refused to accept Taiwan’s independence.10 Analysis at RAND has found that a conflict between the United States and China over Taiwan would likely be confined to the use of conventional weapons, even though both the United States and China possess nuclear weapons, and that it would not likely escalate into a broader war between the United States and China. That is, the war would be contained in the area around Taiwan; the main combatants would probably be limited to the United States, China, and Japan; and active hostilities would probably end after a relatively short time. Nonetheless, such a war would probably result in a bitter relationship between the United States and China, comparable in some ways to that between the United States and the Soviet Union during the Cold War. China might well accelerate the buildup of its military capabilities with an eye toward waging a second, this time successful, campaign to claim Taiwan. This military competition would likely also be accompanied by a broader deterioration in Sino-U.S. relations, with mutual trade and investment falling dramatically or even ceasing, and each country demanding that its allies not cooperate with its rival. Countries in Asia might find themselves under pressure to choose between good relations with the United States and good relations with China. Nonetheless, even under these circumstances, the relationship between the United States and China after an inconclusive war over Taiwan would have important differences from the one between the United States and the Soviet Union during the Cold War. Unlike the Soviet Union, China is closely integrated into the world economy. With the exception of Japan, most countries in Asia would likely regard the importance of maintaining good relations with Beijing as outweighing any concerns about China having used force against Taiwan. They would resist U.S. pressure to choose between Washington and Beijing, preferring to maintain good relations with both. This logic would apply even more strongly to countries outside the region, which would be even less concerned about China’s use of force.

#### China-Taiwan war unlikely – economic ties and improving relations

Weede, Former Professor of Sociology at the University of Bonn, 2010

(Erich, retired in 2004, current member of the Mont Pelerin Society, “The Capitalist Peace and the Rise of China: Establishing Global Harmony by Economic Interdependence”, International Interactions 36:2, 206-213, 5/18/10, accessed 6/20/11) JDB

From an international trade perspective, all of East Asia has recently become a Chinese sphere of influence. China is the most important destination of Japanese, South Korean, and Taiwanese exports—ahead of the United States. Although Taiwanese politicians around the turn of the millennium rejected the idea of reunification on the Mainland’s terms, and although some of them were attracted to the idea of declaring the legal independence of Taiwan, economic and social ties across the Taiwan Strait grew vigorously at the same time. Taiwanese companies employ millions of people on the mainland. About a million people from Taiwan live on the Chinese mainland. Mainland China has been the preferred destination of Taiwan’s foreign investment. Since the lateral escalation of a military conflict between the People’s Republic of China and Taiwan constitutes the most plausible scenario whereby the U.S. and China might get into a war, economic interdependence between China and Taiwan contributes to the preservation of peace. Recently, political relations between the People’s Republic of China and the Republic of China on Taiwan have improved fast. Given the record of Sino-Japanese wars in the past and the power of these neighboring states, the extent of Sino-Japanese economic cooperation provides another reason for optimism. The capitalist peace stands a chance to apply between China and its neighbors and competitors.

#### SCS conflict won’t escalate

Chaibi, 13

[Abraham, “The outlook for continuing stability in the South China Sea” Politics in Spires, March 4, 2013, <http://politicsinspires.org/the-outlook-for-continuing-stability-in-the-south-china-sea/> //uwyo-baj]

East Asia’s rapid economic and military development has captured global attention, but pundits are quick to point to the South China Sea, North Korea, and Taiwan as potential obstacles to the region’s continued growth. Analysis of news coverage demonstrates that regional economies and tensions have been growing in tandem. The South China Sea has historically been of particular interest because of the number of conflicting claims on the islands and sea-lanes it encompasses. China, Malaysia, Brunei, the Philippines, Vietnam, and Taiwan, among others, have often engaged in bilateral disagreements with resulting spikes in diplomatic tension and even military confrontation. Of note, these conflicts have never escalated to a full-scale regional war. Direct extrapolation suggests that previous restraint in military interactions implies the nations involved do not consider the potential benefits sufficient to justify an upset to the balance of power. However, contemporary changes in economic and security conditions complicate the issue. While current tensions appear unlikely to lead to a full-scale military conflict, the diversion of national resources needed to maintain the status quo is substantial. Institutional changes to increase transparency; clarify US treaties with ASEAN nations; and increase states’ internal enforcement of international agreements, although initially costly, would allow the neighbouring states to redirect these resources to long-term growth. Historically, China has been involved in a majority of the military conflicts in the South China Sea. A 1947 Chinese map delineates China’s controversial claim to approximately 80% of the sea. China aggressively used its navy to conclude a dispute with Vietnam in the Battle of the Paracel Islands in 1974 and then in 1988 during the Johnson South Reef Skirmish for the Spratly Islands. Conflict was narrowly averted in 1995 when the Philippines chose not to shell fort-like Chinese military structures on Mischief Reef (China maintained they were only intended as shelter for fisherman); however, the Philippines continues to assert that this is an example of “creeping occupation”. This form of venting tensions, while far short of total war, is extremely costly over the long run; the combination of of resources, energy, and lives expended to establish a claim to the islands creates a significant and avoidable opportunity cost. These skirmishes are not merely an imprint of the 20th century but continue today as witnessed by the Chinese establishment of the Sansha garrison-city in 2012 and the Sino-Philippines stand-off in the Scarborough Shoal. What then is the evidence suggesting a continued reluctance to engage in full-scale military confrontation? Although in the past conflict has often arisen between economically interdependent nations (viz. the previous peak of global trade in 1914), the China-ASEAN relationship is one of fundamental interdependence of production, visible in the prevalence of international supply chaining in manufacturing processes, rather than solely trade and labour movement[i]. The burgeoning economic interdependence and growth of neighbouring states contributes a major incentive to prevent a conflagration. $5.3 trillion of trade, of which approximately 20% is US, transits the South China Sea annually and any interruption would not only severely restrict regional trade revenues, but would also very likely guarantee US military intervention[ii]. The Association of South East Asian Nations (ASEAN) is becoming increasingly interconnected and 2015 will mark a key turning point with the opening of internal ASEAN borders for free movement of labor. The ASEAN bloc has also concluded a number of reconciliation agreements with China. Regarding security, both the 2002 Code of Conduct and the 2011 Guidelines to the Code of Conduct are intended to help coordinate diplomacy and maintain peace in South China Sea disputes. Economically China has been ASEAN’s largest trading partner since 2009, and at its opening in 2010 the ASEAN-China free trade area (ACFTA) became the largest in the world by population. These arrangements come at a time when growing estimates of the value of the natural resources contained in the South China Sea are generating pressures associated with ensuring energy security. Economic interdependence between China and ASEAN, however, is not the sole factor at play. In areas with considerable interstate tension sub-state actors have often contributed to the deterioration of international relations, most prominently with the assassination of Archduke Franz Ferdinand tipping Europe into World War I. Recent developments in state-level Chinese political and military discourse reflect a strong interest in cooperation. Chinese President Hu Jintao’s 2011 discussions with Filipino President Corazon Aquino firmly expressed the hope that “the countries concerned may put aside disputes and actively explore forms of common development in the relevant sea areas”[iii]. Additionally in 2011 the Chinese State Council Information Office released a white paper with a similar emphasis on joint development. Yet China is also reported to have developed internal fractures in its South China Sea policy, with a number of different ministries controlling paramilitary units that are not under express government oversight[iv]. For example, the Bureau of Fisheries Administration (BFA) now directs a relatively well-equipped law enforcement fleet that is tasked with patrolling Chinese-owned fishing areas. Such interest groups repeatedly instigate minor disputes with their ASEAN counterparts and the US navy that exacerbate state-level discussions and risk eventually drawing unintended consequences (characteristically, in 2004 two BFA vessels obstructed a US Navy surveillance ship in the Yellow Sea). The region has also seen a rise in high-tech militarization, with rapid development in areas ranging from aircraft carriers and submarines to cyber-espionage; this is likely to further increase due to the 2011 US “pivot to Asia” and military surge. The pivot is considered to be a sign that the US intends to continue playing a leadership role in East Asia, a strategy at odds with China’s vision[v]. An associated complication is the imprecise definition of US commitments to its ally nations in the event of disputes in contested territories, especially vis-à-vis the Philippines and Vietnam, and the possibility that alliances will be used to escalate a small battle into a regional affair. The US is making efforts to address these complications; for the first time since RIMPACS’s creation in 1971, China has been invited to participate in a US-led naval exercise. Positive near-term repercussions of growing US involvement have also been postulated; analysts suggest that one of the root causes behind Chinese interest in cooperation is the fear that aggression in the South China Sea will drive other parties to strengthen their ties with the US[vi]. The relative wealth of economic and diplomatic compromises on all sides presents a compelling argument that under current conditions, disputes in the South China Sea will continue to be restrained to small-scale skirmishes that do not threaten overall stability. This is not to say that the increase in regional tension is insignificant, but rather that the involved parties all have a strong interest in maintaining mutual growth and have demonstrated their willingness to make strategic sacrifices to maintain the status quo. Furthermore as China is the common link in the majority of the disputes, it is probable that it will be at the heart of any conflict — and China has frequently shown restraint in this regard (though not so, for example, in Tibet). In terms of China’s priorities, policy analysts tend to agree that if China were to begin a large-scale military campaign, Taiwan would most likely be the focus of its aggression[vii].

## S

**Obama will resist the plan**

**Lobel, Pittsburgh law professor, 2008**

(Jules, “Conflicts Between the Commander in Chief and Congress: Concurrent Power over the Conduct of War”, Ohio State Law Journal, vol 69, lexis)

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

**Means Obama just arbitrarily defines words to shirk enforcement**

**Pollack, 13** -- MSU Guggenheim Fellow and professor of history emeritus [Norman, "Drones, Israel, and the Eclipse of Democracy," Counterpunch, 2-5-13, www.counterpunch.org/2013/02/05/drones-israel-and-the-eclipse-of-democracy/, accessed 9-1-13]

Bisharat first addresses the transmogrification of international law by Israel’s military lawyers. We might call this damage control, were it not more serious. When the Palestinians first sought to join the I.C.C., and then, to receive the UN’s conferral of nonmember status on them, Israel raised fierce opposition. Why? He writes: “Israel’s frantic opposition to the elevation of Palestine’s status at the United Nations was motivated precisely by the fear that it would soon lead to I.C.C. jurisdiction over Palestinian claims of war crimes. Israeli leaders are unnerved for good reason. The I.C.C. could prosecute major international crimes committed on Palestinian soil anytime after the court’s founding on July 1, 2002.” **In response to the threat, we see the deliberate reshaping of the law:** Since 2000, “the Israel Defense Forces, guided by its **military lawyers, have attempted to remake the laws of war by consciously violating them and then creating new legal concepts to provide juridical cover** for their misdeeds.” (Italics, mine) In other words, habituate the law to the existence of atrocities; **in the US‘s case, targeted assassination, repeated often enough, seems permissible**, indeed clever and wise, **as pressure is steadily applied to the laws of war.** Even then, “collateral damage” is seen as unintentional, regrettable, but hardly prosecutable, and in the current atmosphere of complicity and desensitization, never a war crime. (**Obama is hardly a novice at this game of stretching the law to suit the convenience of**, shall we say, the **national interest**? **In order to ensure the distortion in counting civilian casualties, which would bring the number down, as Brennan with a straight face claimed, was “zero,” the Big Lie** if ever there was one, placing him in distinguished European company, **Obama redefined the meaning of “combatant” status to be any male of military age throughout the area** (which we) declared a combat zone, which noticeably led to a higher incidence of sadism, because it allowed for “second strikes” on funerals—the assumption that anyone attending must be a terrorist—and first responders, those who went to the aid of the wounded and dying, themselves also certainly terrorists because of their rescue attempts.) These guys play hardball, perhaps no more than in using—by report—the proverbial baseball cards to designate who would be next on the kill list. But funerals and first responders—verified by accredited witnesses–seems overly much, and not a murmur from an adoring public.

**Congress won’t exercise limits**

Gene **Healy 2009** (vice president at the Cato Institute) “Reclaiming the War Power” http://object.cato.org/sites/cato.org/files/serials/files/cato-handbook-policymakers/2009/9/hb111-10.pdf

Each of these proposals has the merit of demanding that Congress carry the burden the Constitution places upon it: responsibility for the decision to go to war. **The Gelb-Slaughter plan shows particular promise.** Although Congress hasn’t declared war since 1942, reviving the formal declaration would make it harder for legislators to punt that decision to the president, as they did in Vietnam and Iraq. Hawks should see merit in making declarations mandatory, since a declaration commits those who voted for it to support the president and provide the resources he needs to prosecute the war successfully. Doves too should find much to applaud in the idea: forcing Congress to take a stand might concentrate the mind wonderfully and reduce the chances that we will find ourselves spending blood and treasure in conflicts that were not carefully examined at the outset. But we should be clear about the difficulties that comprehensive war powers reform entails. **Each of these reforms presupposes a Congress eager to be held accountable for its decisions, a judiciary with a stomach for interbranch struggles, and a voting public that rewards political actors who fight to put the presidency in its place.** Representative Jones’s Consti- tutional War Powers Resolution, which seeks to draw the judiciary into the struggle to constrain executive war making, ignores the Court’s resistance to congressional standing, as well as the 30-year history of litigation under the War Powers Resolution, a history that shows how adept the federal judiciary is at constructing rationales that allow it to avoid picking sides in battles between Congress and the president. Even if Jones’s Constitutional War Powers Resolution or Ely’s Combat Authorization Act could be passed today, and even if the courts, defying most past practice, grew bold enough to rule on whether hostilities were imminent, there would be still another difficulty; as Ely put it: **‘‘When we got down to cases and a court remanded the issue to Congress, would Congress actually be able to follow through and face the issue whether the war in question should be permitted to proceed?** Admittedly, the matter is not entirely free from doubt.’’ It’s worth thinking about how best to tie Ulysses to the mast. **But the problem with legislative schemes designed to force Congress to ‘‘do the right thing’’ is that Congress seems always to have one hand free. Statutory schemes designed to precommit legislators to particular procedures do not have a terribly promising track record. Historically, many such schemes have proved little more effective than a dieter’s note on the refrigerator. No mere statute can truly bind a future Congress,** and in areas ranging from agricultural policy to balanced budgets, **Congress has rarely hesitated to undo past agreements in the pursuit of short-term political advantage**. A : 14431$CH10 11-11-08 14:18:58 Page 113 Layout: 14431 : Odd 113 C ATO H ANDBOOK FOR P OLICYMAKERS **If checks on executive power are to be restored, we will need far less Red Team–Blue Team politicking**—**and many more legislators than we currently have who are willing to put the Constitution ahead of party loyalty**. That in turn will depend on a public willing to hold legislators accountable for ducking war powers fights and ceding vast authority to the president. Congressional courage of the kind needed to reclaim the war power will not be forthcoming unless and until American citizens demand it.

## 1NR

#### . Terrorism- the rhetoric posits the terrorist as the threat which works to construct them as ‘the other’ of which is inherently violent. This posits them as ‘less than human’ and thus we can do violence upon them that would not be acceptable to do to ‘real humans’- this is unique to their affirmative because they arbitrarily decide who are terrorists based on communication with anyone who might be a terrorist

Macleod 10

(Ryannon, International Relations major @ Memorial University of Newfoundland, “Terrorist Rhetoric is Used to Dehumanize the Enemy and Justify Atrocities”, e-IR, publisher of International Relations lit., http://www.e-ir.info/?p=4017, 5/3/10)

While little to no persuasion is required to garner support for defensive acts of war upon a nation’s invasion by foreign militant groups or armies, those governments seeking to engage in aggressive acts of war against other states face the ideological encumbrance of rallying public support for their cause. In these cases government leaders must rhetorically construct **their** enemies with dehumanizing language so as to exploit **the ways in which** the general masses **perceive others**. Such rhetorical construction of one’s enemies is “fundamental to a nation’s public support for war… Dehumanizing others renders the requisite horrors of war tolerable,” (Elliot 2004, 99) and ensures that “no moral relationship with the (enemy) inhibits the victimizer’s violent behaviour” (Haslam 2006, 254). Through carefully crafted narratives, government leaders are able to sculpt and shape socially constructed realities in such a way so as to “allow or even demand (its) citizens to undertake acts that would be universally rejected if they were directed towards ‘true’ human beings” (Anderson 2006, 739). How, then, does one go about orchestrating such a sophisticated fabrication of reality? Successful dehumanization rests first within defining those which a government wishes to antagonize as “others,”distinctly lacking a capacity for those characteristics associated with being innate to human nature; ultimately, **the goal is to construct** this definition in such a way so as to “emphasize that **the ‘other’** is morally culpable of great crimes, thus **less than human and deserving of punishment”** (Boudreau and Polkinghorn 2008, 176). This is usually established in relation to ethnicity and race, with the “enemy” cast as being savages or barbarians lacking in culture, cognitive and rational capacities, morality, and self-restraint; the ideal portrayal is of a “savage [that] has brutish appetites for violence and sex, is impulsive, and prone to criminality” (Haslam 2006, 252). One need only skim Bush’s rhetoric of evil to see his desired picture of an enemy who opposes freedom and democracy in all of its forms; of ruthless barbaric criminals who profane religion in order to justify their sacrificing of human life. The evil, deluded men of whom he spins tales are heartless, thrive in chaos and have absolutely no regard for human dignity. In this, Bush takes the practice of dehumanization to a whole new level – not only does he succeed as depicting those with whom he aims to engage in aggressive acts of war as less than human, he manages to craft a narrative in which those whom he wishes to conquer are the embodiment of evil, and everything which threatens the American way of life.

#### 2. Econ-

#### Economic crisis rhetoric causes a self-fulfilling prophecy – rhetoric and framing circumscribes the possibilities for political action

Hanan 10

(Joshua Stanley, PHD communication studies, professor of communication at Temple University (“Managing the Meltdown Rhetorically: Economic Imaginaries and the Emergency Economic Stabilization Act of 2008” dissertation The University of Texas at Austin)

“Economic crisis rhetoric” **describes** the art of mitigating or exacerbat**ing** crises in capitalism through discourse. Since at least the Great Depression there has existed an awareness in the public sphere that the language used to discuss the economy impacts the economy’s actual performance.12 In The General Theory of Employment, Interest and Money, John Maynard Keynes coined the term “animal spirits” to refer to the seemingly emotional and affective nature of economic markets.13 According to Keynes—one of the most respected economists of all time—the economy was **as much** a product oflanguage **as** it **was about concrete fundamentals**. Because **the economy** was ultimately held togetherby confidence—“an immaterial device of the mind”—the way **public** officials spoke about the economy **could** play a powerful role in how the economy was **actually** experienced.14 During the current economic crisis the Keynesian perspective that confidence shapes the economy has become increasingly mainstream.”15 Early in 2009, for example, Newsweek columnist Jonathan Alter speculated that Barack **Obama’s** greatest challenge as president would be to “talk” Americans out of the ongoing economic recession.16 Suggesting that the biggest obstacle facing the nation is essentially a crisis of confidence, Alter argues that the president can only restore popular faith in the economy (and, by extension, the economy itself) through the strategic use of language: What's a president to do? If he starts in with the happy talk, he sounds like John McCain saying "the fundamentals of the economy are strong," which is what sealed the election for Obama in the first place. But **if he gets too gloomy, he'll scare the bejesus out of the entire world.** The balance Obama strikes is to say that things will get worse before they get better, but that they will get better. Now he must convince us that's true. While Alter’s comments serve as the latest proof of rhetoric’s compelling power to affect the economy’s material performance, in the discipline of communication studies **there has been little research exploring the role of language** in mitigating and **exacerbating capitalist crises**.17 This lack of scholarship is unfortunate given that **in** contemporary **communication studies one of the central assumptions is** that under late capitalism rhetoric has become increasingly central to all social life.18 In a globalized and mass mediated society increasingly defined by “immaterial production,”19 rhetoric is central to how human beings make sense of the world and how they direct their actions toward particular objectives.20 In this respect, there is every reason to believe that **rhetoric functions similarly in the context of economic crises** and the purpose of this literature review is to substantiate the basis for making such claims.

Militarism is the root cause

Kirk 5

[Gwyn Kirk, Ph.D in political science from the London School of Economics, Symposium: Women and War: A Critical Discourse: Panel One - Tools Of War, Berkeley Journal of Gender, Law & Justice, 2005]

The theoretical point that I like to hang onto in a lot of the work that I do is a distinction made by feminist philosopher Val Plumwood who talks about dualistic thinkingas the object that underpins hierarchal systems such as militarism, colonialism, racism, sexism and environmental destruction. They all rely on the creation of the otherness of enemies and inferiority to justify superiority and domination. These dualisms are mutually reinforcing and should  [\*323]  be viewed as an interlocking set. Militarism has obviously been a tool of colonization and imperialism for centuries and ß Marked 13:26 ß is currently a key element in new colonialism and the contemporary streamlining of the corporate economy as a global system. In turn, militarism deploys and exploits intersecting inequalities based on gender, race or ethnicity, class and nation. These systems of inequality and oppression don't completely overlap, but constitute a kind of matrix of oppression and of resistance. Contradictions and inconsistencies offer us opportunities for opposition and resistance. And I will make some passing remarks about women's organizing around these issues as well as note some contradictions inherent in the current legal and political frameworks.

#### The aff uses an ethical approach that creates crisis-based politics that means that we will be infinitely entrenched in the system

**Cuomo 96**

(Chris, prof of women’s studies @ UGA, War is Not Just an Event: Reflections on the Significance of Everyday Violence, Hypatia 11:4, Women and Violence, Autumn, pp. 30-45)

**Philosophical attention to war has typically appeared in the form of justifications for** entering into **war, and** over **appropriate activities within war. The spatial metaphors used to refer to war as a separate, bounded sphere indicate assumptions that war is a realm of human activity vastly removed from normal life**, or a sort of happening that is appropriately **conceived apart from everyday events in peaceful times.** Not surprisingly, most **discussions of** the political and ethical dimensions of **war discuss war solely as an event**-an occurrence, or collection of occurrences, **having clear beginnings and endings** that are typically **marked by formal, institutional declarations**. As happenings, wars and military activities can be seen as motivated by identifiable, if complex, intentions, and directly enacted by individual and collective decision-makers and agents of states. But many of the **questions about war** that are of interest to feminists-**including how** large-scale, **state-sponsored violence affects women and** members of **other oppressed groups; how military violence shapes gendered, raced, and nationalistic political realities** and moral imaginations; what such violence consists of and why it persists; **how it is related to other oppressive and violent institutions and** hegemonies-cannot be adequately pursued by focusing on events. These **issues are not** merely **a matter of** good or bad intentions and **identifiable decisions**. In "Gender and 'Postmodern' War," Robin Schott introduces some of the ways in which **war is currently best seen not as an event but as a** presence (Schott 1995). Schott argues that postmodern understandings of persons, states, and politics, as well as the high-tech nature of much contemporary warfare and the preponderance of civil and nationalist wars, render an event- based conception of war inadequate, especially insofar as gender is taken into account. In this essay, I will expand upon her argument by showing that accounts of war that only focus on events are impoverished in a number of ways, and therefore feminist consideration of the political, ethical, and onto- logical dimensions of war and the possibilities for resistance demand a much more complicated approach. I take Schott's characterization of war as presence as a point of departure, though I am not committed to the idea that the constancy of militarism, the fact of its omnipresence in human experience, and the paucity of an event-based account of war are exclusive to contemporary postmodern or postcolonial circumstances.1 **Theory that does not investigate** or even notice **the omnipresence of militarism** cannot represent or **address the** depth and specificity of the **every- day effects of militarism on women, on people living in occupied territories, on members of military institutions, and on the environment.** These effects are relevant to feminists in a number of ways because military practices and institutions help construct gendered and national identity, and because they justify the destruction of natural nonhuman entities and communities during peacetime. **Lack of attention to these aspects of** the business of making or preventing **military violence** in an extremely technologized world **results in** **theory that** cannot **accommodate** the connections among **the constant presence of militarism**, declared wars, and other closely related social phenomena, such as nationalistic glorifications of motherhood, media violence, and current ideological gravitations to military solutions for social problems. Ethical approaches that do not attend to the ways in which warfare and military practices are woven into the very fabric of life in twenty-first century technological states lead to crisis-based politics and analyses. For any feminism that aims to resist oppression and create alternative social and political options, **crisis-based** ethics and **politics are problematic because they distract** attention **from the need for sustained resistance to the enmeshed,** omnipresent systems **of domination and oppression that** so often **function as givens in** most **people's lives. Neglecting the omnipresence of militarism allows the false belief** that **the absence of declared armed conflicts is peace**, the polar opposite of war. It is particularly easy for those whose lives are shaped by the safety of privilege, and who do not regularly encounter the realities of militarism, to maintain this false belief. The belief that militarism is an ethical, political concern only regarding armed conflict, creates forms of resistance to militarism that are merely exercises in crisis control. **Antiwar resistance is** then **mobilized when** **the "real" violence finally occurs**, or when the stability of privilege is directly threatened, and at that point it is difficult not to respond in ways that make resisters drop all other political priorities. Crisis-driven attention to declarations of war migh**t** actually **keep resisters** complacent **about** and complicitous in **the general presence of global militarism. Seeing war as** necessarily **embedded in constant military presence draws attention to the fact that** horrific, **state-sponsored violence is happening nearly all over, all of the time, and** that it **is perpetrated by military institutions** and other militaristic agents of the state. **Moving away from crisis-driven politics** and ontologies concerning war and military violence also enables consideration of relationships among seemingly disparate phenomena, and therefore **can shape more nuanced theoretical** and practical **forms of resistance.** For example, investigating the ways in which war is part of a presence allows consideration of the relationships among the events of war and the following: how militarism is a foundational trope in the social and political imagination; how the pervasive presence and symbolism of soldiers/warriors/patriots shape meanings of gender; the ways in which threats of state-sponsored violence are a sometimes invisible/sometimes bold agent of racism, nationalism, and corporate interests; the fact that vast numbers of communities, cities, and nations are currently in the midst of excruciatingly violent circumstances. It also provides a lens for considering the relationships among the various kinds of violence that get labeled "war." Given current American obsessions with nationalism, guns, and militias, and growing hunger for the death penalty, prisons, and a more powerful police state, one cannot underestimate the need for philosophical and political attention to connections among phenomena like the "war on drugs," the "war on crime," and other state-funded militaristic campaigns. I propose that the constancy of militarism and its effects on social reality be reintroduced as a crucial locus of contemporary feminist attentions, and that feminists emphasize how wars are eruptions and manifestations of omnipresent militarism that is a product and tool of multiply oppressive, corporate, technocratic states.2 Feminists should be particularly interested in making **this shift** because it **better allows consideration of the effects of war and militarism on** **women, subjugated peoples, and environments.** While giving attention to the constancy of militarism in contemporary life we need not neglect the importance of addressing the specific qualities of direct, large-scale, declared military conflicts. **But the dramatic nature of declared, large-scale conflicts should not**  **obfuscate the ways in which military violence pervades most societies** in increasingly technologically sophisticated ways and the significance of military institutions and everyday practices in shaping reality. Philosophical **discussions that focus** only **on the ethics of** declaring and fighting **wars miss** these connections, and also miss the ways in which even declared military conflicts are often experienced as omnipresent horrors. **These approaches** also **leave** **unquestioned tendencies to** suspend or **distort moral judgment in the face of** **what appears to be the** inevitability **of war** and militarism. **Just-war theory is a prominent example** of a philosophical approach **that** **rests on the assumption that wars are isolated from everyday life** and ethics. Such theory, as developed by St. Augustine, Thomas Aquinas, and Hugo Grotius, and as articulated in contemporary dialogues by many philosophers, including Michael Walzer (1977), Thomas Nagel (1974), and Sheldon Cohen (1989), take the primary question concerning the ethics of warfare to be about when to enter into military conflicts against other states. **They** therefore **take** **as a given the notion that war is an isolated, definable event** with clear boundaries. **These** boundaries are significant because they distinguish the circumstances in which standard moral rules and constraints, such as rules against murder and unprovoked violence, no longer apply. Just-war theory assumes that war is a separate sphere of human activity having its own ethical constraints and criteria and in doing so it begs the question of whether or not war is a special kind of event, or part of a pervasive presence in nearly all contemporary life. Because the application of **just-war principles** is a matter of proper decision- making on the part of agents of the state, before wars occur, and before military strikes are made, they **assume that military initiatives are distinct events**. In fact, declarations of war are generally over-determined escalations of preexisting conditions. **Just-war criteria cannot** help **evaluate military** and related **institutions**, including their **peacetime practices** and how these relate to wartime activities, so they cannot address the ways in which armed conflicts between and among states emerge from omnipresent, often violent, state militarism. The remarkable resemblances in some sectors between states of peace and states of war remain completely untouched by theories that are only able to discuss the ethics of starting and ending direct military conflicts between and among states. **Applications of just-war criteria actually help create the** illusion **that the** **"problem of war" is being addressed when the only considerations are** the ethics of declaring wars and of military violence within the boundaries of declarations of war and peace. **Though just-war considerations might theoretically help decision-makers avoid** specific **gross eruptions of military violence**, **the aspects of war which require the underlying presence of militarism and the** direct effects of the **omnipresence of militarism remain** untouched. There may be important **decisions** to be made **about** when and how to fight **war**, but these **must be considered in terms of the** many other **aspects of** contemporary war and **militarism** that are **significant to nonmilitary personnel, including women and nonhumans.**

## 2NC

### Means Prohibit

**Only precise interp of the topic –**

**a) Broad definitions of restrictions destroy the terms’ meaning – It must be a distinct term for debate to occur**

**Heinze 3** - Senior Lecturer in Law, University of London, Queen Mary. He has held fellowships from the Fulbright Foundation and the French and German governments. He teaches Legal Theory, Constitutional Law, Human Rights and Public International Law. JD Harvard

Eric Heinze, “The Logic of Liberal Rights A study in the formal analysis of legal discourse” http://mey.homelinux.org/companions/Eric%20Heinze/The%20Logic%20of%20Liberal%20Rights\_%20A%20Study%20in%20%20%28839%29/The%20Logic%20of%20Liberal%20Rights\_%20A%20Study%20in%20%20-%20Eric%20Heinze.pdf

Variety of ‘restrictions’ **The term ‘restriction’, defined so broadly, embraces any number of** familiar **concepts: ‘deprivation’, ‘denial’, ‘encroachment’, ‘incursion’, ‘infringement’, ‘interference’, ‘limitation’, ‘regulation’. Those terms commonly comport differences in meaning or nuance, and are not all interchangeable in standard legal usage**. For example, a ‘deprivation’ may be distinguished from a ‘limitation’ or ‘regulation’ in order to denote a full denial of a right (e.g. where private property is wholly appropriated by the state 16 Agents without compensation) as opposed to a partial constraint (e.g. where discrete restrictions are imposed on the use of property which nonetheless remains profitably usable). Similarly, distinctions between acts and omissions can leave the blanket term ‘restriction’ sounding inapposite when applied to an omission: if a state is accused of not doing enough to give effect to a right, we would not colloquially refer to such inaction as a ‘restriction’. Moreover, in a case of extreme abuse, such as extrajudicial killing or torture, it might sound banal to speak merely of a ‘restriction’ on the corresponding right. However, the term ‘restriction’ will be used to include all of those circumstances, in so far as they all comport a purpose or effect of extinguishing or diminishing the right-seeker’s enjoyment of an asserted right. (The only significant distinction which will be drawn will be between that concept of ‘restriction’ and the concept of ‘breach’ or ‘violation’. The terms ‘breach’ or ‘violation’ will be used to denote a judicial determination about the legality of the restriction.6) **Such an axiom may seem unwelcome, in so far as it obliterates subtleties which one would have thought to be useful in law**. It must be stressed that we are seeking to eliminate that variety of terms not for all purposes, but only for the very narrow purposes of a formal model, for which any distinctions among them are irrelevant.

#### b) Restrict” is to prevent

Corpus Juris Secundum, 1931

(Volume 54, p. 735)

RESTRICT: To confine; to limit; to prevent (a person or thing) from passing a certain limit in any kind of action; to restrain; to restrain without bounds.

**It’s a legal definition from the Corpus Juris Secundum – Legal dictionaries are the gold standard for debates about separation of powers**

**Rubin 10** – JD @ Duke

David, “WAR OF THE WORDS: HOW COURTS CAN USE DICTIONARIES IN ACCORDANCE WITH TEXTUALIST PRINCIPLES,” http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1474&context=dlj

The manner in which the Court uses dictionaries has changed ¶ over time as well. Although in the past the Court would “employ[] ¶ dictionaries to refresh the Justices’ memory about the meaning of ¶ words, or to provide potential meanings from which the Court would ¶ select based on statutory purpose, legislative intent, common sense, ¶ or some other contextual argument,” more recent cases have placed dictionaries—rather than **policy, context, or structure**—at the center ¶ of the case.¶ 14¶ Though previous scholars have suggested that ¶ dictionaries are less accepted in questions of constitutional ¶ interpretation,¶ 15¶ several significant new cases suggest that dictionaries now play a **crucial role** in the interpretation of the Constitution as ¶ well.¶ 16¶ With **core constitutional questions**, such as the meaning of the ¶ Second Amendment,¶ 17¶ being decided on the basis of dictionary definitions, it can no longer be said that the “use of the dictionary to define constitutional terms . . . is an exception to the rule.”¶ 18

**Precision outweighs and turns limits and ground – The precise phrasing of the resolution determines what we decide to research, regardless of how fair that division is – Imprecise definitions create incoherent and unprepared debates – Preparation is the gold standard for accessing all of debate’s long term benefits because 90% of debate is the research process.**

#### Their ev only defines "restrictions," not "restrictions on authority" - that kills predictability

Haneman 59

J.A.D. Haneman 59, justice of the Superior Court of New Jersey, Appellate Division. “Russell S. Bertrand et al. v. Donald T. Jones et al.,” 58 NJ Super. 273; 156 A.2d 161; 1959 N.J. Super, Lexis

HN4 In ascertaining the meaning of the word "restrictions" as here employed, it must be considered in context with the entire clause in which it appears. It is to be noted that the exception concerns restrictions "which have been complied with." Plainly, this connotes a representation of compliance by the vendor with any restrictions upon the permitted uses of the subject property. The conclusion that "restrictions" refer solely to a limitation of the manner in which the vendor may [\*\*\*14] use his own lands is strengthened by the further provision found in said clause that the conveyance is "subject to the effect, [\*\*167] if any, of municipal zoning laws." Municipal zoning laws affect the use of property.¶ HN5 A familiar maxim to aid in the construction of contracts is noscitur a sociis. Simply stated, this means that a word is known from its associates. Words of general and specific import take color from each other when associated together, and thus the word of general significance is modified by its associates of restricted sense. 3 Corbin on Contracts, § 552, p. 110; cf. Ford Motor Co. v. New Jersey Department of Labor and Industry, 5 N.J. 494 (1950). The [\*284] word "restrictions," therefore, should be construed as being used in the same limited fashion as "zoning."

**1. Limits – The topic is already huge – 4 areas times 2 mechanisms all with separate literature and unique advantages – its an impossible research burden.**

**2. Bidirectionality – Absent prohibition they can create conditions that functionally increase authority**

**Wilson Center No Date**

(War Powers Proposal Gives the President Even More Authority, <http://www.wilsoncenter.org/publication/war-powers-proposal-gives-the-president-even-more-authority)>

**A** privately organized **Commission on War Powers** **recommended** last week that the 1973 War Powers Resolution be repealed and replaced by a Congressional Joint Committee on **Consultation** and new procedures **to approve or disapprove a "significant armed conflict.**"¶ The 12-member, bipartisan commission, co-chaired by former Secretaries of State Warren Christopher and James Baker, said the current law is flawed. In fact, every president since Richard Nixon has refused to comply with the War Powers Resolution on the grounds that it is an unconstitutional infringement on the president's powers as commander in chief. Among other things, the current act authorizes Congress to terminate combat operations by adopting a concurrent resolution. The Supreme Court ruled in the 1983 Chadha immigration case that one-house and two-house legislative vetoes do not conform to the Constitution's lawmaking requirements of two-house passage and presentment to the president. ¶ **Under the** substitute **law** proposed by the commission, **the president must, prior to committing troops** to "a significant armed conflict" (one likely to last more than a week), **submit a** classified **report to the new joint committee** justifying the need for action. **The president is then required to consult** at least once every 60 days with the committee. ¶ Within 30 days after the conflict begins, if Congress has not enacted a declaration of war or a law authorizing the use of force, a privileged concurrent resolution approving the troop commitment must be brought to a vote in both chambers. If either chamber rejects the approval resolution, any Member can then offer a privileged joint resolution disapproving the commitment. If the joint resolution is vetoed by the president, a two-thirds override vote by both chambers would be necessary to terminate the commitment. ¶ If I were either of the current presidential candidates, I would endorse the commission proposal in a heartbeat. **It proposes to vastly expand presidential powers and options beyond current practice**. In the "use of force" joint resolutions for Iraq (1991 and 2002) and Afghanistan (2001), Congress was able to negotiate conditions and limitations on the use of force with the president, who then signed the resolutions into law. ¶ That will not be the case if Congress uses the concurrent resolution of approval approach. No matter how many conditions Congress might try to place on the president's use of force in such a concurrent resolution, the president would be under no legal obligation to comply because the provisions would have no force or effect outside Congress. This is because concurrent resolutions are mere sense-of-Congress expressions. (Who's going to charge the president with failing to faithfully execute a non-law?) ¶ It stands to reason that, given this option, no future president will ask for a declaration of war or use of force law when the alternative is a nonbinding sense-of-Congress resolution approving the commitment of troops to combat. Never mind that such a resolution is probably unconstitutional under the Chadha decision requiring two-house passage and presentment to the president. (It's unlikely the court would directly rule on the issue since in recent times it has sidestepped war powers disputes between the branches on the grounds that they present political questions best left to the president and Congress to resolve.) ¶ Another clear advantage to the president presented by the commission's proposed law is the unique relationship that would be established with the 20-member, bipartisan joint committee. Its members would include the Speaker of the House, Senate Majority Leader, House and Senate Minority Leaders and the chairmen and ranking members of eight key committees. Whereas the administration must currently answer to several committees for its war policies, often in public hearings, the new arrangement will give the president both the incentive and justification to deal exclusively with the joint committee in closed sessions. This is something administrations have wanted for years given the burden of officials delivering duplicative testimony in open forums before multiple committees and subcommittees. ¶ **The real losers** in this new arrangement, of course, **will be the rest of the House and Senate and the American people**, all of whom will be left in the dark about what is said and done in the closed-door committee consultations with the president. **They will be left to trust the judgment of committee members on the necessity for war and its subsequent conduct**. ¶ The Commission on War Powers understandably reflects the leadership and views of two former secretaries of State who no doubt see Congress as many of their predecessors have: as an ill-informed, noisy, quarrelsome and meddling micro-manager when it comes to deciding the great issues of war and peace. If the administration must accommodate Congress in some way before making such decisions, they reason, it is best done among a few power elites in Congress, behind closed doors and shielded by classified briefings and documents.

### Violation 2NC

#### Extend that their author concedes that the plan increases presidential authority, that’s Coronogue 12.

#### The groups expands authority to groups who aren’t currently authorized

Coronogue 12 – 1AC Author (Graham, JD at duke, “A NEW AUMF: DEFINING COMBATANTS IN THE WAR ON TERROR”, http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1294&context=djcil, zzx)

America's chief security threats used to come from the Taliban and al-Qaeda. The Taliban harbored the perpetrators of the 9/11 attacks, al-Qaeda, and fell squarely under the AUMF's nexus requirement. Now, al-Qaeda has many allies and cobelligerents; these groups employ similar tactics, share comparable ideologies, and present significant threats to American lives. But does the AUMF authorize force against these groups? Are groups such as al-Shabaab,90 AQAP,91 and the Pakistani Taliban92 sufficiently tied to 9/11 or al-Qaeda? These groups are violent, dangerous, and opposed to the United States. In many ways, they are just as dangerous as al-Qaeda. However, many of these groups did not even exist on September 11, 2001, and the ones that did were not directly involved in the attacks. Thus, they could not possibly have a strong relationship to the attacks themselves, nor did they harbor those who did. Since the AUMF's text only authorizes force against those actors the President deems were involved in the 9/11 attacks, these groups are necessarily outside of Congress's authorization.

### AT: We Restrict Broad Presidential Interpretation

**Authority is delegated power to act**

**Kelly**, **2003** (judge for the State of Michigan, JOSEPH ELEZOVIC, Plaintiff, and LULA ELEZOVIC, Plaintiff-Appellant/Cross-Appellee, v. FORD MOTOR COMPANY and DANIEL P. BENNETT, Defendants-Appellees/Cross-Appellants., No. 236749, COURT OF APPEALS OF MICHIGAN, 259 Mich. App. 187; 673 N.W.2d 776; 2003 Mich. App. LEXIS 2649; 93 Fair Empl. Prac. Cas. (BNA) 244; 92 Fair Empl. Prac. Cas. (BNA) 1557, lexis)

Applying agency principles, a principal is responsible for the acts of its agents done within the scope of the agent's authority, "even though acting contrary to instructions." [Dick Loehr's, Inc v Secretary of State, 180 Mich. App. 165, 168; 446 N.W.2d 624 (1989)](https://www.lexis.com/research/buttonTFLink?_m=6cbcd97524abff5644c0987b135f7517&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b259%20Mich.%20App.%20187%5d%5d%3e%3c%2fcite%3e&_butType=3&_butStat=2&_origin=TOASHLX&_butNum=115&_butInline=1&_butinfo=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b180%20Mich.%20App.%20165%2cat%20168%5d%5d%3e%3c%2fcite%3e&_fmtstr=FULL&docnum=136&_startdoc=101&wchp=dGLbVtb-zSkAk&_md5=708331d40466e4347936b73e103c82fb). This is because, in part, an agency relationship arises where the principal [\*\*\*36]  has the right to control the conduct of the agent. [St Clair Intermediate School Dist v Intermediate Ed Ass'n/Michigan Ed Ass'n, 458 Mich. 540, 558 n 18; 581 N.W.2d 707 (1998)](https://www.lexis.com/research/buttonTFLink?_m=6cbcd97524abff5644c0987b135f7517&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b259%20Mich.%20App.%20187%5d%5d%3e%3c%2fcite%3e&_butType=3&_butStat=2&_origin=TOASHLX&_butNum=116&_butInline=1&_butinfo=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b458%20Mich.%20540%2cat%20558%5d%5d%3e%3c%2fcite%3e&_fmtstr=FULL&docnum=136&_startdoc=101&wchp=dGLbVtb-zSkAk&_md5=c0a63a81a484a6ce53be229bc2290a07) (citations omitted). The employer is also liable for the torts of his employee if "'the servant purported to act or to speak on behalf of the principal and there was reliance upon apparent authority, or he was aided in accomplishing the tort by the existence of the agency relation,'" [McCann v Michigan, 398 Mich. 65, 71; 247 N.W.2d 521 (1976)](https://www.lexis.com/research/buttonTFLink?_m=6cbcd97524abff5644c0987b135f7517&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b259%20Mich.%20App.%20187%5d%5d%3e%3c%2fcite%3e&_butType=3&_butStat=2&_origin=TOASHLX&_butNum=117&_butInline=1&_butinfo=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b398%20Mich.%2065%2cat%2071%5d%5d%3e%3c%2fcite%3e&_fmtstr=FULL&docnum=136&_startdoc=101&wchp=dGLbVtb-zSkAk&_md5=5219d53b6a7119254f8041c911d87fd2), quoting [Restatement of Agency, 2d § 219(2)(d)](https://www.lexis.com/research/buttonTFLink?_m=6cbcd97524abff5644c0987b135f7517&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b259%20Mich.%20App.%20187%5d%5d%3e%3c%2fcite%3e&_butType=4&_butStat=0&_origin=TOASHLX&_butNum=118&_butInline=1&_butinfo=AGENCY%20SECOND%20219&_fmtstr=FULL&docnum=136&_startdoc=101&wchp=dGLbVtb-zSkAk&_md5=71c1bf8c001fe5ae1153be4268b8e9e9), p 481; see also [Champion v Nation Wide Security, Inc, 450 Mich. 702, 704, 712; 545 N.W.2d 596 (1996)](https://www.lexis.com/research/buttonTFLink?_m=6cbcd97524abff5644c0987b135f7517&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b259%20Mich.%20App.%20187%5d%5d%3e%3c%2fcite%3e&_butType=3&_butStat=2&_origin=TOASHLX&_butNum=119&_butInline=1&_butinfo=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b450%20Mich.%20702%2cat%20704%5d%5d%3e%3c%2fcite%3e&_fmtstr=FULL&docnum=136&_startdoc=101&wchp=dGLbVtb-zSkAk&_md5=3d1841dc7f4fb90804d8adb6349a6fae), citing [Restatement of Agency, 2d § 219(2)(d)](https://www.lexis.com/research/buttonTFLink?_m=6cbcd97524abff5644c0987b135f7517&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b259%20Mich.%20App.%20187%5d%5d%3e%3c%2fcite%3e&_butType=4&_butStat=0&_origin=TOASHLX&_butNum=120&_butInline=1&_butinfo=AGENCY%20SECOND%20219&_fmtstr=FULL&docnum=136&_startdoc=101&wchp=dGLbVtb-zSkAk&_md5=c1927abf5bf3954a85d211c044ada141), p 481 ("the master is liable for the tort of his servant if the servant 'was aided in accomplishing the tort by the existence of the agency relation'"). In [Backus v  [\*213]  Kauffman (On Rehearing), 238 Mich. App. 402, 409; 605 N.W.2d 690 (1999)](https://www.lexis.com/research/buttonTFLink?_m=6cbcd97524abff5644c0987b135f7517&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b259%20Mich.%20App.%20187%5d%5d%3e%3c%2fcite%3e&_butType=3&_butStat=2&_origin=TOASHLX&_butNum=121&_butInline=1&_butinfo=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b238%20Mich.%20App.%20402%2cat%20409%5d%5d%3e%3c%2fcite%3e&_fmtstr=FULL&docnum=136&_startdoc=101&wchp=dGLbVtb-zSkAk&_md5=d9947545fee151274d489cbc14123160), this Court stated: **The term "authority" is defined by Black's Law Dictionary to include "the power delegated by a principal to an agent."** Black's Law Dictionary (7th ed), p [\*\*\*37]  127. **"Scope of authority" is defined** in the following manner: **"The reasonable power that an agent has been delegated** or might foreseeably be delegated in carrying out the principal's business." Id. at 1348.

#### Authority only comes from congress

JULES **LOBEL 8** Professor of Law, University of Pittsburgh Law School “Conflicts Between the Commander in Chief and Congress: Concurrent Power  over the Conduct of War” OHIO STATE LAW JOURNAL [Vol. 69:391 http://moritzlaw.osu.edu/students/groups/oslj/files/2012/04/69.3.lobel\_.pdf

Some have argued that the historical record supports not only rejecting any Presidential claim of preclusive Commander in Chief wartime authority, but also denying the President independent substantive constitutional power to conduct warfare that is authorized by Congress.279 This reading of history would not find any Presidential power to conduct war grounded in an independent constitutional authority as Commander in Chief, but would derive such presidential power exclusively from statutes authorizing warfare. The extent of presidential power to conduct warfare would, according to this perspective, be determined solely by legislation authorizing warfare. The historical record contains some support for this perspective. The Framers’ intent in naming the President Commander in Chief was clearly to provide for civilian control of the military and to ensure that one person, and not an unwieldy legislative body or someone appointed by Congress, would direct, order, and supervise the military. That intent is not inconsistent with viewing the President’s substantive power to conduct warfare as stemming from, and not independent of, legislative enactment. The history of the Commander in Chief’s powers under British law also suggests that her powers came from the statute and not the Constitution itself. That all of our declarations of war provide the President with the authority to use the entire army and navy to fight the enemy suggests that the declaration of war itself might not have sufficed to invoke the President’s Commander in Chief power.280 Statements by various Republican Senators during the Civil War debate on the Confiscation Act that there is “not a syllable in the Constitution conferring on the President war powers,” and that the President can conduct war “only in the manner and in the mode” prescribed by Congress, also support a position that the Commander in Chief Clause accorded the President only a command function, but no independent substantive power.281 So too, Chief Justice Marshall’s statement in Talbot v. Seeman that the whole powers of war are vested in Congress and that, therefore, “the acts of that body can alone be resorted to as our guides” 282 in determining whether a capture was lawful also suggests that the extent of the President’s power as Commander in Chief is determined solely by legislative authorization. Furthermore, in Brown v. United States, Marshall suggested that neither a declaration of war nor a broad authorization of force activate a Commander in Chief’s power to execute the laws of war.283 The Brown Court recognized that a declaration of war gave the United States the rights which war confers, but argued that it did not automatically empower the Executive to implement such war measures. Marshall held that the congressional power to make rules concerning captures on land and water was an independent substantive power, not included in the declaration of war. Therefore, the declaration did not authorize the President to seize enemy property in the United States. Indeed, Marshall notes that Congress’s independent authorization for the detention of enemy aliens, and for “the safe keeping and accommodation of prisoners of war,” “authorizations that were separate from its declaration of war, affords a strong implication that [the President] did not possess those powers by virtue of the declaration of war.”

### AT: AUMF is a Restriction

**The AUMF is a grant of authority – expanding the AUMF expands the presidents war powers authority**

**Taeb and Levey 13**, Government Relations manager at the Arab American Institute, and Levey is Arab American Institute Legal Fellow on the AUMF

(6/13, Yasmine and Isaac, Time to fix the AUMF, thehill.com/blogs/congress-blog/foreign-policy/305349-time-to-fix-the-aumf-)

**During the past decade, the United States has taken extraordinary measures in fighting terrorism** all across the globe. Although the threats we face change continuously**, the legal authority and framework the executive branch has relied on has remained the same for nearly twelve years**. **The Authorization for the Use of Military Force** (AUMF), **passed** immediately **after** the **September 11**, 2001 attacks, **was a declaration of war** against the people who attacked us. **It gives the president immense power**, including over the lives and liberties of American citizens, **and doesn’t create much accountabilit**y. Since we now face a terror threat that is fundamentally different from the one we faced on 9/11, we must assess the AUMF’s continuing application and relevance, and whether it’s still necessary to fight terrorism. **The AUMF grants the president extraordinary power**. The last president used it to justify torture and illegal warrantless surveillance of Americans. This one uses it to justify lethal drone strikes all over the world, including at least one aimed at a U.S. citizen. The Supreme Court said in 2004 that the law authorized the President to detain an American citizen as an enemy combatant without any criminal charges. Last month, Pentagon lawyers said the AUMF might allow the U.S. to enter Syria, on the grounds that the extremist al-Nusra Front there is an “associated force” of al-Qaeda. That was too much for even Sen. John McCain (R-Ariz.), who said the authority “is no longer applicable to the conditions that prevailed” when Congress passed the AUMF in 2001. Sen. Angus King (I-Maine) added that the argument had “essentially rewritten the Constitution,” because it is Congress, not the president, that declares war.

### Bidirectionality ext

**Their interp creates a bidirectional topic—conditions placed on presidential authority lead to expansions of his powers—that’s 1NC Corongue 12, their author. Bidirectionality doubles the size of the topic and explodes our research burden. This is impacted on the limits debate.**

**Also destroys neg ground—they get access to all the reasons war powers are good and can link turn all of our offense.**

#### absent a prohibition, the aff can create meaningless "conditions" that EXPAND presidential power – commission consultation proves

Posner 12 (Eric, University of Chicago Law, “Deference to the Executive in the United States After September 11: Congress, the Courts, and the Office of Legal Counsel”, <http://ericposner.com/DEFERENCE%20TO%20THE%20EXECUTIVE.pdf>)

#### To see why, consider an example in which the President must choose an action that lies on a continuum, such as electronic surveillance. At one extreme, the President can engage in actions that are clearly lawful—for example, spying on criminal suspects after obtaining warrants from judges. At the other extreme, the President can engage in actions that are clearly unlawful—for example, spying on political opponents. OLC opinions will not affect Congress's or the public's reaction to either the obviously lawful or the obviously unlawful actions. But then there are middle cases. Consider Policy L, which is just barely legal, and Policy I, which is just barely illegal. The President would like to pursue Policy L but fears that Congress and others will mistakenly believe that Policy L is illegal. As a result, political opposition to Policy L will be greater than it would be otherwise. In such a case, a favorable advisory opinion from a neutral legal body that has credibility with Congress will help the President.\* OLC approval of Policy L would cause political opposition (to the extent that it is based on the mistaken belief that Policy L is unlawful) to melt away. Thus, the OLC enables the President to engage in Policy L, when without OLC participation that might be impossible. True, the OLC will not enable the President to engage in Policy I, assuming OLC is neutral. Indeed, OLC's negative reaction to Policy / might stiffen Congress's resistance. Nevertheless, the President will use the OLC only because he believes that on average, the OL C will strengthen his hand. An analogy to contract law might be illuminating. People enter contracts because they enable them to do things ex ante by imposing constraints on them ex post. For example, a debtor can borrow money from a creditor only because a court will force the debtor to repay the money ex post. It would be strange to say that contract law imposes "constraints" on people because of ex post enforcement. In fact, contract law enables people to do things that they could not otherwise do—it extends their power. If it did not, people would not enter contracts

### AT Competing interpretation/Reasonability

#### 1. Voting for the better topic is the only standard not manipulated to set the bar just low enough for questionable affs. The existence of any other aff proves they chose this one for strategic gain, not out of necessity.

#### 2. Begs the question—reasonability is a function of everything above, asserting a general standard for “good enough” takes the debate out of the hands of the debaters and crushes predictability.

#### Lit doesn’t check- Our limits arguments prove the topic is not only huge but vague.

#### Doesn’t define out of the room- Our argument is a warranted way debate should be, not trivial “you’re not t args.”

#### Finally precision is vital—turns solvency and research quality

**Resnick 1** [Evan Resnick, Journal of International Affairs, 0022197X, Spring 2001, Vol. 54, Issue 2, “Defining Engagement”]

In matters of national security, establishing a clear definition of terms is a precondition for effective policymaking. Decisionmakers who invoke critical terms in an erratic, ad hoc fashion risk alienating their constituencies. They also risk exacerbating misperceptions and hostility among those the policies target. Scholars who commit the same error undercut their ability to conduct valuable empirical research. Hence, if scholars and policymakers fail rigorously to define "engagement," they undermine the ability to build an effective foreign policy.

### 1NC: Exec Circumvents Congress

#### Prez will circumvent-

#### [1.] invokes state secrets to avoid oversight

Posner and Vermeule 2010 [Eric A. , Professor of Law at the University of Chicago Law School and Editor of The Journal of Legal Studies; Adrian , Harvard Law Professor, The Executive Unbound: After the Madisonian Republic, Oxford Press, p. 24//wyo-sc]

Monitoring the executive requires expertise in the area being monitored. In many cases, Congress lacks the information necessary to monitor discretionary policy choices by the executive. Although the committee system has the effect, among others, of generating legislative information and expertise,18 and although Congress has a large internal staff, there are domains in which no amount of legislative expertise suffices for effective oversight. Prime among these are areas of foreign policy and national security. Here the relative lack of legislative expertise is only part of the problem; what makes it worse is that the legislature lacks the raw information that experts need to make assessments. The problem would disappear if legislators could cheaply acquire information from the president, but they cannot. One obstacle is a suite of legal doctrines protecting executive secrecy and creating deliberative privileges— doctrines that may or may not be justified from some higher-order systemic point of view as means for producing optimal deliberation within the executive branch. Although such privileges are waivable, the executive often fears to set a bad institutional precedent. Another obstacle is the standard executive claim that Congress leaks like a sieve, so that sharing secret information with legislators will result in public disclosure. The problem becomes most acute when, as in the recent controversy over surveillance by the National Security Agency, the executive claims that the very scope or rationale of a program cannot be discussed with Congress, because to do so would vitiate the very secrecy that makes the program possible and beneficial. In any particular case the claim might be right or wrong; legislators have no real way to judge, and they know that the claim might be made either by a wellmotivated executive or by an ill-motivated executive, albeit for very different reasons.