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## 1

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

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

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

#### Congressional encroachment on the president’s ability to introduce armed forces into hostilities violates the separation of powers and undermines national security

Turner 2012

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

[T]he War Powers resolution does not work, because it oversteps the constitutional bounds on Congress’ power to control the Armed Forces in situations short of war and because it potentially undermines our ability to effectively defend our national interests. By enabling Congress to require—by its own inaction—the withdrawal of troops from a situation of hostilities, the resolution unduly restricts the authority granted by the Constitution to the President as Commander in Chief. . . . Although portrayed as an effort “to fulfill—not to alter, amend or adjust—the intent of the framers of the U.S. Constitution,” the War Powers Resolution actually expands Congress’ authority beyond the power to declare war to the power to limit troop deployment in situations short of war. . . . The War Powers Resolution therefore threatens not only the delicate balance of power established by the Constitution. potentially undermines America’s ability to effectively defend our national security.46 On February 29, 1996, it was my honor to take part in a debate on Capitol Hill under the sponsorship of the Center for National Security Law on the proposition that the War Powers Resolution should be repealed. I was paired in the affirmative with the late House Judiciary Committee Chairman Henry Hyde, and our opponents were former House Foreign Affairs and Intelligence committees chairman Lee Hamilton and Dr. Louis Fisher of the Library of Congress. As the debate unfolded, I was pleasantly shocked to hear that neither Representative Hamilton nor my old friend Lou Fisher was willing to actually defend the War Powers Resolution. Shortly thereafter, Lou co-authored an article calling for the statute’s repeal,47 and in 2008 Representative Hamilton served on the bipartisan National War Powers Commission, which unanimously concluded that the War Powers Resolution was unconstitutional and should be repealed.48It

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

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

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

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

Wold 2012

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

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

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

**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]

## 2

#### The president of the United States of America should issue an executive order to enforce the War Powers Consultation Act.

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

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

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

## 3

#### Obama is pushing Congress to resolve the debt ceiling – political capital is key to success

Pace 9/12

Julie, AP White House correspondent, Syria debate on hold, Obama refocuses on agenda, The Fresno Bee, 9/12/13, http://www.fresnobee.com/2013/09/12/3493538/obama-seeks-to-focus-on-domestic.html

With a military strike against Syria on hold, President Barack Obama tried Thursday to reignite momentum for his second-term domestic agenda. But his progress could hinge on the strength of his standing on Capitol Hill after what even allies acknowledge were missteps in the latest foreign crisis.¶ "It is still important to recognize that we have a lot of things left to do here in this government," Obama told his Cabinet, starting a sustained White House push to refocus the nation on matters at home as key benchmarks on the budget and health care rapidly approach.¶ "The American people are still interested in making sure that our kids are getting the kind of education they deserve, that we are putting people back to work," Obama said.¶ The White House plans to use next week's five-year anniversary of the 2008 financial collapse to warn Republicans that shutting down the government or failing to raise the debt limit could drag down the still-fragile economy. With Hispanic Heritage Month to begin Monday, Obama is also expected to press for a stalled immigration overhaul and urge minorities to sign up for health care exchanges beginning Oct. 1.¶ Among the events planned for next week is a White House ceremony highlighting Americans working on immigrant and citizenship issues. Administration officials will also promote overhaul efforts at naturalization ceremonies across the country. On Sept. 21, Obama will speak at the Congressional Black Caucus Gala, where he'll trumpet what the administration says are benefits of the president's health care law for African-Americans and other minorities.¶ Two major factors are driving Obama's push to get back on track with domestic issues after three weeks of Syria dominating the political debate. Polls show the economy, jobs and health care remain Americans' top concerns. And Obama has a limited window to make progress on those matters in a second term, when lame-duck status can quickly creep up on presidents, particularly if they start losing public support.¶ Obama already is grappling with some of the lowest approval ratings of his presidency. A Pew Research Center/USA Today poll out this week put his approval at 44 percent. That's down from 55 percent at the end of 2012.¶ Potential military intervention in Syria also is deeply unpopular with many Americans, with a Pew survey finding that 63 percent opposing the idea. And the president's publicly shifting positions on how to respond to a deadly chemical weapons attack in Syria also have confused many Americans and congressional lawmakers.¶ "In times of crisis, the more clarity the better," said Sen. Lindsey Graham, R-S.C., a strong supporter of U.S. intervention in Syria. "This has been confusing. For those who are inclined to support the president, it's been pretty hard to nail down what the purpose of a military strike is."¶ For a time, the Obama administration appeared to be barreling toward an imminent strike in retaliation for the Aug. 21 chemical weapons attack. But Obama made a sudden reversal and instead decided to seek congressional approval for military action.¶ Even after administration officials briefed hundreds of lawmakers on classified intelligence, there appeared to be limited backing for a use-of-force resolution on Capitol Hill. Rather than face defeat, Obama asked lawmakers this week to postpone any votes while the U.S. explores the viability of a deal to secure Syria's chemical weapons stockpiles.¶ That pause comes as a relief to Obama and many Democrats eager to return to issues more in line with the public's concerns. The most pressing matters are a Sept. 30 deadline to approve funding to keep the government open — the new fiscal year begins Oct. 1 — and the start of sign-ups for health care exchanges, a crucial element of the health care overhaul.¶ On Wednesday, a revolt by tea party conservatives forced House Republican leaders to delay a vote on a temporary spending bill written to head off a government shutdown. Several dozen staunch conservatives are seeking to couple the spending bill with a provision to derail implementation of the health care law.¶ The White House also may face a fight with Republicans over raising the nation's debt ceiling this fall. While Obama has insisted he won't negotiate over the debt limit, House Speaker John Boehner on Thursday said the GOP will insist on curbing spending.

#### Congress is divided on restricting presidential war powers-recent attempts to do so were overwhelmingly shot down

Samples 11

(John Samples directs Cato’s Center for Representative Government, which studies campaign finance regulation, delegation of legislative authority, term limits, and the political culture of limited government and the civic virtues necessary for liberty. He is an adjunct professor at Johns Hopkins University. “Congress Surrenders the War Powers Libya, the United Nations, and the Constitution” October 2011 Page 15-16 http://www.cato.org/sites/cato.org/files/pubs/pdf/pa687.pdf//wyoccd)

#### For more than two months, the debate **¶** about U.S. intervention in the Libyan civil **¶** war took place almost exclusively within the **¶** Obama administration, with Secretary Gates **¶** and a skeptical military being pitted against **¶** Secretary of State Clinton and allied hawks ¶ within the administration interested in enforcing a universal jurisdiction to protect foreign nationals.172¶ As in the 1990s a few senators (McCain, ¶ Lieberman, and Kerry) called for the use of ¶ force.173 On March 1 the Senate appeared to ¶ endorse a resolution urging “the United Nations Security Council to take such further ¶ action as may be necessary to protect civilians ¶ in Libya from attack, including the possible ¶ imposition of a no-fly zone over Libyan territory.”174 The foregoing language, however, ¶ was added at the last moment by the sponsors ¶ of the resolution. Up to that point, the resolution had been limited to a condemnation ¶ of Libya’s human rights record. The senators ¶ who voted for the resolution probably did not ¶ realize it also contained a call to protect Libyan civilians, words that could be construed to ¶ support attacking Libya. For this reason, we ¶ should doubt the validity of the resolution as ¶ an authorization of military action.175¶ President Obama acted after the Security ¶ Council resolution; he did not consult with ¶ Congress about going to war. In his letter to ¶ Congress on March 21, Obama spoke of keeping Congress fully informed about the mission. He apparently did “discuss” his planned ¶ assault with a few members of Congress.176¶ However, House Democrats would later reveal that the Obama administration had told ¶ them nothing about the Libyan intervention ¶ prior to the president’s decision to attack.177¶ Congress was irrelevant to the actual decision ¶ to go to war. ¶ Initially, the president claimed he was acting consistent with the War Powers Resolution. ¶ His administration argued that their attack ¶ on Qaddafi was authorized by the War Powers ¶ Resolution as an “emergency,” defined as an ¶ imminent threat of a humanitarian catastrophe.178 Yet the War Powers Resolution stated ¶ that the president could only introduce troops ¶ into hostilities pursuant to “a national emergency created by attack on the United States, ¶ its territories or possessions, or its armed forces.”179 Threats to the lives of foreign nationals ¶ are not mentioned in the law as authorizing ¶ the use of force by the president.180 Congress offered a divided response.181¶ Sen. Rand Paul (R-KY) offered a resolution restating the views of Sen. Barack Obama that **¶** the presidents could not unilaterally make war **¶** under the Constitution. The Senate tabled **¶** Paul’s resolution by a vote of 90 to 10.182 As ¶ the war went on, criticism in Congress continued. A few members, generally the same ones ¶ that had urged going to war, attacked Obama ¶ for not bringing about regime change in Libya. ¶ Most members seemed concerned about the ¶ high cost and ambiguous goals of the mission.183 Other members worried about the ¶ intentions of the rebels.184 Doubts notwithstanding, Congress did little concretely to stop **¶** the attacks. In particular Congress did nothing to cut funding for the war in Libya.185 The ¶ House did pass an amendment to the fiscal ¶ 2012 Defense Authorization Bill that would ¶ preclude sending U.S. soldiers to Libya except ¶ to rescue other U.S. soldiers.186¶ On May 19 the War Power Resolution’s 60-¶ day limit on the use of force in Libya expired. ¶ Nothing much happened. The New York Times¶ focused on the possible defection of Libya’s oil ¶ minister on the day the deadline passed.187 Six ¶ senators sent Obama a letter asking whether ¶ he intended to abide by the War Powers Resolution.188 Many in Congress appeared eager **¶** to avoid mentioning the deadline or the president’s conduct. A few members introduced ¶ resolutions requiring the president to seek approval for the mission. Obama sent Congress 189

#### Failure collapses the economy – goes global and past events don’t disprove

Davidson 9/10

Adam, co-founder of NPR’s “Planet Money,” Our Debt to Society, New York Times, 9/10/13, http://www.nytimes.com/2013/09/15/magazine/our-debt-to-society.html?pagewanted=all

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

#### Nuclear war

Friedberg and Schoenfeld 8

Aaron, Prof. Politics. And IR @ Princeton’s Woodrow Wilson School and Visiting Scholar @ Witherspoon Institute, and Gabriel, Senior Editor of Commentary and Wall Street Journal, “The Dangers of a Diminished America” <http://online.wsj.com/article/SB122455074012352571.html>

Then there are the dolorous consequences of a potential collapse of the world's financial architecture. For decades now, Americans have enjoyed the advantages of being at the center of that system. The worldwide use of the dollar, and the stability of our economy, among other things, made it easier for us to run huge budget deficits, as we counted on foreigners to pick up the tab by buying dollar-denominated assets as a safe haven. Will this be possible in the future? Meanwhile, traditional foreign-policy challenges are multiplying. The threat from al Qaeda and Islamic terrorist affiliates has not been extinguished. Iran and North Korea are continuing on their bellicose paths, while Pakistan and Afghanistan are progressing smartly down the road to chaos. Russia's new militancy and China's seemingly relentless rise also give cause for concern. If America now tries to pull back from the world stage, it will leave a dangerous power vacuum. The stabilizing effects of our presence in Asia, our continuing commitment to Europe, and our position as defender of last resort for Middle East energy sources and supply lines could all be placed at risk. In such a scenario there are shades of the 1930s, when global trade and finance ground nearly to a halt, the peaceful democracies failed to cooperate, and aggressive powers led by the remorseless fanatics who rose up on the crest of economic disaster exploited their divisions. Today we run the risk that rogue states may choose to become ever more reckless with their nuclear toys, just at our moment of maximum vulnerability. The aftershocks of the financial crisis will almost certainly rock our principal strategic competitors even harder than they will rock us. The dramatic free fall of the Russian stock market has demonstrated the fragility of a state whose economic performance hinges on high oil prices, now driven down by the global slowdown. China is perhaps even more fragile, its economic growth depending heavily on foreign investment and access to foreign markets. Both will now be constricted, inflicting economic pain and perhaps even sparking unrest in a country where political legitimacy rests on progress in the long march to prosperity. None of this is good news if the authoritarian leaders of these countries seek to divert attention from internal travails with external adventures.

### Case

### solvo

#### Feminism is compatible with realism, the modern nation-state is less gendered than past feudal regimes, its universal norms have been the basis of women’s liberation

Lind 05

[Michael Lind – editor of the National Interest – 2005 Of Arms and the Woman, review of the Morning After: Sexual Politics at the End of the Cold War by Cynthia Enloe

http://feminism.eserver.org/of-arms-and-the-woman.txt accessed 11-20-07]

Then there is "the state." Here, too, there is nothing in realism that cannot accommodate many feminine observations about the particular patriarchal features of particular historic states. The realist definition of "the state" as a sovereign entity with an existence and a strategy distinct from that of individuals is very broad, including medieval duchies and ancient empires-- and, perhaps, female biker gangs. Realist theory holds no preference for the modern nation-state, though a word might be spoken in its defense. Again and again in feminist writings one encounters the claim that the modern nation- state is inherently "gendered," as though its predecessors--feudal dynastic regimes, theocratic empires, city-states, tribal amphictyonies--were not even more rigidly patriarchal.

Completely missing from such an analysis is any acknowledgement that the successes of feminism have been largely based on appeals to the universal norms governing citizens of the impersonal, bureaucratic nation-state. Those appeals would have made no sense in any previous political system. Notwithstanding this, feminist scholars tend to join free marketeers, multiculturalists and Wilsonians in their approval of the (mostly imaginary) dissolution of the nation-state in a new world order. If the nation-state is "gendered," Enloe reasons, then perhaps the post-national nonstate need not be: "Perhaps effective u.n. soldiering will call for a new kind of masculinity, one less reliant on misogyny, less insecure about heterosexual credentials." (If the recent "peacekeeping" of u.n. forces in Bosnia and Somalia shows anything, however, it is that a little more of the old masculinity may be necessary to prevent mass slaughter--and mass rape, too.)

#### Life should be valued as apriori – it precedes the ability to value anything else

Kacou ‘08

[Amien Kacou. 2008. WHY EVEN MIND? On The A Priori Value Of “Life”, Cosmos and History: The Journal of Natural and Social Philosophy, Vol 4, No 1-2 (2008) cosmosandhistory.org/index.php/journal/article/view/92/184]

Furthermore, that manner of finding things good that is in pleasure can certainly not exist in any world without consciousness (i.e., without “life,” as we now understand the word)—slight analogies put aside. In fact, we can begin to develop a more sophisticated definition of the concept of “pleasure,” in the broadest possible sense of the word, as follows: it is the common psychological element in all psychological experience of goodness (be it in joy, admiration, or whatever else). In this sense, pleasure can always be pictured to “mediate” all awareness or perception or judgment of goodness: there is pleasure in all consciousness of things good; pleasure is the common element of all conscious satisfaction. In short, it is simply the very experience of liking things, or the liking of experience, in general. In this sense, pleasure is, not only uniquely characteristic of life but also, the core expression of goodness in life—the most general sign or phenomenon for favorable conscious valuation, in other words. This does not mean that “good” is absolutely synonymous with “pleasant”—what we value may well go beyond pleasure. (The fact that we value things needs not be reduced to the experience of liking things.) However, what we value beyond pleasure remains a matter of speculation or theory. Moreover, we note that a variety of things that may seem otherwise unrelated are correlated with pleasure—some more strongly than others. In other words, there are many things the experience of which we like. For example: the admiration of others; sex; or rock-paper-scissors. But, again, what they are is irrelevant in an inquiry on a priori value—what gives us pleasure is a matter for empirical investigation. Thus, we can see now that, in general, something primitively valuable is attainable in living—that is, pleasure itself. And it seems equally clear that we have a priori logical reason to pay attention to the world in any world where pleasure exists. Moreover, we can now also articulate a foundation for a security interest in our life: since the good of pleasure can be found in living (to the extent pleasure remains attainable),[17] and only in living, therefore, a priori, life ought to be continuously (and indefinitely) pursued at least for the sake of preserving the possibility of finding that good. However, this platitude about the value that can be found in life turns out to be, at this point, insufficient for our purposes. It seems to amount to very little more than recognizing that our subjective desire for life in and of itself shows that life has some objective value. For what difference is there between saying, “living is unique in benefiting something I value (namely, my pleasure); therefore, I should desire to go on living,” and saying, “I have a unique desire to go on living; therefore I should have a desire to go on living,” whereas the latter proposition immediately seems senseless? In other words, “life gives me pleasure,” says little more than, “I like life.” Thus, we seem to have arrived at the conclusion that the fact that we already have some (subjective) desire for life shows life to have some (objective) value. But, if that is the most we can say, then it seems our enterprise of justification was quite superficial, and the subjective/objective distinction was useless—for all we have really done is highlight the correspondence between value and desire. Perhaps, our inquiry should be a bit more complex.

#### Aff can’t solve- refuses to establish foundational knowledge which is essential to leading to permanent change in the area of gender

Stern and Zalewski 09

[MARIA STERN, lecturer and researcher at the Department of Peace and Development research at Gotberg University, AND MARYSIA ZALEWSKI, Director of Centre for Gender Studies at University of Aberdeen. “Feminist fatigue(s): reflections on feminism and familiar fables of militarization” Review of International Studies (2009), 35, 611–630, Cambridge journals//uwyokb]

In this section we clarify what we mean by the problem of sexgender and how it transpires in the context of feminist narratives within IR – which we will exemplify below with a recounting of a familiar feminist reading of militarisation. To re-iterate, the primary reason for investigating this is that we suspect part of the reason for the aura of disillusionment around feminism – especially as a critical theoretical resource – is connected to the sense that feminist stories repeat the very grammars that initially incited them as narratives in resistance. To explain; one might argue that there has been a normative feminist failure to adequately construct secure foundations for legitimate and authoritative knowledge claims upon which to garner effective and permanent gender change, particularly in regard to women. But for poststructural scholars this failure is not surprising as the emancipatory visions of feminism inevitably emerged as illusory given the attachments to foundationalist and positivistic understandings of subjects, power and agency. If, as poststructuralism has shown us, we cannot – through language – decide the meaning of woman, or of femininity, or of feminism, or produce foundational information about it or her;42 that subjects are ‘effects’ rather than ‘origins of institutional practices and discourses’;43 that power ‘produces subjects in effects’;44 or that authentic and authoritative agency are illusory – then the sure foundations for the knowledge that feminist scholars are conventionally required to produce – even hope to produce – are unattainable. Moreover, post-colonial feminisms have vividly shown how representations of ‘woman’ or ‘women’ which masquerade as ‘universal’ are, instead, universalising and inevitably produced through hierarchical and intersecting power relations.45 In sum; the poststructural suggestion is that feminist representations of women do not correspond to some underlying truth of what woman is or can be; rather feminism produces the subject of woman which it then subsequently comes to represent.46 The implications of this familiar conundrum are far-reaching as the demands of feminism in the context of the knowledge/political project of the gender industry are exposed as implicated in the re-production of the very power from which escape is sought. In short, feminism emerges as complicit in violent reproductions of subjects and knowledges/ practices. How does this recognisable puzzle (recognisable within feminist theory) play out in relation to the issues we are investigating in this article? As noted above, the broad example we choose to focus on to explain our claims is militarisation; partly chosen as both authors have participated in pedagogic, policy and published work in this generic area, and partly because this is an area in which the demand for operationalisable gender knowledge is ever-increasing. Our suggestion is that the increasing requirement47 for knowledge for the gender industry about gender and militarisation re-animates the sexgender paradox which persistently haunts attempts to translate what we know into useful knowledge for redressing (and preventing) conflict, or simply into hopeful scenarios for our students.

#### Consultation doesn’t solve—3 reasons:

(Intel deficit; institutional disadvantages; susceptibility to executive persuasion)

Glennon ‘09

[Michael J. Glennon, Professor of International Law for the Fletcher School of Law and Diplomacy at Tufts University, “The War Powers Resolution, Once Again,” The American Journal of International Law, Vol. 103, No. 1 (Jan., 2009), pp. 75-82, [http://www.jstor.org/stable/20456722 //](http://www.jstor.org/stable/20456722%20//) wyo-ch]

The panel's recommended bill has no chance of being enacted. There is no reason to believe that the Senate Committee on Foreign Relations and the House Committee on Foreign Affairs will sit idly by while core elements of their jurisdiction, concerning war powers reporting and consultation, are taken away and reassigned. Nor should those committees acquiesce. In the name of joint presidential-congressional decision making, the panel would substitute consultation with a handful of congressional leaders for authorization by the full Congress. The panel apparently assumes that the executive would engage in good-faith consultation with a joint committee of congressional leaders, that the new joint committee would not be co-opted by the executive, that it would be privy to ongoing classified information in the run-up to national security crises, and that a joint committee would offer institutional advantages not provided by existing standing committees with primary jurisdiction. Alas, little evidence can be found to support such beliefs. Consultation has been desultory under the War Powers Resolution not because identifying congressional committees of appropriate jurisdiction has been difficult, but because information is power and presidents and their aides are loath to share it. Simply establishing a new committee with its own professional staff will not guarantee that the requisite classified information will be supplied. It is worth recalling that Congress has already enacted a law requiring the executive to give the Senate Committee on Foreign Relations and the House Committee on Foreign Affairs such information as they may request, without regard to classification, so long as the information relates to activities and responsibilities within their jurisdiction.13 That law has been ignored. No similar requirement is even set out with respect to this proposed joint committee. Given the historical disinclination of the executive to share information with Congress, it is unduly optimistic to believe that such a committee would ever have access to all the information necessary to make an informed, balanced judgment in a crisis. Rather, the key decisions would probably continue to be made in the closed quarters of the executive branch, by the usual actors, without congressional participation. The establishment of a permanent staff to assist committee members would be a useful addition to earlier proposals for a beefed-up consultative mechanism. Absent unfettered access to pertinent, real-time information, however, such a committee would be vulnerable to processes of psychological distortion that bend both facts and analysis. These deformations can prove debilitating to groups charged with decision making in the cloistered, high-security environment necessitated by the sensitivity of the subject matter.14 One doubts whether such a committee could withstand its members' inevitable impulse to side with a president who makes forceful claims of urgent need.

### War on women

#### Alternative data applied to environmental crises cannot succeed without practical and scientific solutions

Warren and Cheney 91

 [Karen J., Professor of Philosophy at Macalester College, and Jim, Professor Emeritus at the University of Wisconsin-Waukesha, "Ecological Feminism and Ecosystem Ecology", Hypatia, Vol. 6, No. 1 , Ecological Feminism, Spring, pp. 179-197].

Ecofeminism welcomes appropriate ecological science and technology. Environmental problems demand scientific and technological responses as part of the solution. These "data" represent a piece of the ecological pie. What ecofeminists insist on is that the perspectives of women and indigenous peoples with regard to the natural environment also be recognized as relevant " data." As a feminism, ecofeminism insists that relevant "data" about the historical and interconnected twin exploitations of women (and other oppressed peoples) and nature be included in solutions to environmental problems; as an ecological feminism, ecofeminism insists upon the inclusion of appropriate insights and "data" of scientific ecology. What ecological feminism opposes is the practice of one without the other.

#### Inflated war-time sexual violence numbers misdirect policymakers with inadequate information, ensuring solutions to war-time sexual violence fail

Human Security Report 2012

[Human Security Report, 2012, The Human Security Report Project (HSRP) is an independent research centre affiliated with Simon Fraser University (SFU) in Vancouver, Canada, http://hsrgroup.org/docs/Publications/HSR2012/HSRP2012\_Chapter%202.pdf, uwyo//amp]

The Policy Implications of the Unfounded Belief That Wartime Sexual Violence Is Increasing The widely-held conviction that conflict-related sexual violence around the world is increasing means that there has been little policy interest in determining why it might be decreasing. Little scholarly research has been devoted to this question either. In fact, there are reasons for believing that conflict-related sexual violence has declined since the end of the Cold War. In Chapter 1 we argued that it was reasonable to expect that, all else equal, conflictrelated sexual violence will decline if the number and deadliness of armed conflicts declines substantially. Given that wars have become less deadly and frequent over the past two decades—and in the absence of independent trend data on sexual violence—we should therefore assume that conflict-related sexual violence would have declined as well.120 If ending wars reduces conflict-related sexual violence, then, as we explain below, strategies to end wars—including peacemaking (seeking to stop ongoing wars via negotiations) and post-conflict peacebuilding (seeking to prevent wars that have stopped from starting again)—also become indirect strategies for reducing conflict-related sexual violence. Given that there is little evidence thus far that any of the international strategies for preventing wartime sexual violence in war-affected societies have had more than marginal success,121 examining the potential for indirect strategies to achieve this end would make a lot of policy sense. But policy-makers are unlikely to show any interest in determining why sexual violence might be decreasing if they are convinced that it is increasing, which is why seeking to “get it right” with respect to sexual violence trends is important for policy.

# 2nc

# Exec reform

### 2NC: XO changes policy

#### Obama’s administration can unilaterally alter our counterterrorism and national security policy

Thinkprogress 2013

[ThinkProgress, May 23, 2013, National Security Brief: Obama To Transfer Gitmo Detainees, Rein In Targeted Killing Program, <http://thinkprogress.org/security/2013/05/23/2052441/obama-gitmo-targeted-killing/?mobile=nc>, uwyo//amp]

President Obama is expected to announce in a speech outlining his administration’s refined counterterrorism policies that he will begin transferring detainees from the Guantanamo Bay prison and begin placing tighter restrictions on the targeted killing program. “While he isn’t planning to detail how to speed up transfers from the prison,” the Wall Street Journal reported on Wednesday, “officials said the president in coming weeks plans to lift the administration’s prohibition on sending detainees to Yemen.” Also on Wednesday, Attorney General Eric Holder, in a letter to Congress, said the administration has finished its counterterrorism “playbook” and the New York Times reports that based on that policy guidance, Obama “will sharply curtail the instances when unmanned aircraft can be used to attack in places that are not overt war zones, countries like Pakistan, Yemen and Somalia. The rules will impose the same standard for strikes on foreign enemies now used only for American citizens deemed to be terrorists.” Holder said that lethal force will now only be used in cases where the suspect poses “a continuing, imminent threat to Americans” and cannot feasibly be captured, suggesting an end to so-called “signature strikes” that target behavior rather than a specific person for a specific purpose.

### AT: Self-Restraint Emboldens

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

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

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

**[2.]Syria proves statute outweighs- Obama AUMF over Syria would set precedent for no president to have to statutorily consult congress- means he or she no longer has to navigate political legitimacy for interventions- can blame congress for expanded authority**

**Eppssep, 13**

(“The Senate's Syria Resolution Has a Huge Secret Giveaway to the President”

[GARRETT EPPS](http://www.theatlantic.com/garrett-epps/)SEP former reporter for The Washington Post, is a novelist and legal scholar. He teaches courses in constitutional law and creative writing for law students at the University of Baltimore. Sept 6 2013, http://www.theatlantic.com/politics/archive/2013/09/the-senates-syria-resolution-has-a-huge-secret-giveaway-to-the-president/279421/) KH

**The "Whereas" language in the draft AUMF gives significant support to the position that the President has some (uncertain) independent constitutional authority to use force in Syria, regardless of what Congress authorizes, and (perhaps) beyond what Congress authorizes**. Since I believe that a unilateral presidential use of force in Syria would [go beyond all past OLC precedents](http://www.lawfareblog.com/2013/08/how-administration-lawyers-are-probably-thinking-about-the-constitutionality-of-the-syria-intervention-and-a-note-on-the-domestic-political-dangers-of-intervention/), **the "Whereas" clause as currently drafted is especially important to the President's novel constitutional position**.

Note that this astonishing language did not appear in [the administration's own draft authorization](http://www.cnn.com/2013/08/31/us/obama-authorization-request-text/index.html?hpt=hp_t1). Having been asked for broad authority already, **the warriors on the Senate Foreign Relations Committee**, for all their minimizing language, **have in practice widened the White House's mandate -- to the point that, if it is adopted by Congress, neither Barack Obama nor any future president will likely have to come back for additional authority to fight against Syria and its chemical weapons anywhere in the region**. **And it will have written into law an explicit statement that the president doesn't need authorization to use force anywhere, any time he or she determines that "national security" demands it.**

**[4.] Doesn’t need congressional approval-Obama defense on Syria authority proves**

**NYT, 13**

(“In Syrian crisis, US President Barack Obama tests limits of power” [Charlie Savage, The New York Times](http://www.ndtv.com/topic/charlie-savage-the-new-york-times) | September 09, 2013 http://www.ndtv.com/article/world/in-syrian-crisis-us-president-barack-obama-tests-limits-of-power-416490) KH
**The move is right**, said Walter Dellinger, who led the Justice Department's Office of Legal Counsel in the Clinton administration, **because the proposed attack is not "covered by any of the previous precedents for the unilateral use of executive power**."
"That doesn't mean it couldn't become another precedent," Dellinger added. "But when the president is going beyond where any previous president has gone, it seems appropriate to determine whether Congress concurs."
Disputes about whether and when a president or nation may launch an act of war can be hazy because courts generally do not issue definitive answers about such matters. Instead presidents, and countries, create precedents that over time can become generally accepted as a gloss on what written domestic laws and international treaties permit.
Against that backdrop, many legal scholars say Obama is proposing to violate international law. But others contend that the question is ambiguous, without any clear answer, and some suggest that **the United States could establish a precedent creating new international law if it strikes**.
The United States has intervened without a self-defense rationale or Security Council approval before, most notably in Kosovo. But in that case, it did so as part of NATO and in response to a time-urgent problem: stopping a massacre of civilians. In 1983, Reagan invaded Grenada without congressional approval, citing the "formal request" of five neighboring Caribbean states and the need to protect Americans on the island.
By contrast, the United States would carry out strikes on Syria largely alone, and to punish an offense that has already occurred. That crime, moreover, is defined by two treaties banning chemical weapons, only one of which Syria signed, that contain no enforcement provisions. Such a strike has never happened before.
Attempts to deal with the novelty of the crisis in international law have become entangled in the separate domestic law question of whether the president could order strikes on Syria without congressional permission.
**Seeking the 2008 Democratic presidential nomination, Obama embraced a limited view of a president's power to initiate war without Congress**, telling The Boston Globe that "the president does not have power under the Constitution to unilaterally authorize a military attack in a situation that does not involve stopping an actual or imminent threat to the nation."
**But by the 2011 conflict in Libya he abandoned his campaign view of presidential war powers as too limited**. While the NATO intervention was authorized for international law purposes by the Security Council, in domestic law Congress did not authorize Obama to participate. But Obama's Office of Legal Counsel argued that it was lawful for him to unilaterally order American forces to bomb Libya because of national interests in preserving regional stability and in supporting the "credibility and effectiveness" of the Security Council.
**In recent weeks, administration lawyers decided that it was within Obama's constitutional authority to carry out a strike on Syria as well, even without permission from Congress or the Security Council, because of the "important national interests" of limiting regional instability and of enforcing the norm against using chemical weapons,** Ruemmler said.

### AT: Perm F/L

#### Unilateral action by Obama key to set international norms

The Economist 2013

[The Economist, June 21st, 2013, Out of the shadows, http://www.economist.com/news/united-states/21578689-barack-obamas-rules-drones-could-shape-new-global-laws-war-out-shadows, uwyo//amp]

Mr Obama left himself wriggle-room, for example over how an imminent threat should be defined. Much damage has already been done to America’s diplomatic standing worldwide and to its image among Muslims. But if, by binding America unilaterally to higher standards, Mr Obama helps set norms for other countries as they acquire drones, that would be something. Such example-setting is a slow process, says Mr Bellinger, but “this is how customary international law is made”. Mr Obama had several aims, says Benjamin Rhodes, a deputy national security adviser who wrote the president’s speech. Since the war on terror has lasted for so long and shows no sign of ending, it was time to “bring in” the American public by explaining the rules for drones, he says. The swift spread of technology also provided a spur. Other countries will soon have killer drones. Only if America can describe the international legal framework for its own strikes with “specificity” will it be able to shape the new laws of war.

### AT: Rollback F/L

#### President can show credibility by self-binding, and it puts heavy costs on future presidents for not representing public interests

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. 101-103//wyo-sc]

Where the executive is indeed ill-motivated in any of these ways, constraining his discretion (more than the voters would otherwise choose) may be sensible. But the executive may not be ill-motivated at all. Where the executive would in fact be a faithful agent, using his increased discretion to promote the public good according to whatever conception of the public good voters hold, then constraints on executive discretion are all cost and no benefit. Voters, legislators, and judges know that different executive officials have different motivations. Not all presidents are power maximizers or empire-builders.20 Of course, the executive need not be pure of heart; his devotion to the public interest may in turn be based on concern for the judgment of history. But so long as that motivation makes him a faithful agent of the principal(s), he counts as well-motivated. The problem, however, is that the public has no simple way to know which type of executive it is dealing with. An ill-motivated executive will just mimic the statements of a well-motivated one, saying the right things and offering plausible rationales for policies that outsiders, lacking crucial information, find difficult to evaluate—policies that turn out not to be in the public interest. The ability of the ill-motivated executive to mimic the public-spirited executive's statements gives rise to the executive's dilemma of credibility: the well-motivated executive has no simple way to identify himself as such. Distrust causes voters (and the legislators they elect) to withhold discretion that they would like to grant and that the well-motivated executive would like to receive. Of course the ill-motivated executive might also want discretion; the problem is that voters who would want to give discretion (only) to the well-motivated executive may choose not to do so, because they are not sure what type he actually is. The risk that the public and legislators will fail to trust a well-motivated president is just as serious as the risk that they will trust an ill-motivated president, yet legal scholars have felled forests on the second topic while largely neglecting the first.21 Indeed, legal scholars assume (without evidence) that the executive's interests lead it to keep too many secrets, and thus endlessly debate how it should be compelled to disclose information that should be made public. It has not occurred to them that their premise might be wrong22—that excessive secrecy undermines the executive by ruining its credibility and thus does not serve its interest. Scholars of presidentialism have addressed credibility problems in general and anecdotal terms,23 but without providing social-scientific microfoundations for their analysis. Our basic claim is that the credibility dilemma is best explored from the perspective of executive signaling*.* Without any new constitutional amendments, statutes, or legislative action, law and executive practice already contain resources to allow a well-motivated executive to send a credible signal of his motivations, committing to use increased discretion in public spirited ways. By tying policies to institutional mechanisms that impose heavier costs on ill-motivated actors than on well-motivated ones, the well-motivated executive can credibly signal his good intentions and thus persuade voters that his policies are those that voters would want if fully informed. We focus particularly on mechanisms of executive self-binding that send a signal of credibility by committing presidents to actions or policies that only a well-motivated president would adopt

### AT: LX to Politics F/L

#### First, No link-Congress won’t constrain the executive with such low confidence ratings- public backlashes because it is seen as anti-military and unpatriotic

Noone 2012

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Security and Intelligence Program and an Assistant Professor of

Political Science and Law.,The War Powers Resolution and

Public Opinion, CASE WESTERN RESERVE JOURNAL OF INTERNATIONAL LAW·VOL. 45·2012, uwyo//amp]

In June 2011, a poll taken to assess the public’s confidence in institutions the U.S. military received the highest rating at 78% (11% above its historic average of 67%).21 The presidency received a confidence rating of 35% (10% below its historic average), and Congress received a confidence rating of 12% (14% below its historic average).22 This poll has been conducted thirty-five times since 1973 and indicates that the military has been number one since 1989 (with the exception of 1997 when small business was added to the survey). An analysis of this annual survey indicates that the public’s confidence level in the military is higher when it is engaged in military operations. In fact, the public overwhelmingly supports the military especially during conflict. Given Congress’ low ratings it is clear why members of Congress do not want to appear to be anything other than supportive of the military. “Opposing the use of force is no less risky domestically than it was before the [WPR’s] passage.”23 There are “electoral disincentives for confronting the president over foreign policy.”24 There is a particular price to pay if members of congress attempt to constrain the executive by cutting off funding. Allegations of being unpatriotic or abandoning U.S. forces in the field will hurt re-election bids.25 congressional votes for funding the use of force are usually overwhelming and decisive.

# Ptx

### 2NC Overview

#### a. Faster – failure to raise the debt ceiling causes quick unraveling of the U.S. and global economy – collapse before November

Sahadi 9/10

Jeanne, “Debt ceiling 'X date' could hit Oct. 18”, <http://money.cnn.com/2013/09/10/news/economy/debt-ceiling-bills-coming-due/index.html>, MCR

A new analysis by a think tank shows that **Washington's drop-dead deadline for the debt ceiling could hit as soon as Oct. 18**.¶ Estimating exactly when the Treasury Department will be unable to pay all the bills coming due if Congress fails to raise the nation's legal borrowing limit is notoriously difficult.¶ That's why, in an analysis released Tuesday, the Bipartisan Policy Center put the "X date" between Oct. 18 and Nov. 5.¶ Treasury Secretary Jack Lew has warned that **by mid-October the agency will have only $50 billion in cash on top of incoming revenue.**¶That may sound like a lot. But, as the Bipartisan Policy Center details, **it won't last very long**.¶ If the "X" date turns out to be Oct. 18, Treasury would run about $106 billion short of the money it owes between then and Nov.15. That means it wouldn't be able to pay the equivalent of a third of all the bills due during that period.¶ Here's why: Treasury handles about 80 million payments a month. Those payments are not evenly spaced out so on some days more is owed than on others. And the revenue flowing into federal coffers is unpredictable and varies from day to day.¶ Payments include IRS refunds, Social Security and veterans benefits, Medicare reimbursements for doctors and hospitals, bond interest owed investors, payments to contractors and paychecks for federal workers and military personnel.¶ If Congress fails to act in time, Treasury will have to make difficult -- and legally questionable -- decisions about who should get paid and who should be stiffed. It may decide to pay some bills in full and on time and not others.¶ Or it may decide to delay all payments due on a given day until it has sufficient revenue on hand to pay in full. in a Treasury Inspector General's report that this might be the most plausible and least harmful approach.¶ But under that scenario, **delays would grow over time from a day or two to several weeks**. For example, the payments due to seniors, veterans and active duty military personnel on Nov. 1 wouldn't go out until Nov. 13.¶ In any case, the expectation is that the agency will try to prioritize payments to bond investors over everyone else, lest the financial markets go haywire. Politically, of course, that carries risk, said Steve Bell, the senior director of the Bipartisan Policy Center's economic policy project.¶ "There's a political danger you'll be accused of paying bondholders over Social Security recipients," Bell said.¶ On both Oct. 23 and Nov. 14, $12 billion in Social Security benefits come due, while another $25 billion comes due on Nov. 1, according to the analysis.¶ Meanwhile, on Oct. 24, Treasury will have to roll over $57 billion in outstanding debt and another $115 billion on Oct. 31. Normally that's not a problem, because U.S. Treasury auctions attract a lot of buyers willing to purchase bonds at low rates.¶ But if those rollover dates come after the "X" date, and **the perception is that the United States is defaulting on some of its obligations, Treasury could have trouble finding enough buyers or investors could demand higher interest rates**.¶ The debt ceiling is currently set at $16.7 trillion. That ceiling was reached on May 19, and ever since Treasury has been using a host of special measures to keep the country's borrowing at or below that ceiling. But those measures will be exhausted by mid-October, according to Treasury.¶ If lawmakers want to raise the ceiling enough to get past the 2014 midterm elections in November, the Bipartisan Policy Center estimates they will have to raise it by $1.1 trillion to $17.8 trillion. To top of page

#### b.) SCOPE – US economic decline triggers military withdrawal across the globe—causes a power vacuum and nuclear war—hegemony deters hostile powers and controls the escalation of all conflict—solves the impact to the aff—that’s Khalilzad

#### c.) TURNS CASE – debt default means the plan would be delayed or under-funded – fiat only means the plan passes

Goldfarb 1-1 [Zachary A. Goldfarb 1-1-2013 Washington Post “‘Fiscal cliff’ deal does little to tame threats from debt ceiling, high unemployment rates” http://www.washingtonpost.com/business/fiscal-cliff/fiscal-cliff-deal-does-little-to-tame-threats-from-debt-ceiling-high-unemployment-rates/2013/01/01/8e4c14aa-5393-11e2-bf3e-76c0a789346f\_story.html]

Leaving the fate of the debt ceiling up in the air will cause anxiety among businesses and individuals, potentially crimping hiring, investing and consumer spending.¶ In many ways, the threat of default in two months is a more serious risk than the Jan. 1 fiscal cliff deadline. If Congress does not increase the debt ceiling, the government will quickly run out of ways to pay the nation’s bills and make interest payments on the nation’s outstanding debt. Any failure by the government to meet its financial obligations could be seen as a default, shaking world financial markets, given the special role that U.S. government bonds play in the global economy.¶ And while a default would be all but certain to push the economy into recession, growth is likely to be slow — and job-market improvement slight — even without such a cataclysmic event. The unemployment rate, which stands at 7.7 percent, is not expected to fall below 7.4 percent by the end of this year, and not below 6 percent until at least 2016 or later.

### A2 econ via fem

#### Heteronormativity D/A-Privileges heterosexuality as the only locus of ethics, reduces all oppression as symptomatic of a failed romantic relationship between men and women

Bray 01

"Not woman enough: Irigaray’s culture of difference" Feminist Theory December 2001 vol. 2 no. 3 311-327 Prof @ Murdoch Univ Accessed at sagepub
<pg. 315-16> (MI)

However, Irigaray not only reduces humanity to two sexes. A further simplification occurs when we recognize that the men and women who compose this world are stereotypical heterosexuals. In the essay, *An Ethics of Sexual Difference*, Irigaray writes that ‘A nontraditional fecund encounter between the sexes barely exists’ (1993b: 6). She goes on to suggest forging ‘an alliance between the divine and the mortal, such that the sexual encounter would be a festive celebration and not a disguised or polemical form of the master–slave relationship’ (1993b: 17). The fact that not all sex is heterosexual and that not all heterosexual sex is unsatisfying for women is apparently beside the point. By conjuring up what really amounts to a stereotypical image of the traditional suburban couple in order to champion her vision of a radical culture of sexual difference, Irigaray retains a conservative blindness to the complexity of female desire and to the historical shifts in sexual relationships. Rather, Irigaray idealizes the revolutionary potential of a type of sublime heterosexual desire unmarked by racial or class differences in order to offer up her vision of a more natural culture of sexual difference. As Judith Butler also argues, Irigaray’s intense focus on the heterosexual couple has ‘actually made heterosexuality into the privileged locus of ethics, as if heterosexual relations . . . were somehow more ethical, more other-directed, less narcissistic than anything else’ (Cheah and Grosz, 1998: 28). Indeed, in many of Irigaray’s essays, the creation of a loving exchange between men and women is presented as the goal of her oppositional culture of difference.1 It is as though the apparent poverty of heterosexual love is the origin of the maladies of a culture of phallocentric sameness. Social and economic oppression is diagnosed as symptomatic of psychosexual repression and the failure of a loving and ethical relationship between men and women.

### UQ

#### Obama has the upper hand on debt limit now but GOP demands could create a complicated battle

Kapur, 9/9 --- TPM’s senior congressional reporter and Supreme Court correspondent

(9/9/2013, Sahil, “Is House GOP Backing Down In Debt Limit Fight?” <http://tpmdc.talkingpointsmemo.com/2013/09/house-gop-cantor-memo-debt-ceiling-cr-sequester-immigration.php>)

¶ House Republicans are taming members’ expectations ahead of the debt limit showdown, signaling that they may not be able to extract significant concessions from Democrats.¶A Friday memo to GOP members by Majority Leader Eric Cantor (R-VA) says “the House will act to prevent a default on our obligations before” the mid-October deadline the Obama administration has established. “House Republicans,” he says, “will demand fiscal reforms and pro-growth policies which put us on a path to balance in ten years in exchange for another increase in the debt limit.”¶ The language is vague — intentionally so, in order to maintain wiggle room for Republicans to avert a disastrous debt default. President Barack Obama has vowed not to pay a ransom to ensure the U.S. can meet its obligations.¶ If and when they do cave, Republicans will be hard-pressed to show their base they got something in return for raising the debt ceiling. In January, they got Senate Democrats to agree to pass a non-binding budget resolution. This time around, the possibilities for symbolic concessions range from a doomed Senate vote to delay or defund Obamacare or instructions to initiate the process of tax reform.¶ There are a number of demands rank-and-file Republicans have urged leaders to make which could genuinely complicate the battle, such as dollar-for-dollar spending cuts or unwinding Obamacare. Cantor’s memo mentioned neither. GOP members have also called on leadership not to bring up any debt limit bill that lacks the support of half the conference. Boehner hasn’t committed to this and Cantor didn’t mention it in his memo.¶ There are several reasons Republicans will have a hard time extracting concessions. Back in January, when Obama held firm and refused to negotiate on the debt limit, Republicans folded and agreed to suspend the debt ceiling without substantial concessions but rather symbolic ones. And due to deep divisions within the conference, House Republicans will face enormous challenges in rounding up 218 votes to pass any conceivable debt limit hike.¶ The party’s top priority is to cut safety-net programs like Social Security and Medicare. But there’s no internal consensus on what to cut. And Republicans, whose constituents are disproportionately older, have generally refused to vote on entitlement cuts without bipartisan cover from Democrats. In this case Democrats are highly unlikely to give it to them, which complicates their task of passing a debt limit bill.¶ The Cantor memo makes it all but official that Republicans won’t seek to defund Obamacare in the fiscal battles. The strategy, pushed by conservative activists, to withhold support for keeping the government running after Sept. 30 unless Democrats agree to defund Obamacare. Instead it vows to “hold a series of strategic votes throughout the fall to dismantle, defund, and delay Obamacare.” The memo says Republicans “will continue to pursue the strategy of systematically derailing this train wreck and replacing it with a patient-centered system.”¶ The GOP’s big stand in the fiscal battles will be to force Obama to accept the lower spending levels ordered by sequestration — automatic spending cuts enacted in 2011 — in a measure to keep the government funded. Here Republicans will refuse to cede and the White House has not suggested it’ll veto a bill that maintains sequester spending levels, although Obama wants to cut a deal to replace the sequester.¶ “In signing a CR at sequester levels,” Cantor writes, “the President would be endorsing a level of spending that wipes away all the increases he and Congressional Democrats made while they were in charge and returns us to a pre-2008 level of discretionary spending.”

### 2NC AT: Thumper – Syria

#### Obama’s diplomatic solution to Syria helps his political capital

Timothy Kelly, “Obama Stumbles Into Success in Syria, But is there More to Come?”, Forextv.com, 9/14/13

While not exactly a masterful foreign relations performance, it appears that Mr. Obama can gain some political capital from backing-off his military imperative and allowing a diplomatic solution to take effect. First, it immediately puts the burden of performance back onto Russian President Putin on ensuring Syrian compliance with the disarmament accord struck between Secretary of State Kerry and Russian Foreign Minister Lavrov in Geneva early Saturday. Secondly, the Obama administration is claiming victory over forcing Syrian officials to admit to possessing chemical weapons which they have categorically denied previously. Additionally, the Syrian government has agreed to join the international treaty prohibiting the use of chemical weapons and the burden of Syrian compliance will test the credibility of the Russian Federation and Putin himself.

### 1NC- Links

**Revisions to the WPR link to politics- branches can’t agree**

**John R. Crook,12**

is an arbitrator in NAFTA and other investment

disputes and served on the Eritrea-Ethiopia Claims Commission “The War Powers Resolution—A ¶ Dim and Fading Legacy” [http://law.case.edu/journals/JIL/Documents/45CaseWResJIntlL1&2.pdf](http://law.case.edu/journals/JIL/Documents/45CaseWResJIntlL1%262.pdf), accessed 8/1/13,WYO/JF

**The War Powers Resolution has, at most, only influenced** ¶ **decisions involving the use of U.S. armed forces at the margins. It** ¶ **seems likely to have less impact going forward**. ¶ So as Lenin famously asked, “what is to be done?” I don’t know ¶ the answer. Today’s political climate is harshly partisan. **The political** ¶ **branches cannot come to reasonable accommodations on matters of** ¶ **far more immediate importance than revising the War Powers**¶ **Resolution.69 Even in less partisan times, it is difficult to envision** ¶ **§ Marked 12:29 § mechanisms for effective congressional-executive interaction in use-of force decisions that are both constitutionally appropriate and likely to** ¶ **stand up in the face of actual events**. **Past proposals for revision and** ¶ **reform have not made it past the starting line.70**¶ **Our current inability to have a sensible conversation about the** ¶ **appropriate interplay between Congress and the president in matters** ¶ **involving the use of force is troubling.** As noted here, there has been a ¶ blurring of many of the traditional boundaries that determine how the ¶ United States identifies its enemies and uses force against them. At ¶ **the same time, there has been a profound shift in the makeup of the** ¶ **U.S. armed forces. The Vietnam-era draft made that war a central** ¶ **fact in the lives of millions of young men and their families, giving** ¶ **issues of war or peace immediacy that they do not have today. The** ¶ **United States now relies upon highly professional armed forces.** While ¶ bumper stickers on civilians’ cars urge us to “support the troops,”¶ those “troops” make up a tiny percentage of the population, living¶ and performing their duties in a world separate and apart from most ¶ of us.71¶ Together, these things may make it easier—perhaps too easy—for ¶ any president to decide to use force in doubtful circumstances. **There** ¶ **is a need for an effective mechanism to better assure that such** ¶ **decisions are wise and will enjoy the support of the American people.** ¶ **Unfortunately, the War Powers Resolution is not that mechanism**.

# 1nr

### Prez powers

#### Global warming causes political and economic instability to escalate into full blown global war that would threaten human survival

Zaitchik 11

(Alexander Zaitchik is an American freelance journalist who has written for The Nation, Salon, The New Republic, The New York Observer, AlterNet, Mother Jones, Reason, The International Herald Tribune, Wired, The San Francisco Chronicle, The Believer, and Rolling Stone. “Global Warming, Global Violence” Foreign Policy in Focus. Proquest//wyoccd)

Catastrophic Convergence The collision between climate change and violence is the subject of Christian Parenti's impressive new book, Tropic of Chaos: Climate Change and the New Geography of Violence. The guiding idea is what Parenti calls the "the catastrophic convergence." By this he means something more geographically and historically targeted than a coming climate-triggered global war. Chaos focuses on a handful of developing countries where the author says climate change is amplifying previous crises with roots in the more climatically stable 20th-century. In this "belt of economically and politically battered post-colonial states girding the planet's mid-lattitudes," writes Parenti, "the current and impending dislocations of climate change intersect with the already-existing crises of poverty and violence... one expressing itself through the other. The prior traumas that set the stage for bad adaptation are Cold War-era militarism and the economic pathologies of neoliberal capitalism." If Naomi Klein, Mike Davis, and James Howard Kunstler had teamed up to write a book, the result would read something like Tropic of Chaos. And indeed Parenti may owe a debt to the subtitle to Kunstler's 2006 book, The Long Emergency: Surviving the End of Oil, Climate Change, and Other Converging Catastrophes of the Twenty-First Century. But Parenti's biggest intellectual debt is to the governments and militaries that have for the better part of a decade been gaming the effects of climate change on global order. Parenti credits the idea of a "Tropic of Chaos" to a 2008 Swedish government study that examined a similar grouping of states "in which the effects of climate change interacting with economic, social, and political problems will create a high-risk of violent conflict." If the Swedes study this interaction through the prism of peacekeeping and humanitarianism, the Pentagon views it through the cross-hairs of imperial management. Congressional Republicans may mock the idea of man-made climate change, but the Pentagon brass has long understood runaway carbon emissions as the ultimate "threat multiplier." Early in the book, Parenti reviews the most important British and U.S. military documents, most dating to the mid-naughts, which discuss climate change in strategic terms. Among the earliest and most influential of these was a 2004 Pentagon-commissioned study stressing the likelihood that climate change would unfold in a non-linear way. The dark report laid out a future scenario in which "disruption and conflict will be endemic features of life. Once again, warfare would define human life." The Pentagon understands that its role is not to help avoid this fate by pushing for a de-carbonized economy but to deal with this future the only way it knows how: with razor wire and counterinsurgency. Parenti argues that the political failures of the last century - and of today - position humanity for a return to authoritarian-flavored "exclusionary tribalism" given form by the apparatus of the modern police state. Given the already venomous commentary heard on AM talk radio and Fox News, Parenti is merely stating the obvious in warning that we face a crisis of democracy as well as of climate. Barring a transition toward a greener, more equitable global economy, adaptation will not have a human face but will instead arrive in the form of a neo-fascist surveillance-security state. This future, writes Parenti, will be brought to us care of "parasitic forces that have begun to shape adaptation as the militarized management of civilization's violent disintegration." An unmanageable explosion in climate refugees, the first stirrings of which have begun, will drive the process. In the context of up to a billion climate refugees, "the border becomes a text from which to read the future-or a version of it. Here we see how the catastrophic convergence creates both state failure in the Global South and authoritarian state hardening in the Global North... Drought and flood in Mexico and Central America are expressed [as] ICE detention centers. As the planet warms the political tumors of American authoritarianism, our current repression of immigrants, will metastasize."

#### ECONOMIC COLLAPSE WOULD ESCALATE TO FULL-SCALE CONFLICT AND RAPID EXTINCTION

**BEARDEN** (Lt. Col in US Army) **2K**

[Thomas, “The Unnecessary Energy Crisis”, Free Republic, June 24, p. online //wyo-tjc]

History bears out that desperate nations take desperate actions. Prior to the final economic collapse, the stress on nations will have increased the intensity and number of their conflicts, to the point where the arsenals of weapons of mass destruction (WMD) now possessed by some 25 nations, are almost certain to be released. As an example, suppose a starving North Korea launches nuclear weapons upon Japan and South Korea, including U.S. forces there, in a spasmodic suicidal response. Or suppose a desperate China-whose long-range nuclear missiles (some) can reach the United States-attacks Taiwan. In addition to immediate responses, the mutual treaties involved in such scenarios will quickly draw other nations into the conflict, escalating it significantly. Strategic nuclear studies have shown for decades that, under such extreme stress conditions, once a few nukes are launched, adversaries and potential adversaries are then compelled to launch on perception of preparations by one's adversary. The real legacy of the MAD concept is this side of the MAD coin that is almost never discussed. Without effective defense, the only chance a nation has to survive at all is to launch immediate full-bore pre-emptive strikes and try to take out its perceived foes as rapidly and massively as possible. As the studies showed, rapid escalation to full WMD exchange occurs. Today, a great percent of the WMD arsenals that will be unleashed, are already on site within the United States itself. The resulting great Armageddon will destroy civilization as we know it, and perhaps most of the biosphere, at least for many decades.

### solvency

#### A consultation group would expand presidential war powers and undermine the people’s confidence in the government by decreasing the executive’s public accountability.

Wolfensberger ‘08

[Don Wolfensberger, director of the congress project at the woodrow wilson international center for scholars and former staff director of the house rules committee, “War powers proposal gives the president even more authority,” Roll Call, 14 July 2008, <http://search.proquest.com/docview/324398783?accountid=14793> // wyo-ch]

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. Unfortunately, that attitude flies in the face of everything the Framers of the Constitution had in mind when they entrusted to the first branch of government, the people's branch, the decisions for going to war, raising and supporting armies and a navy, and making rules for the government and regulation of the land and naval forces. These responsibilities must not be delegated to a select few at the expense of an informed membership and citizenry. Lacking such full participation and deliberation, the trust and confidence of the people in the system will rapidly erode.