# 1nc

### 1

#### The aff is not topical --- introducing armed forces only refers to human troops, not weapons systems such as drone --- prefer our interpretation because it’s based on textual analysis, legislative history, and intent of the WPR

Lorber 13 – Eric Lorber, J.D. Candidate, University of Pennsylvania Law School, Ph.D Candidate, Duke University Department of Political Science. January 2013, "Executive Warmaking Authority and Offensive Cyber Operations: Can Existing Legislation Successfully Constrain Presidential Power?" University of Pennsylvania Journal of Contsitutional Law, 15 U. Pa. J. Const. L. 961, lexis nexis

As is **evident from a** textual analysis, n177 an examination of the legislative history, n178 and **the broad** policy purposes behind the creation of the Act, n179 [\*990] "armed forces" refers to U.S. soldiers and members of the armed forces, not weapon systems or capabilities such as offensive cyber weapons. Section 1547 does not specifically define "armed forces," but it states that "the term "introduction of United States Armed Forces' includes the assignment of members of such armed forces to command, coordinate, participate in the movement of, or accompany the regular or irregular military forces of any foreign country or government." n180 While this definition pertains to the broader phrase "introduction of armed forces," the clear implication is that **only members of the armed forces count for the purposes of the definition under the WPR.** Though not dispositive, **the term "member" connotes a human individual who is part of an organization.** n181 Thus, it appears that the term "armed forces" means human members of the United States armed forces. However, there exist two potential complications with this reading. First, the language of the statute states that "the term "introduction of United States Armed Forces' includes the assignment of members of such armed forces." n182 By using inclusionary - as opposed to exclusionary - language, one might argue that the term "armed forces" could include more than members. This argument is unconvincing however, given that a core principle of statutory interpretation, expressio unius, suggests that **expression of one thing (i.e., members) implies the exclusion of others (**such as non-members **constituting armed forces)**. n183 Second, the term "member" does not explicitly reference "humans," and so could arguably refer to individual units and beings that are part of a larger whole (e.g., wolves can be members of a pack). As a result, though a textual analysis suggests that "armed forces" refers to human members of the armed forces, such a conclusion is not determinative.¶ **An examination of the legislative history also suggests that Congress clearly conceptualized "armed forces" as human members of the armed forces**. For example, disputes over the term "armed forces" revolved around who could be considered members of the armed forces, not what constituted a member. Senator Thomas Eagleton, one of the Resolution's architects, proposed an amendment during the process providing that the Resolution cover military officers on loan to a civilian agency (such as the Central [\*991] Intelligence Agency). n184 This amendment was dropped after encountering pushback, n185 but the debate revolved around whether those military individuals on loan to the civilian agency were still members of the armed forces for the purposes of the WPR, suggesting that Congress considered the term to apply only to soldiers in the armed forces. Further, during the congressional hearings, the question of deployment of "armed forces" centered primarily on past U.S. deployment of troops to combat zones, n186 suggesting that **Congress conceptualized "armed forces" to mean U.S. combat troops.**¶ **The broad purpose of the Resolution aimed to prevent the large-scale but unauthorized deployments of U.S. troops into hostilities**. n187 While examining the broad purpose of a legislative act is increasingly relied upon only after examining the text and legislative history, here it provides further support for those two alternate interpretive sources. n188 As one scholar has noted, "the War Powers Resolution, for example, is concerned with sending U.S. troops into harm's way." n189 The historical context of the War Powers Resolution is also important in determining its broad purpose; as the resolutions submitted during the Vietnam War and in the lead-up to the passage of the WPR suggest, Congress was concerned about its ability to effectively regulate the President's deployments of large numbers of U.S. troops to Southeast Asia, n190 as well as prevent the President from authorizing troop incursions into countries in that region. n191 The WPR was a reaction to the President's continued deployments of these troops into combat zones, and as such suggests that Congress's broad purpose was to prevent the unconstrained deployment of U.S. personnel, not weapons, into hostilities.¶ This analysis suggests that, when defining the term "armed forces," Congress meant members of the armed forces who would be placed in [\*992] harm's way (i.e., into hostilities or imminent hostilities). **Applied to offensive cyber operations, such a definition leads to the conclusion that the** W**ar** P**owers** R**esolution likely does not cover such activities**. Worms, viruses, and kill switches are clearly not U.S. troops. Therefore, the key question regarding whether the WPR can govern cyber operations is not whether the operation is conducted independently or as part of a kinetic military operation. Rather, the key question is the delivery mechanism. For example, if military forces were deployed to launch the cyberattack, such an activity, if it were related to imminent hostilities with a foreign country, could trigger the WPR. This seems unlikely, however, for two reasons. First, it is unclear whether small-scale deployments where the soldiers are not participating or under threat of harm constitute the introduction of armed forces into hostilities under the War Powers Resolution. n192 Thus, **individual operators deployed to plant viruses in particular enemy systems may not constitute armed forces introduced into hostilities or imminent hostilities.** Second, such a tactical approach seems unlikely. If the target system is remote access, the military can attack it without placing personnel in harm's way. n193 If it is close access, there exist many other effective ways to target such systems. n194 As a result, unless U.S. troops are introduced into hostilities or imminent hostilities while deploying offensive cyber capabilities - which is highly unlikely - such operations will not trigger the War Powers Resolution.

#### Vote negative for predictable limits --- nuclear weapons is a whole topic on its own --- requires research into a whole separate literature base --- undermines preparedness for all debates.

### 2

#### Using national security to justify restraints on the executive is self-defeating. Security discourse consolidates authoritarian politics.

RANA 11

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Today politicians and legal scholars routinely invoke fears that the balance between liberty and security has swung drastically in the direction of government’s coercive powers. In the post-September 11 era, such worries are so commonplace that in the words of one commentator, “it has become part of the drinking water of this country that there has been a trade-off of liberty for security.”1 According to civil libertarians, centralizing executive power and removing the legal constraints that inhibit state violence (all in the name of heightened security) mean the steady erosion of both popular deliberation and the rule of law. For Jeremy Waldron, current practices, from coercive interrogation to terrorism surveillance and diminished detainee rights, provide government the ability not only to intimidate external enemies but also internal dissidents and legitimate political opponents. As he writes, “We have to worry that the very means given to the government to combat our enemies will be used by the government against its enemies.”2 Especially disconcerting for many commentators, executive judgments—due to fears of infiltration and security leaks—are often cloaked in secrecy. This lack of transparency undermines a core value of democratic decisionmaking: popular scrutiny of government action. As U.S. Circuit Judge Damon Keith famously declared in a case involving secret deportations by the executive branch, “Democracies die behind closed doors. . . . When government begins closing doors, it selectively controls information rightfully belonging to the people. Selective information is misinformation.”3 In the view of no less an establishment figure than Neal Katyal, now the Principal Deputy Solicitor General, such security measures transform the current presidency into “the most dangerous branch,” one that “subsumes much of the tripartite structure of government.”4 Widespread concerns with the government’s security infrastructure are by no means a new phenomenon. In fact, such voices are part of a sixty-year history of reform aimed at limiting state (particularly presidential) discretion and preventing likely abuses. What is remarkable about these reform efforts is that, every generation, critics articulate the same basic anxieties and present virtually identical procedural solutions. These procedural solutions focus on enhancing the institutional strength of both Congress and the courts to rein in the unitary executive. They either promote new statutory schemes that codify legislative responsibilities or call for greater court activism. As early as the 1940s, Clinton Rossiter argued that only a clearly established legal framework in which Congress enjoyed the power to declare and terminate states of emergency would prevent executive tyranny and rights violations in times of crisis.5 After the Iran-Contra scandal, Harold Koh, now State Department Legal Adviser, once more raised this approach, calling for passage of a National Security Charter that explicitly enumerated the powers of both the executive and the legislature, promoting greater balance between the branches and explicit constraints on government action.6 More recently, Bruce Ackerman has defended the need for an “emergency constitution” premised on congressional oversight and procedurally specified practices.7 As for increased judicial vigilance, Arthur Schlesinger argued nearly forty years ago, in his seminal book The Imperial Presidency (1973), that the courts “had to reclaim their own dignity and meet their own responsibilities” by abandoning deference and by offering a meaningful check to the political branches.8 Today, Lawrence Tribe and Patrick Gudridge once more imagine that, by providing a powerful voice of dissent, the courts can play a critical role in balancing the branches. They write that adjudication can “generate[]—even if largely (or, at times, only) in eloquent and cogently reasoned dissent—an apt language for potent criticism.”9 The hope—returned to by constitutional scholars for decades—has been that by creating clear legal guidelines for security matters and by increasing the role of the legislative and judicial branches, government abuse can be stemmed. Yet despite this reformist belief, presidential and military prerogatives continue to expand even when the courts or Congress intervene. Indeed, the ultimate result has primarily been to entrench further the system of discretion and centralization. In the case of congressional legislation (from the 200 standby statutes on the books to the postSeptember 11 and Iraq War Authorizations for the Use of Military Force to the Detainee Treatment Act and the Military Commissions Acts), this has often entailed Congress self-consciously playing the role of junior partner—buttressing executive practices by providing its own constitutional imprimatur to them. Thus, rather than rolling back security practices, greater congressional involvement has tended to further strengthen and internalize emergency norms within the ordinary operation of politics.10 As just one example, the USA PATRIOT Act, while no doubt controversial, has been renewed by Congress a remarkable ten consecutive times without any meaningful curtailments.11 Such realities underscore the dominant drift of security arrangements, a drift unhindered by scholarly suggestions and reform initiatives. Indeed, if anything, today’s scholarship finds itself mired in an argumentative loop, re-presenting inadequate remedies and seemingly incapable of recognizing past failures. What explains both the persistent expansion of the federal government’s security framework as well as the inability of civil libertarian solutions to curb this expansion? In this article I argue that the current reform debate ignores the broader ideological context that shapes how the balance between liberty and security is struck. In particular, the very meaning of security has not remained static but rather has changed dramatically since World War II and the beginning of the Cold War. This shift has principally concerned the basic question of who decides on issues of war and emergency. And as the following pages explore, at the center of this shift has been a transformation in legal and political judgments about the capacity of citizens to make informed and knowledgeable decisions in security domains. Yet, while underlying assumptions about popular knowledge—its strengths and limitations—have played a key role in shaping security practices in each era of American constitutional history, this role has not been explored in any sustained way in the scholarly literature. As an initial effort to delineate the relationship between knowledge and security, I will argue that throughout most of the American experience, the dominant ideological perspective saw security as grounded in protecting citizens from threats to their property and physical well-being (especially those threats posed by external warfare and domestic insurrection). Drawing from a philosophical tradition extending back to John Locke, politicians and thinkers—ranging from Alexander Hamilton and James Madison at the founding to Abraham Lincoln and Roger Taney—maintained that most citizens understood the forms of danger that imperiled their physical safety. The average individual knew that securing collective life was in his or her own interest, and also knew the institutional arrangements and practices that would fulfill this paramount interest. A widespread knowledge of security needs was presumed to be embedded in social experience, indicating that citizens had the skill to take part in democratic discussion regarding how best to protect property or to respond to forms of external violence. Thus the question of who decides was answered decisively in favor of the general public and those institutions—especially majoritarian legislatures and juries—most closely bound to the public’s wishes. What marks the present moment as distinct is an increasing repudiation of these assumptions about shared and general social knowledge. Today the dominant approach to security presumes that conditions of modern complexity (marked by heightened bureaucracy, institutional specialization, global interdependence, and technological development) mean that while protection from external danger remains a paramount interest of ordinary citizens, these citizens rarely possess the capacity to pursue such objectives adequately. Rather than viewing security as a matter open to popular understanding and collective assessment, in ways both small and large the prevailing concept sees threat as sociologically complex and as requiring elite modes of expertise. Insulated decision-makers in the executive branch, armed with the specialized skills of the professional military, are assumed to be best equipped to make sense of complicated and often conflicting information about safety and self-defense.12 The result is that the other branches—let alone the public writ large—face a profound legitimacy deficit whenever they call for transparency or seek to challenge presidential discretion. Not surprisingly, the tendency of procedural reform efforts has been to place greater decision-making power in the other branches and then to watch those branches delegate such power back to the very same executive bodies. How did the governing, expertise-oriented concept of security gain such theoretical and institutional dominance and what alternative formulations exist to challenge its ideological supremacy? In offering an answer to these questions, I begin in Part II by examining the principal philosophical alternatives that existed prior to the emergence of today’s approach, one of which grounded early American thought on security issues. I refer to these alternatives in the Anglo-American tradition as broadly ‘Hobbesian’ and ‘Lockean’ and develop them through a close reading of the two thinkers’ accounts of security. For all their internal differences, what is noteworthy for my purposes is that each approach rejected the idea—pervasive at present—that there exists a basic divide between elite understanding and mass uncertainty. In other words, John Locke and even Thomas Hobbes (famous as the philosopher of absolutism) presented accounts of security and self-defense that I argue were normatively more democratic than the current framework. Part III will then explore how the Lockean perspective in particular took constitutional root in early American life, focusing especially on the views of the founders and on the intellectual and legal climate in the mid nineteenth century. In Part IV, I will continue by detailing the steady emergence beginning during the New Deal of our prevailing idea of security, with its emphasis on professional expertise and insulated decision-making. This discussion highlights the work of Pendleton Herring, a political scientist and policymaker in the 1930s and 1940s who co-wrote the National Security Act of 1947 and played a critical role in tying notions of elite specialization to a new language of ‘national security.’ Part V will then show how Herring’s ‘national security’ vision increasingly became internalized by judicial actors during and after World War II. I argue that the emblematic figure in this development was Supreme Court Justice Felix Frankfurter, who not only defended security expertise but actually sought to redefine the very meaning of democracy in terms of such expertise. For Frankfurter, the ideal of an ‘open society’ was one premised on meritocracy, or the belief that decisions should be made by those whose natural talents make them most capable of reaching the technically correct outcome. According to Frankfurter, the rise of security expertise meant the welcome spread of meritocratic commitments to a critical and complex arena of policymaking. In this discussion, I focus especially on a series of Frankfurter opinions, including in Ex parte Quirin (1942), Hirabayashi v. United States (1943), Korematsu v. United States (1944), and Youngstown Steel & Tube Co. v. Sawyer (1952), and connect these opinions to contemporary cases such as Holder v. Humanitarian Law Project (2010). Finally, by way of conclusion, I note how today’s security concept—normatively sustained by Frankfurter’s judgments about merit and elite authority—shapes current discussions over threat and foreign policy in ways that often inhibit rather than promote actual security. I then end with some reflections on what would be required to alter governing arrangements. As a final introductory note, a clarification of what I mean by the term ‘security’ is in order. Despite its continuous invocation in public life, the concept remains slippery and surprisingly under-theorized. As Jeremy Waldron writes, “Although we know that ‘security’ is a vague and ambiguous concept, and though we should suspect that its vagueness is a source of danger when talk of trade-offs is in the air, still there has been little or no attempt in the literature of legal and political theory to bring any sort of clarity to the concept.”13 As a general matter, security refers to protection from those threats that imperil survival—both of the individual and of a given society’s collective institutions or way of life. At its broadest, these threats are multidimensional and can result from phenomena as wide-ranging as environmental disasters or food shortages. Thus, political actors with divergent ideological commitments defend the often competing goals of social security, economic security, financial security, collective security, human security, food security, environmental security, and—the granddaddy of them all—national security. But for my purposes, when invoked without any modifier the word ‘security’ refers to more specific questions of common defense and physical safety. These questions, emphasizing issues of war and peace, are largely coterminous with what Franklin Delano Roosevelt famously referred to in his “Four Freedoms” State of the Union Adresss as “the freedom from fear”: namely ensuring that citizens are protected from external and internal acts of “physical aggression.”14 This definitional choice is meant to serve two connected theoretical objectives. First, as a conceptual matter it is important to keep the term security analytically separate from ‘national security’—a phrase ubiquitous in current legal and political debate. While on the face of it, both terms might appear synonymous, my claim in the following pages is that ‘national security’ is in fact a relatively novel concept, which emerged in the mid twentieth century as a particular vision of how to address issues of common defense and personal safety. Thus national security embodies only one of a number of competing theoretical and historical approaches to matters of external violence and warfare. Second, and relatedly, it has become a truism in political philosophy that the concept of liberty is plural and multifaceted.15 In other words, different ideals of liberty presuppose distinct visions of political life and possibility. Yet far less attention has been paid to the fact that security is similarly a plural concept, embodying divergent assumptions about social ordering. In fact, competing notions of security—by offering different answers to the question of “who decides?”—can be more or less compatible with democratic ideals. If anything, the problem of the contemporary moment is the dominance of a security concept that systematically challenges those sociological and normative assumptions required to sustain popular involvement in matters of threat and safety.

#### The logic of security makes violence inevitable, and is the root cause of destructive features of contemporary modernity

Burke 7 (Anthony, Senior Lecturer in Politics and International Relations at UNSW, Sydney, “Ontologies of War: Violence, Existence and Reason”, Theory and Event, 10.2, Muse)

My argument here, whilst normatively sympathetic to Kant's moral demand for the eventual abolition of war, militates against excessive optimism.86 Even as I am arguing that **war is not an enduring historical or anthropological feature, or a neutral and rational instrument of policy** -- that it is **rather the** product of hegemonic forms of knowledge **about political action and community** -- my analysis does suggest some sobering conclusions about its power as an idea and formation. **Neither the progressive flow of history nor the pacific tendencies of an international society of republican states will save us. The violent ontologies** I have described here in fact **dominate the conceptual and policy frameworks of modern republican states** and have come, against everything Kant hoped for, to stand in for progress, modernity and reason. Indeed what Heidegger argues, I think with some credibility, is that **the enframing world view has come to stand in for being itself. Enframing**, argues Heidegger, **'does not simply endanger man in his relationship to himself and to everything that is...it drives out every other possibility of revealing.**..the rule of Enframing threatens man with the possibility that it could be denied to him to enter into a more original revealing and hence to experience the call of a more primal truth.'87 What I take from Heidegger's argument -- one that I have sought to extend by analysing the militaristic power of modern ontologies of political existence and security -- is a view that **the challenge is posed not merely by a few varieties of weapon, government, technology or policy, but by an overarching system of thinking and understanding that lays claim to our entire space of truth and existence. Many of the** most destructive features of contemporary modernity **-- militarism, repression, coercive diplomacy, covert intervention, geopolitics, economic exploitation and ecological destruction -- derive not merely from particular choices by policymakers based on their particular interests, but from calculative, 'empirical' discourses of** scientific and **political truth rooted in powerful enlightenment images of being. Confined within such an epistemological and cultural universe,** policymakers' choices become necessities**, their actions become inevitabilities, and humans suffer and die**. Viewed in this light, **'rationality' is the name we give the chain of reasoning which builds one structure of truth on another until a course of action, however violent or dangerous, becomes preordained through that reasoning's very operation and existence. It creates both discursive constraints -- available choices may simply not be seen as credible or legitimate -- and material constraints that derive from the mutually reinforcing cascade of discourses and events which then preordain militarism and violence as necessary policy responses**,

however ineffective, dysfunctional or chaotic. The force of my own and Heidegger's analysis does, admittedly, tend towards a deterministic fatalism. On my part this is quite deliberate; it is important to allow this possible conclusion to weigh on us. **Large sections of modern societies -- especially parts of the media, political leaderships and national security institutions -- are utterly trapped within the Clausewitzian paradigm, within the instrumental utilitarianism of 'enframing'** and the stark ontology of the friend and enemy. They are certainly tremendously aggressive and energetic in continually stating and reinstating its force. But is there a way out? Is there no possibility of agency and choice? Is this not the key normative problem I raised at the outset, of how **the modern ontologies of war efface agency, causality and responsibility from decision making**; the responsibility that comes with having choices and making decisions, with exercising power? (In this I am much closer to Connolly than Foucault, in Connolly's insistence that, **even in the face of the anonymous power of discourse to produce and limit subjects, selves remain capable of agency and thus incur responsibilities.**88) There seems no point in following Heidegger in seeking a more 'primal truth' of being -- that is to reinstate ontology and obscure its worldly manifestations and consequences from critique. However we can, while refusing Heidegger's unworldly89 nostalgia, appreciate that he was searching for a way out of the modern system of calculation; that he was searching for a 'questioning', 'free relationship' to technology that would not be immediately recaptured by the strategic, calculating vision of enframing. Yet his path out is somewhat chimerical -- his faith in 'art' and the older Greek attitudes of 'responsibility and indebtedness' offer us valuable clues to the kind of sensibility needed, but little more. **When we consider the problem of policy, the force of this analysis suggests that choice and agency can be all too often limited; they can remain confined** (sometimes quite wilfully) **within the overarching strategic and security paradigms.** Or, more hopefully, policy choices could aim to bring into being **a more enduringly inclusive, cosmopolitan and peaceful logic of the political.** But this **cannot be done without seizing alternatives** from outside the space of enframing and utilitarian strategic thought, by being aware of its presence and weight and activating a very different concept of existence, security and action.90 This would seem to hinge upon 'questioning' as such -- on the questions we put to the real and our efforts to create and act into it. Do security and strategic policies seek to exploit and direct humans as material, as energy, or do they seek to protect and enlarge human dignity and autonomy? Do they seek to impose by force an unjust status quo (as in Palestine), or to remove one injustice only to replace it with others (the U.S. in Iraq or Afghanistan), or do so at an unacceptable human, economic, and environmental price? **Do we see our actions within an instrumental, amoral framework (of 'interests') and a linear chain of causes and effects (the idea of force), or do we see them as folding into a complex interplay of languages, norms, events and consequences which are less predictable and controllable**?91 And most fundamentally: Are we seeking to coerce or persuade? Are less violent and more sustainable choices available? Will our actions perpetuate or help to end the global rule of insecurity and violence? Will our thought?

#### The alternative is to reject the security discourse of the 1ac.

#### We need to question the assumptions and language that frame policies. The alternative is a prerequisite to effective policies in the future

Bruce 96

(Robert, Associate Professor in Social Science – Curtin University and Graeme Cheeseman, Senior Lecturer – University of New South Wales, Discourses of Danger and Dread Frontiers, p. 5-9)

This goal is pursued in ways which are still unconventional in the intellectual milieu of international relations in Australia, even though they are gaining influence worldwide as traditional modes of theory and practice are rendered inadequate by global trends that defy comprehension, let alone policy. The inability to give meaning to global changes reflects partly the enclosed, elitist world of professional security analysts and bureaucratic experts, where entry is gained by learning and accepting to speak a particular, exclusionary language. The contributors to this book are familiar with the discourse, but accord no privileged place to its ‘knowledge form as reality’ in debates on defence and security. Indeed, they believe that debate will be furthered only through a long overdue critical re-evaluation of elite perspectives. Pluralistic, democratically-oriented perspectives on Australia’s identity are both required and essential if Australia’s thinking on defence and security is to be invigorated. This is not a conventional policy book; nor should it be, in the sense of offering policy-makers and their academic counterparts sets of neat alternative solutions, in familiar language and format, to problems they pose. This expectation is in itself a considerable part of the problem to be analysed. It is, however, a book about policy, one that questions how problems are framed by policy-makers. It challenges the proposition that irreducible bodies of real knowledge on defence and security exist independently of their ‘context in the world’, and it demonstrates how security policy is articulated authoritatively by the elite keepers of that knowledge, experts trained to recognize enduring, universal wisdom. All others, from this perspective, must accept such wisdom or remain outside the expert domain, tainted by their inability to comply with the ‘rightness’ of the official line. But it is precisely the official line, or at least its image of the world, that needs to be problematised. If the critic responds directly to the demand for policy alternatives, without addressing this image, he or she is tacitly endorsing it. Before engaging in the policy debate the critics need to reframe the basic terms of reference. This book, then, reflects and underlines the importance of Antonio Gramsci and Edward Said’s ‘critical intellectuals’.15 The demand, tacit or otherwise, that the policy-maker’s frame of reference be accepted as the only basis for discussion and analysis ignores a three thousand year old tradition commonly associated with Socrates and purportedly integral to the Western tradition of democratic dialogue. More immediately, it ignores post-seventeenth century democratic traditions which insist that a good society must have within it some way of critically assessing its knowledge and the decisions based upon that knowledge which impact upon citizens of such a society. This is a tradition with a slightly different connotation in contemporary liberal democracies which, during the Cold War, were proclaimed different and superior to the totalitarian enemy precisely because there were institutional checks and balances upon power. In short, one of the major differences between ‘open societies’ and their (closed) counterparts behind the Iron Curtain was that the former encouraged the critical testing of the knowledge and decisions of the powerful and assessing them against liberal democratic principles. The latter tolerated criticism only on rare and limited occasions. For some, this represented the triumph of rational-scientific methods of inquiry and techniques of falsification. For others, especially since positivism and rationalism have lost much of their allure, it meant that for society to become open and liberal, sectors of the population must be independent of the state and free to question its knowledge and power. Though we do not expect this position to be accepted by every reader, contributors to this book believe that critical dialogue is long overdue in Australia and needs to be listened to. For all its liberal democratic trappings, Australia’s security community continues to invoke closed monological narratives on defence and security. This book also questions the distinctions between policy practice and academic theory that inform conventional accounts of Australian security. One of its major concerns, particularly in chapters 1 and 2, is to illustrate how theory is integral to the practice of security analysis and policy prescription. The book also calls on policy-makers, academics and students of defence and security to think critically about what they are reading, writing and saying; to begin to ask, of their work and study, difficult and searching questions raised in other disciplines; to recognise, no matter how uncomfortable it feels, that what is involved in theory and practice is not the ability to identify a replacement for failed models, but a realisation that terms and concepts – state sovereignty, balance of power, security, and so on – are contested and problematic, and that the world is indeterminate, always becoming what is written about it. Critical analysis which shows how particular kinds of theoretical presumptions can effectively exclude vital areas of political life from analysis has direct practical implications for policy-makers, academics and citizens who face the daunting task of steering Australia through some potentially choppy international waters over the next few years. There is also much of interest in the chapters for those struggling to give meaning to a world where so much that has long been taken for granted now demands imaginative, incisive reappraisal. The contributors, too, have struggled to find meaning, often despairing at the terrible human costs of international violence. This is why readers will find no single, fully formed panacea for the world’s ills in general, or Australia’s security in particular. There are none. Every chapter, however, in its own way, offers something more than is found in orthodox literature, often by exposing ritualistic Cold War defence and security mind-sets that are dressed up as new thinking. Chapters 7 and 9, for example, present alternative ways of engaging in security and defence practice. Others (chapters 3, 4, 5, 6 and 8) seek to alert policy-makers, academics and students to alternative theoretical possibilities which might better serve an Australian community pursuing security and prosperity in an uncertain world. All chapters confront the policy community and its counterparts in the academy with a deep awareness of the intellectual and material constraints imposed by dominant traditions of realism, but they avoid dismissive and exclusionary terms which often in the past characterized exchanges between policy-makers and their critics. This is because, as noted earlier, attention needs to be paid to the words and the thought processes of those being criticized. A close reading of this kind draws attention to underlying assumptions, showing they need to be recognized and questioned. A sense of doubt (in place of confident certainty) is a necessary prelude to a genuine search for alternative policies. First comes an awareness of the need for new perspectives, then specific policies may follow. As Jim George argues in the following chapter, we need to look not so much at contending policies as they are made for us but at challenging ‘the discursive process which gives [favoured interpretations of “reality”] their meaning and which direct [Australia’s] policy/analytical/military responses’. This process is not restricted to the small, official defence and security establishment huddled around the US-Australian War Memorial in Canberra. It also encompasses much of Australia’s academic defence and security community located primarily though not exclusively within the Australian National University and the University College of the University of New South Wales. These discursive processes are examined in detail in subsequent chapters as authors attempt to make sense of a politics of exclusion and closure which exercises disciplinary power over Australia’s security community. They also question the discourse of ‘regional security’, ‘security cooperation’, ‘peacekeeping’ and ‘alliance politics’ that are central to Australia’s official and academic security agenda in the 1990s. This is seen as an important task especially when, as is revealed, the disciplines of International Relations and Strategic Studies are under challenge from critical and theoretical debates ranging across the social sciences and humanities; debates that are nowhere to be found in Australian defence and security studies. The chapters graphically illustrate how Australia’s public policies on defence and security are informed, underpinned and legitimised by a narrowly-based intellectual enterprise which draws strength from contested concepts of realism and liberalism, which in turn seek legitimacy through policy-making processes. Contributors ask whether Australia’s policy-makers and their academic advisors are unaware of broader intellectual debates, or resistant to them, or choose not to understand them, and why?

### **3**

#### The United States executive branch should publish and enforce an executive order to clarify that the United States will not engage in preventive war and will not employ offensive use of force without Congressional authorization.

#### Presidential practice is the only effective check– plan and perm will be disregarded

Weiner 07

[Weiner, JD from Vanderbilt University, 2007

(Michael, “A Paper Tiger with Bite: A Defense of the War Powers Resolution,” <http://www.vanderbilt.edu/jotl/manage/wp-content/uploads/Weiner.pdf>)]

In practice the WPR limits presidents’ outrageous unilateral uses of force. While critics of the WPR seem likely to oppose any legislation that stops short of emasculating the Executive into becoming the “messenger-boy”64 of Congress, they must remember that the foundation for the law of war **lies in practice**.65 Again, recall this Note’s suggestion that the WPR, and the law of war in general, should be viewed from a functionalist perspective. **Any law** that purports to control the actions of those involved in warfare **will only be followed if it allows the actor the chance to preserve his own interests**. Thus, while a soldier is interested in staying alive, and a commander is interested in preserving the lives of those under his command, the Executive is interested in both of these things as well as ensuring the national security of the entire nation. A law that does not afford the Executive sufficient flexibility to satisfy these interests is **bound to be a dead-letter**.

The WPR allows such flexibility, because while its requirements are clear black-letter law, its enforcement structure owes its strength to **behavioral norms rather than law**. The Executive has an incentive to abide by the WPR to avoid showing disrespect for Congress or the will of the U.S. public. However, he retains the legal freedom to function outside the WPR when he judges it to be manifestly clear (1) that the Nation’s interests require it, or (2) when he perceives that the will of the people is behind him.66 The WPR’s effectiveness can only be evaluated by its effect in practice. For this reason, this Note now surveys post-1973 presidential unilateral uses of force.

### **4**

#### **Will pass now; Obama and Boehner on board, but Obama’s PC key**

Kuhnhenn, 1-7

[JIM KUHNHENN, Associated Press, “For Obama, Congress, a Last Grasp at Immigration,” abcnews.com, January 7, 2014, <http://abcnews.go.com/Politics/wireStory/obama-congress-grasp-immigration-21444316> //uwyo-baj]

His agenda tattered by last year's confrontations and missteps, President Barack Obama begins 2014 clinging to the hope of winning a lasting legislative achievement: an overhaul of immigration laws. It will require a deft and careful use of his powers, combining a public campaign in the face of protests over his administration's record number of deportations with quiet, behind-the-scenes outreach to Congress, something seen by lawmakers and immigration advocates as a major White House weakness. In recent weeks, both Obama and House Speaker John Boehner, R-Ohio, have sent signals that raised expectations among overhaul supporters that 2014 could still yield the first comprehensive change in immigration laws in nearly three decades. If successful, it would fulfill an Obama promise many Latinos say is overdue. The Senate last year passed a bipartisan bill that was comprehensive in scope that addressed border security, provided enforcement measures and offered a path to citizenship for 11 million immigrants in the United States illegally. House leaders, pressed by tea party conservatives, demanded a more limited and piecemeal approach. Indicating a possible opening, Obama has stopped insisting the House pass the Senate version. And two days after calling Boehner to wish him happy birthday in November, Obama made it clear he could accept the House's bill-by-bill approach, with one caveat: In the end, "we're going to have to do it all." Boehner, for his part, in December hired Rebecca Tallent, a former top aide to Sen. John McCain and most recently the director of a bipartisan think tank's immigration task force. Even opponents of a broad immigration overhaul saw Tallent's selection as a sign legislation had suddenly become more likely. Boehner also fed speculation he would ignore tea party pressure, bluntly brushing back their criticism of December's modest budget agreement.

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

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

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

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

#### Immigration reform is key to generate jobs and attract high skilled workers that solves for competitiveness and the econ

Johnson 13

(Simon Johnson, former chief economist of the International Monetary Fund, is the Ronald A. Kurtz Professor of Entrepreneurship at the M.I.T. Sloan School of Management and co-author of “White House Burning: The Founding Fathers, Our National Debt, and Why It Matters to You.” “How Immigration Reform Would Help the Economy” 6-20-13 http://economix.blogs.nytimes.com/2013/06/20/how-immigration-reform-would-help-the-economy//wyoccd)

The assessment is positive. This precise immigration proposal would improve the budget picture (see this helpful chart) and stimulate economic growth. The immediate effects are good and the more lasting effects even better. If anything, the long-run positive effects are likely to be even larger than the C.B.O. is willing to predict, in my assessment. (I’m a member of the office’s Panel of Economic Advisers but I was not involved in any way in this work.)¶ The debate over immigration is emotionally charged and, judging from recent blog posts, the Heritage Foundation in particular seems primed to dispute every detail in the C.B.O. approach – and to assert that it is underestimating some costs (including what happens when illegal immigrants receive an amnesty and subsequently claim government-provided benefits, a point Heritage has emphasized in its own report).¶ There is good reason for the C.B.O.’s careful wording in its analysis; it operates within narrow guidelines set by Congress, and its staff is wise to stick to very well-documented points. Still, as the legislation gains potential traction, it is worth keeping in mind why there could be an even larger upside for the American economy.¶ In 1776, the population of the United States was around 2.5 million; it is now more than 316 million (you can check the real-time Census Bureau population clock, but of course that is only an estimate).¶ Think about this: What if the original inhabitants had not allowed immigration or imposed very tight restrictions – for example, insisting that immigrants already have a great deal of education? It’s hard to imagine that the United States would have risen as an economy and as a country. How many United States citizens reading this column would be here today? (I’m proud to be an immigrant and a United States citizen.)¶ The long-term strength of the United States economy lies in its ability to create jobs. For more than 200 years as a republic (and 400 years in total) immigrants have not crowded together on a fixed amount of existing resources – land (in the early days) or factories (from the early 1800s) or the service sector (where most modern jobs arise). Rather the availability of resources essential for labor productivity has increased sharply. Land is improved, infrastructure is built and companies develop.¶ Most economic analysis about immigration looks at wages and asks whether natives win or lose when more immigrants show up in particular place or with certain skills. At the low end of wage distribution, there is reason to fear adverse consequences for particular groups because of increased competition for jobs. In fact, the C.B.O. does find that income per capita would decline slightly over the next 10 years before increasing in the subsequent 10 years: “Relative to what would occur under current law, S. 744 would lower per capita G.N.P. by 0.7 percent in 2023 and raise it by 0.2 percent in 2033, according to C.B.O.’s central estimates.”¶ And it is reasonable to ask who will pay how much into our tax system – and who will receive what kind of benefits. This is the terrain that the C.B.O. and the Heritage Foundation are contesting. (See, too, a letter to Senator Marco Rubio, Republican of Florida, from Stephen Gross, the chief actuary of the Social Security Administration. Mr. Gross said immigration reform would be a net positive; of the current 11.5 million illegal immigrants, “many of these individuals already work in the country in the underground economy, not paying taxes, and will begin paying taxes” if the immigration legislation are adopted. New illegal immigration would decline but not be eliminated.)¶ But the longer-run picture is most obviously quite different. The process of creating businesses and investing – what economists like to call capital formation – is much more dynamic than allowed for in many economic models.¶ People will save and they will invest. Companies will be created. The crucial question is who will have the ideas that shape the 21st century. (See, for example, the work of Charles I. Jones of Stanford University on this point and a paper he and Paul Romer wrote for a broader audience.)¶ This is partly about education – and the proposed legislation would tilt new visas more toward skilled workers, particularly those in science, technology, engineering, and math (often referred to as STEM).¶ But it would be a mistake to limited those admitted – or those allowed legal status and eventual citizenship – to people who already have or are in the process of getting a university-level education. To be clear, under the new system there may well be more low-wage immigrants than high-wage immigrants, but the transition to a point system for allocating green cards is designed to increase the share of people with more education and more scientific education, relative to the situation today and relative to what would otherwise occur.¶ Many people have good ideas. The Internet has opened up the process of innovation. I don’t know anyone who can predict where the next big technologies will come from. I also don’t know who will figure out how to organize production – including the provision of services – in a more effective manner.¶ We are competing in a world economy based on human capital, and people’s skills and abilities are the basis for our productivity. What we need more than anything, from an economic point of view, is more people (of any age or background) who want to acquire and apply new skills.¶ Increasing the size of our domestic market over the last 400 years has served us well. Allowing in immigrants in a fiscally responsible manner makes a great deal of sense — and the reports from the Joint Committee on Taxation and C.B.O. are very clear that this is now what is on the table. If the children of immigrants want to get more education, we should welcome the opportunity that this presents. When you cut off the path to higher education, you are depriving people of opportunity – and you are also hurting the economy.¶ The deeper political irony, of course, is that if the Heritage Foundation and its allies succeed in defeating immigration legislation, there are strong indications that this will hurt the Republican Party at the polls over the next decade and beyond. Yet, even so, House Republicans seem inclined to oppose immigration reform. That would be a mistake on both economic and political grounds.¶ We are 316 million people in a world of more than 7 billion – on its way to 10 billion or more (read this United Nations report if you like to worry about the future).¶ We should reform immigration along the lines currently suggested and increase the supply of skilled labor in the world. This will both improve our economy and, at least potentially, help ensure the world stays more prosperous and more stable.

**Nuclear war and turns terror heg and coop**

**Harris and Burrows ‘9**

**(**Mathew, PhD European History at Cambridge, counselor in the National Intelligence Council (NIC) and Jennifer, member of the NIC’s Long Range Analysis Unit “Revisiting the Future: Geopolitical Effects of the Financial Crisis” <http://www.ciaonet.org/journals/twq/v32i2/f_0016178_13952.pdf>, AM)

Of course, the report encompasses more than economics and indeed believes the future is likely to be the result of a number of intersecting and interlocking forces. With so many possible permutations of outcomes, each with ample Revisiting the Future opportunity for unintended consequences, there is a growing sense of insecurity. Even so, **history may be more instructive than ever**. While we continue to believe that **the Great Depression** is not likely to be repeated, the **lessons** to be drawn from that period **include the harmful effects on fledgling democracies and multiethnic societies** (think Central Europe in 1920s and 1930s) **and** on the **sustainability of multilateral institutions** (think League of Nations in the same period). **There is no reason to think that this would not be true in the twenty-first as much as in the twentieth century.** For that reason, the ways in which **the potential for greater conflict could grow** would seem to be even more apt **in a constantly volatile economic environment** as they would be if change would be steadier. In surveying those risks, the report stressed the likelihood that terrorism and nonproliferation will remain priorities even as resource issues move up on the international agenda. **Terrorism’s appeal will decline if economic growth continues in the Middle East and youth unemployment is reduced.** For those terrorist groups that remain active in 2025, however, the diffusion of technologies and scientific knowledge will place some of the world’s most dangerous capabilities within their reach. **Terrorist groups** in 2025 **will** likely be a combination of descendants of long established groups\_inheriting organizational structures, command and control processes, and training procedures necessary to conduct sophisticated attacks\_and newly emergent collections of the angry and disenfranchised that **become self-radicalized, particularly in the absence of economic outlets that would become narrower in an economic downturn. The most dangerous casualty of any economically-induced drawdown of U.S. military presence would** almost certainly **be the Middle East**. Although Iran’s acquisition of nuclear weapons is not inevitable, **worries** about a nuclear-armed Iran **could lead states in the region to develop new security arrangements with external powers, acquire additional weapons, and consider pursuing their own nuclear ambitions**. It is not clear that the type of stable deterrent relationship that existed between the great powers for most of the Cold War would emerge naturally in the Middle East with a nuclear Iran. Episodes of low intensity **conflict** and terrorism taking place under a nuclear umbrella **could lead to an** unintended escalation **and broader conflict** if clear red lines between those states involved are not well established. **The close proximity of potential nuclear rivals** combined with underdeveloped surveillance capabilities and mobile dual-capable Iranian missile systems also **will produce inherent difficulties** in achieving reliable indications and warning of an impending nuclear attack. The lack of strategic depth in neighboring states like Israel, **short warning and missile flight times, and uncertainty** of Iranian intentions **may place more focus on preemption** rather than defense, potentially **leading to** escalatingcrises**.** 36 Types of **conflict** that the world continues to experience, such as **over resources, could reemerge**, particularly if **protectionism grows and there is a resort to neo-mercantilist practices. Perceptions** of renewed energy scarcity will drive countries to take actions to assure their future access to energy supplies. In the worst case, this **could result in interstate conflicts if government leaders deem assured access to energy resources,** for example, to be **essential for** maintaining domestic stability and the **survival of their regime**. Even actions short of war, however, will have important geopolitical implications. Maritime security concerns are providing a rationale for naval buildups and modernization efforts, such as China’s and India’s development of blue water naval capabilities. **If** the **fiscal stimulus focus for** these **countries indeed turns inward, one of the most obvious funding targets may be military. Buildup of regional** naval **capabilities could lead to increased tensions, rivalries, and counterbalancing moves**, but it also will create opportunities for multinational cooperation in protecting critical sea lanes. **With water** also **becoming scarcer in Asia and the Middle East, cooperation to manage changing water resources is likely to be increasingly difficult both within and between states in a more dog-eat-dog world.**

### Solvency

#### Drone strikes are down all across the board—we have the resources, but Obama made a policy decision to limit them

Ackerman 12-31 [Spencer Ackerman, national security reporter at the guardian, “Fewer deaths from drone strikes in 2013 after Obama policy change,” 12-31-13, <http://www.theguardian.com/world/2013/dec/31/deaths-drone-strikes-obama-policy-change>, wyo-sc]

While specific figures are difficult to narrow down and even harder to verify, the number of strikes, almost exclusively by drones, declined in 2013, as did the casualties they caused. Between the three countries, there were around 55 strikes this year, a substantial drop from the roughly 92 in 2012. In 2013 the strikes killed up to 271 people, down from an estimate of between 505 and 532 in 2012. Approximately one in every nine to 10 deaths is a civilian. The data comes from estimates compiled by the New America Foundation, the Long War Journal and the Bureau of Investigative Journalism.¶ Yet attempts to correlate the decline in strikes to a decline in specific threats are blocked by secrecy, diplomatic contingency and political convenience, Zenko said. ¶ With the drawdown of the US wars in Iraq and Afghanistan, Zenko said, “there has never been more available, both dedicated US and leased, satellite bandwidth; never been more strike drones available; and there’s more people who can watch full-motion video [for targeting]. There has never been more assets available to kill people and strikes are going down. There’s been a policy decision, and I think they’ve been correct to emphasize that.”¶

### Adv 1

#### Drones crush terrorists and solve militant takeover in Pakistan – no anti-americanism in tribal areas now

**Nadim 2012** (Hussain Nadim, visiting scholar at the Woodrow Wilson Center, August 8, 2012, "How Drones Changed the Game in Pakistan," National Interest, nationalinterest.org/how-drones-changed-the-game-pakistan-7290)

Regardless of what the news agencies in Pakistan claim about the negative effects of drone strikes, the weapon is proving to be a game changer for the U.S. war on terrorism. And surprisingly, the Pakistani Army quietly admits to this fact. Just the way Stinger missiles shifted the balance of power in favor of the United States in the 1980s, drones are producing the same results.¶ The critics of unmanned strikes, who claim that drones are contributing to growing radicalization in Pakistan, haven’t looked around enough—or they would realize that much of the radicalization already was established by the Taliban in the 1990s. The real tragedy is that it is acceptable for the Taliban to radicalize and kill, but it is considered a breach of sovereignty for the United States, in pursuit of those radicalizing Pakistan’s people, to do the same.¶ There is so much protest over the drones because the media reports about them are biased. Although people on ground in war zones contend that the drone strikes have very few civilian casualties and, with time, have become extremely precise, the media presents quite a different story to boost its ratings.¶ Many in Pakistan, especially in the army, understand the positive impact of this weapon. Drones are coming in handy for two reasons: their precision and psychological effect. Many analysts of this subject have been concerned only with the military aspect, such as whether or not drones are precise enough and the casualties they incur. But part of what works in favor of the United States is the psychological impact—the fear that drones have instilled in the militants. The fact that the United States might strike day or night, inside the militant compound or outside while traveling in the convoys, works to deter militants and restrict their operations. This tilts the balance of power in favor of the United States.¶ Most of the people in the Pakistani Army whom I interviewed on the subject were positive about the drone strikes and their direct correlation with a decrease in terrorist attacks in Pakistan. The majority focused on the psychological impact of the drones and how they have put militants on the run, forcing them to sleep under trees at night, though it must be said that army officials showed some concern about cases in which the same psychological impact is experienced by civilians.¶ Locals I talked to are frustrated over the fear that they might get hit by a drone if the militants are hiding in their neighborhood. But this frustration may have a positive impact as it motivates civilians to flush out and close doors to militants who seek refuge in their areas.¶ Surprisingly, there isn’t as much anti-Americanism as one would suspect in areas where the United States is conducting drone strikes, largely because the locals are fed up with the influx of militants in their areas and have suffered because of terrorism. However, urban centers, which have suffered the least from terrorism, are far more radicalized and anti-American. Hence, we see large anti-drone rallies in the cities of Punjab, where people have little first-hand experience with drones. The anti-American lot in these places will start a rally for any reason at all as long as they get to burn a few American flags.

#### No Pakistan collapse and it doesn't escalate

Dasgupta 13

Sunil Dasgupta is Director of the University of Maryland Baltimore County Political Science Program at the Universities at Shady Grove and non-resident Senior Fellow at the Brookings Institution, East Asia Forum, February 25, 2013, "How will India respond to civil war in Pakistan?", http://www.eastasiaforum.org/2013/02/25/how-will-india-respond-to-civil-war-in-pakistan/

As it is, India and Pakistan have gone down to the nuclear edge four times — in 1986, 1990, 1999 and 2001–02. In each case, India responded in a manner that did not escalate the conflict. Any incursion into Pakistan was extremely limited. An Indian intervention in a civil war in Pakistan would be subject to the same limitations — at least so long as the Pakistani army maintains its integrity.

Given the new US–India ties, the most important factor in determining the possibility and nature of Indian intervention in a possible Pakistani civil war is Washington. If the United States is able to get Kabul and Islamabad to work together against the Taliban, as it is trying to do now, then India is likely to continue its current policy or try to preserve some influence in Afghanistan, especially working with elements of the Northern Alliance.

India and Afghanistan already have a strategic partnership agreement in place that creates the framework for their bilateral relationship to grow, but the degree of actual cooperation will depend on how Pakistan and the Taliban react. If Indian interests in Afghanistan come under attack, New Delhi might have to pull back. The Indian government has been quite clear about not sending troops to Afghanistan.

If the United States shifts its policy to where it has to choose Kabul over Islamabad, in effect reviving the demand for an independent Pashtunistan, India is likely to be much more supportive of US and Afghan goals. The policy shift, however, carries the risk of a full-fledged proxy war with Pakistan in Afghanistan, but should not involve the prospect of a direct Indian intervention in Pakistan itself.

India is not likely to initiate an intervention that causes the Pakistani state to fail. Bill Keller of the New York Times has described Pakistani president Asif Ail Zardari as overseeing ‘a ruinous kleptocracy that is spiraling deeper into economic crisis’. But in contrast to predictions of an unravelling nation, British journalist-scholar Anatol Lieven argues that the Pakistani state is likely to continue muddling through its many problems, unable to resolve them but equally predisposed against civil war and consequent state collapse. Lieven finds that the strong bonds of family, clan, tribe and the nature of South Asian Islam prevent modernist movements — propounded by the government or by the radicals — from taking control of the entire country.

Lieven’s analysis is more persuasive than the widespread view that Pakistan is about to fail as a state. The formal institutions of the Pakistani state are surprisingly robust given the structural conditions in which they operate. Indian political leaders recognise Pakistan’s resilience. Given the bad choices in Pakistan, they would rather not have anything to do with it. If there is going to be a civil war, why not wait for the two sides to exhaust themselves before thinking about intervening? The 1971 war demonstrated India’s willingness to exploit conditions inside Pakistan, but to break from tradition requires strong, countervailing logic, and those elements do not yet exist. Given the current conditions and those in the foreseeable future, India is likely to sit out a Pakistani civil war while covertly coordinating policy with the United States.

#### Drones don’t cause blowback – in-depth interviews in Yemen show pragmatic acceptance of US drone strikes against AQAP and alternative causes for insurgent recruitment

Christopher Swift, fellow at the University of Virginia’s Center for National Security Law, “The Drone Blowback Fallacy”: Strikes in Yemen Aren’t Pushing People into al-Qaeda, Foreign Affairs, July 1, 2012.

Recent revelations that the White House keeps a secret terrorist kill list, which it uses to target al Qaeda leaders, have spurred a debate over drone warfare. Progressive pundits excoriate the Obama administration for expanding the power of the executive branch. Senate Republicans, in turn, have demanded the appointment of a special counsel to probe the alleged leaks of classified information that brought the kill list to light. As the political drama unfolds in Washington, however, the United States is intensifying its drone campaign in the arid mountains and remote plateaus of Yemen.¶ With al Qaeda’s center of gravity shifting from Pakistan to Yemen, the Central Intelligence Agency recently sought authority to conduct “signature strikes,” in which drone pilots engage targets based on behavioral profiles rather than on positive identifications. The move marks a significant increase in the intensity and extensity of the drone campaign — in the first six months of 2012, the Obama administration conducted approximately 43 drone strikes in Yemen, nearly twice the total from the three preceding years.¶ Critics argue that drone strikes create new adversaries and drive al Qaeda’s recruiting. As the Yemeni youth activist Ibrahim Mothana recently wrote in The New York Times, “Drone strikes are causing more and more Yemenis to hate America and join radical militants; they are not driven by ideology but rather by a sense of revenge and despair.” The Washington Post concurs. In May, it reported that the “escalating campaign of U.S. drone strikes [in Yemen] is stirring increasing sympathy for al Qaeda-linked militants and driving tribesmen to join a network linked to terrorist plots against the United States.” The ranks of al Qaeda in the Arabian Peninsula (AQAP) have tripled to 1,000 in the last three years, and the link between its burgeoning membership, U.S. drone strikes, and local resentment seems obvious.¶ Last month, I traveled to Yemen to study how AQAP operates and whether the conventional understanding of the relationship between drones and recruitment is correct. While there, I conducted 40 interviews with tribal leaders, Islamist politicians, Salafist clerics, and other sources. These subjects came from 14 of Yemen’s 21 provinces, most from rural regions. Many faced insurgent infiltration in their own districts. Some of them were actively fighting AQAP. Two had recently visited terrorist strongholds in Jaar and Zinjibar as guests. I conducted each of these in-depth interviews using structured questions and a skilled interpreter. I have withheld my subjects’ names to protect their safety — a necessity occasioned by the fact that some of them had survived assassination attempts and that others had recently received death threats.¶ These men had little in common with the Yemeni youth activists who capture headlines and inspire international acclaim. As a group, they were older, more conservative, and more skeptical of U.S. motives. They were less urban, less wealthy, and substantially less secular. But to my astonishment, none of the individuals I interviewed drew a causal relationship between U.S. drone strikes and al Qaeda recruiting. Indeed, of the 40 men in this cohort, only five believed that U.S. drone strikes were helping al Qaeda more than they were hurting it.¶ Al Qaeda exploits U.S. errors, to be sure. As the Yemen scholar Gregory Johnsen correctly observes, the death of some 40 civilians in the December 2009 cruise missile strike on Majala infuriated ordinary Yemenis and gave AQAP an unexpected propaganda coup. But the fury produced by such tragedies is not systemic, not sustained, and, ultimately, not sufficient. As much as al Qaeda might play up civilian casualties and U.S. intervention in its recruiting videos, the Yemeni tribal leaders I spoke to reported that the factors driving young men into the insurgency are overwhelmingly economic.¶ From al Hudaydah in the west to Hadhramaut in the east, AQAP is building complex webs of dependency within Yemen’s rural population. It gives idle teenagers cars, khat, and rifles — the symbols of Yemeni manhood. It pays salaries (up to $400 per month) that lift families out of poverty. It supports weak and marginalized sheikhs by digging wells, distributing patronage to tribesmen, and punishing local criminals. As the leader of one Yemeni tribal confederation told me, “Al Qaeda attracts those who can’t afford to turn away.”¶ Religious figures echoed these words. Though critical of the U.S. drone campaign, none of the Islamists and Salafists I interviewed believed that drone strikes explain al Qaeda’s burgeoning numbers. “The driving issue is development,” an Islamist parliamentarian from Hadramout province said. “Some districts are so poor that joining al Qaeda represents the best of several bad options.” (Other options include criminality, migration, and even starvation.) A Salafi scholar engaged in hostage negotiations with AQAP agreed. “Those who fight do so because of the injustice in this country,” he explained. “A few in the north are driven by ideology, but in the south it is mostly about poverty and corruption.”¶ Despite Yemenis’ antipathy toward drones, my conversations also revealed a surprising degree of pragmatism. Those living in active conflict zones drew clear distinctions between earlier U.S. operations, such as the Majala bombing, and more recent strikes on senior al Qaeda figures. “Things were very bad in 2009,” a tribal militia commander from Abyan province told me, “but now the drones are seen as helping us.” He explained that Yemenis could “accept [drones] as long as there are no more civilian casualties.” An Islamist member of the separatist al-Harak movement offered a similar assessment. “Ordinary people have become very practical about drones,” he said. “If the United States focuses on the leaders and civilians aren’t killed, then drone strikes will hurt al Qaeda more than they help them.”¶ Some of the men I interviewed admitted that they had changed their minds about drone strikes. Separatists in Aden who openly derided AQAP as a proxy of Yemen’s recently deposed president, Ali Abdullah Saleh, privately acknowledged the utility of the U.S. drone campaign. “Saleh created this crisis in order to steal from America and stay in power,” a former official from the now-defunct People’s Democratic Republic of Yemen told me. “Now it is our crisis, and we need every tool to solve it.”¶ Yemeni journalists, particularly those with firsthand exposure to AQAP, shared this view: “I opposed the drone campaign until I saw what al Qaeda was doing in Jaar and Zinjibar,” an independent reporter in Aden said. “Al Qaeda hates the drones, they’re absolutely terrified of the drones … and that is why we need them.”

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

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

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

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

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

These statements are largely alarmist and misleading. Although climate change is a serious problem that deserves attention, society’s immediate behavior has an extremely low probability of leading to catastrophic consequences. The science and economics of climate change is quite clear that emissions over the next few decades will lead to only mild consequences. The severe impacts predicted by alarmists require a century (or two

in the case of Stern 2006) of no mitigation. Many of the predicted impacts assume there will be no or little adaptation. The net economic impacts from climate change over the next 50 years will be small regardless. Most of the more severe impacts will take more than a century or even a millennium to unfold and many of these “potential” impacts will never occur because people will adapt. It is not at all apparent that immediate and dramatic policies need to be developed to thwart long‐range climate risks. What is needed are long‐run balanced responses.

### Adv 2

#### SOP Now—Congressional oversight of Counterterrorism and Obama is being more transparent

Robert S. Taylor, Michael A. Sheehan, Michael K. Nagata, and Richard C. Gross. Acting General Counsel Department of Defense, Assistant Secretary of Defense for Special Operations/Low-Intensity Conflict Department of Defense, Deputy Director for Special Operations/Counterterrorism, J-37, Joint Staff, and Legal Counsel, Chairman of the Joint Chiefs of Staff. Department Of Defense, Joint Statement For The Record On Law Of Armed Conflict, The Use Of Military Force And The 2001 Authorization For Use Of Military Force Before The Committee On Armed Services United States Senate, May 16, 2013.III. Management and Oversight of Military Operations¶ Before military force is used against members of al Qaeda, the Taliban, and ¶ associated forces, there is a robust review process, which includes rigorous safeguards to ¶ protect innocent civilians. Throughout the military chain of command, senior ¶ commanders, advised by trained and experienced staffs—including intelligence officers,¶ operations officers, and judge advocates—review operationsfor compliance with ¶ applicable U.S. domestic and international law, including the law of armed conflict, and ¶ for consistency with the policies and orders of superiors in the military chain of ¶ command. ¶ For operations outside Afghanistan, this review continues up the chain of ¶ command, through the 4-star combatant commander, to the Secretary of Defense. Before ¶ the Secretary makes a decision, the proposal is reviewed by senior military and civilian ¶ advisors, including the Chairman of the Joint Chiefs of Staff and the General Counsel of ¶ the Department of Defense. Department officials also receive input from senior officials ¶ in other departments and agenciesfrom across our national security team. Military orders ¶ implementing a final decision are then transmitted down that chain of command to the ¶ relevant forces that carry out such operations. ¶ Some have expressed concern that the process for managing military operations, ¶ no matter how rigorous, is largely confined to the Executive Branch. This fact reflects¶ related practical and legal considerations. As a practical matter, officials in the military ¶ chain of command must often make real-time decisions that balance the need to act, the ¶ existence of alternative options, the possibility of collateral damage, and other factors –¶ all of which depend on expertise and immediate access to information that only the ¶ Executive Branch may possess in real time.¶ As a legal matter, Article II of the Constitution makes the President the ¶ Commander-in-Chief of the armed forces. The President is therefore responsible for ¶ directing military operations in the prosecution of armed conflict. By U.S. law, the ¶ military chain of command runs from the President to the Secretary of Defense and then ¶ to combatant commanders. The current process appropriately reflects the President’s role ¶ in the chain of command; alternatives that some have suggested would present significant ¶ constitutional issues. ¶ Congress also plays a critical role in ensuring appropriate oversight of this ¶ process. The Department and the Joint Staff regularly brief members and staff of this ¶ committee and the House Armed Services Committee on military operations against al¶ Qaeda, the Taliban, and associated forces, both on the prosecution of the conflict ¶ generally and specifically on each significant counterterrorism operation

conducted¶ outside Afghanistan. ¶ We have also made significant efforts to increase transparency regarding whom¶ the U.S. military targets in the current conflict against al Qaeda, the Taliban, and 6¶ associated forces and the procedures by which individual targeting decisions are made. ¶ Last year, for example, we declassified information about the U.S. military’s ¶ counterterrorism activities in Yemen and Somalia in a June 2012 War Powers report to ¶ Congress. This type of transparency helps preserve public confidence, dispel ¶ misconceptions that the U.S. military targets low-level terrorists who pose no threat to the ¶ United States, and address questions raised by our allies and partners abroad. On the ¶ other hand, the public release of certain information, such as the intelligence by which ¶ current or past targets were identified, could enable the enemy to avoid or manipulate our ¶ application of military force. Ultimately, we must maintain a delicate balance between ¶ transparency and protecting information from public disclosure for security reasons.

#### First, Global opinion of U.S. increasing now

Pew 13

[The Pew Research Center’s Global Attitudes Project conducts public opinion surveys around the world on a broad array of subjects ranging from people’s assessments of their own lives to their views about the current state of the world and important issues of the day. Over 330,000 interviews in 60 countries have been conducted as part of the project’s work. “America’s Global Image Remains More Positive than China’s” <http://www.pewglobal.org/2013/07/18/americas-global-image-remains-more-positive-than-chinas/>//wyo-hdm]

However, China’s increasing power has not led to more positive ratings for the People’s Republic. Overall, the U.S. enjoys a stronger global image than China. Across the nations surveyed, a median of 63% express a favorable opinion of the U.S., compared with 50% for China. Globally, people are more likely to consider the U.S. a partner to their country than to see China in this way, although relatively few think of either nation as an enemy. America is also seen as somewhat more willing than China to consider other countries’ interests. Still, both of these world powers are widely viewed as acting unilaterally in international affairs. And the military power of both nations worries many. China’s growing military strength is viewed with trepidation in neighboring Japan, South Korea, Australia and the Philippines. Meanwhile, the Obama administration’s use of drone strikes faces broad opposition – half or more in 31 of 39 countries disapprove of U.S. drone attacks against extremist groups. Respecting individual liberty remains the strong suit of America’s image. Even in many nations where opposition to American foreign policy is widespread and overall ratings for the U.S. are low, majorities or pluralities believe individual rights are respected in the U.S. Across the nations surveyed, a median of 70% say the American government respects the personal freedoms of its people. In contrast, a median of only 36% say this about China. Balance of Power51Of course, attitudes toward the U.S. and China vary considerably across regions and countries. In Europe, the U.S. gets mostly positive ratings. During the presidency of George W. Bush, anti-Americanism was common throughout much of Europe, but President Barack Obama has been consistently popular among Europeans, and since he took office in 2009, Obama’s popularity has given America’s image a significant boost in the region. Currently, more than six-in-ten in Italy, Poland, France and Spain have a favorable opinion of the U.S. European perceptions of China are much less positive – among the eight European Union nations polled, Greece is the only one in which a majority expresses a favorable view of China. Moreover, ratings for China have declined significantly over the last two years in a number of EU countries, including Britain, France, Poland and Spain. As has been the case in recent years, America’s image is the most negative in parts of the Muslim world, especially Pakistan (11% favorable), Jordan (14%), Egypt (16%), and the Palestinian territories (16%). Only 21% of Turks see the U.S. positively, although this is actually a slight improvement from last year’s 15%. But the Muslim world is hardly monolithic, and America receives largely positive ratings in predominantly Muslim nations such as Senegal in West Africa and Indonesia and Malaysia in Southeast Asia. Elsewhere in the Asia/Pacific region, the U.S. receives particularly favorable reviews in the Philippines, South Korea and Japan, and a majority or plurality in all three countries say it is more important to have strong ties with the U.S. than with China.

#### Second, Executive flexibility is critical to effective hegemony

Jamison 1993(Linda, deputy director of government relations at CSIS, Spring, "Executive-Legislative Relations After the Cold War", The Washington Quarterly, 16:2, 191-204)

The question of who controls the nation’s foreign policy is one that has often caused heated debate among Americans since the writing of the Constitution. Alexander Hamilton and James Madison, among others, argued vehemently over who had the inherent power to pursue foreign initiatives. Was the president intended to dominate foreign affairs or was Congress meant to be the preeminent body? The noted constitutional scholar, Edward Convin, popularized the description of divided power as “an invitation to struggle for the privilege of directing American foreign policy.” .He wrote that although the president proposes policy while the Congress is relegated to policy disposition, the president enjoys the upper hand despite constitutional division of authority (Convin 1957, 171). Paraphrasing The Fedemlist, Convin lists four reasons for presidential leverage: (1) unity of office-whereas the president operates as a single decision maker, Congress speaks with many voices; (2) secrecy and dispatch-the president conducts policy in private, away from public scrutiny, whereas Congress by nature is a very public institution; (3) superior sources of information-the president has access to information from the entire executive branch apparatus; (4) presidential availabilitywhereas Congress must meet formally and act as one body, the president has the flexibility to act without formal processes, increasing his ability to respond to rapidly changing events (p. 171).

#### No challengers

Kaplan, senior fellow – Center for a New American Security, and Kaplan, frmr. vice chairman – National Intelligence Council, ‘11

(Robert D and Stephen S, “America Primed,” *The National Interest*, March/April)

But in spite of the seemingly inevitable and rapid diminution of U.S. eminence, to write America’s great-power obituary is beyond premature. The United States remains a highly capable power. Iraq and Afghanistan, as horrendous as they have proved to be—in a broad historical sense—are still relatively minor events that America can easily overcome. The eventual demise of empires like those of Ming China and late-medieval Venice was brought about by far more pivotal blunders. Think of the Indian Mutiny against the British in 1857 and 1858. Iraq in particular—ever so frequently touted as our turning point on the road to destruction—looks to some extent eerily similar. At the time, orientalists and other pragmatists in the British power structure (who wanted to leave traditional India as it was) lost some sway to evangelical and utilitarian reformers (who wanted to modernize and Christianize India—to make it more like England). But the attempt to bring the fruits of Western civilization to the Asian subcontinent was met with a violent revolt against imperial authority. Delhi, Lucknow and other Indian cities were besieged and captured before being retaken by colonial forces. Yet, the debacle did not signal the end of the British Empire at all, which continued on and even expanded for another century. Instead, it signaled the transition from more of an ad hoc imperium fired by a proselytizing lust to impose its values on others to a calmer and more pragmatic empire built on international trade and technology.1 There is no reason to believe that the fate of America need follow a more doomed course. Yes, the mistakes made in Iraq and Afghanistan have been the United States’ own, but, though destructive, they are not fatal. If we withdraw sooner rather than later, the cost to American power can be stemmed. Leaving a stable Afghanistan behind of course requires a helpful Pakistan, but with more pressure Washington might increase Islamabad’s cooperation in relatively short order. In terms of acute threats, Iran is the only state that has exported terrorism and insurgency toward a strategic purpose, yet the country is economically fragile and politically unstable, with behind-the-scenes infighting that would make Washington partisans blanch. Even assuming Iran acquires a few nuclear devices—of uncertain quality with uncertain delivery systems—the long-term outlook for the clerical regime is itself unclear. The administration must only avoid a war with the Islamic Republic. To be sure, America may be in decline in relative terms compared to some other powers, as well as to many countries of the former third world, but in absolute terms, particularly military ones, the United States can easily be the first among equals for decades

hence. China, India and Russia are the only major Eurasian states prepared to wield military power of consequence on their peripheries. And each, in turn, faces its own obstacles on the road to some degree of dominance. The Chinese will have a great navy (assuming their economy does not implode) and that will enforce a certain level of bipolarity in the world system. But Beijing will lack the alliance network Washington has, even as China and Russia will always be—because of geography—inherently distrustful of one another. China has much influence, but no credible military allies beyond possibly North Korea, and its authoritarian regime lives in fear of internal disruption if its economic growth rate falters. Furthermore, Chinese naval planners look out from their coastline and see South Korea and a string of islands—Japan, Taiwan and Australia—that are American allies, as are, to a lesser degree, the Philippines, Vietnam and Thailand. To balance a rising China, Washington must only preserve its naval and air assets at their current levels. India, which has its own internal insurgency, is bedeviled by semifailed states on its borders that critically sap energy and attention from its security establishment, and especially from its land forces; in any case, India has become a de facto ally of the United States whose very rise, in and of itself, helps to balance China. Russia will be occupied for years regaining influence in its post-Soviet near abroad, particularly in Ukraine, whose feisty independence constitutes a fundamental challenge to the very idea of the Russian state. China checks Russia in Central Asia, as do Turkey, Iran and the West in the Caucasus. This is to say nothing of Russia’s diminishing population and overwhelming reliance on energy exports. Given the problems of these other states, America remains fortunate indeed. The United States is poised to tread the path of postmutiny Britain. America might not be an empire in the formal sense, but its obligations and constellation of military bases worldwide put it in an imperial-like situation, particularly because its air and naval deployments will continue in a post-Iraq and post-Afghanistan world. No country is in such an enviable position to keep the relative peace in Eurasia as is the United States—especially if it can recover the level of enduring competence in national-security policy last seen during the administration of George H. W. Bush. This is no small point. America has strategic advantages and can enhance its power while extricating itself from war. But this requires leadership—not great and inspiring leadership which comes along rarely even in the healthiest of societies—but plodding competence, occasionally steely nerved and always free of illusion.

# 2nc

## Cp

**Voluntary executive consultation improves decision-making and captures all of the benefits of the aff without constraining authority to act**

**Baker, 7 -** Chief Judge to the United States Court of Appeals for the Armed Forces, former Special Assistant to the President and Legal Advisor to the National Security Council (James, IN THE COMMON DEFENSE: NATIONAL SECURITY LAW FOR PERILOUS TIMES, p. 25-27)

Understanding process also entails an appreciation as to how to effectively engage the constitutional process between branches. Unilateral executive action has advantages in surprise, speed, and secrecy. In context, it is also **functionally imperative**. As discussed in Chapter 8, for example, military command could hardly function if it were subject to interagency, let alone, interbranch application. Unilateral decision and action have other advantages. Advantage comes in part from the absence of objection or dissent and in the avoidance of partisan political obstruction. In the view of some experts, during the past fifteen years, “party and ideology routinely trump institutional interests and responsibilities” in the Congress.6 These years coincide with the emergence of the jihadist threat.

However, there are also security benefits that derive from the operation of external constitutional appraisal. These include the foreknowledge of objection and the improvements in policy or execution that dissent might influence. Chances are, if the executive cannot sell a policy to members of Congress, or persuade the courts that executive actions are lawful, the executive will not be able to convince the American public or the international community.

A sustained and indefinite conflict will involve difficult public policy trade-offs that will require sustained public support; that means support from a majority of the population, not just a president’s political base or party. Such support is found in the effective operation of all the constitutional branches operating with transparency. Where members of Congress of both parties review and validate a policy, it is more likely to win public support. Likewise, where the government’s legal arguments and facts are validated through independent judicial review, they are more likely to garner sustained public support. Thus, where there is more than one legal and effective way to accomplish the mission, as a matter of legal policy, the president and his national security lawyers should espouse the inclusive argument that is more likely to persuade more people for a longer period of time. The extreme and divisive argument should be reserved for the extraordinary circumstance. In short, congressional and judicial review, **not necessarily decision**, offers a source of independent policy and legal validation that is not found in the executive branch alone.

Further, while the president alone has the **authority** to wield the tools of national security and the bureaucratic efficiencies to do so effectively, that is not to say the president does not benefit from maximizing his authority through the involvement and validation of the other branches of government. Whatever can be said of the president’s independent authority to act, as the Jacksonian paradigm recognizes, when the president acts with the express or implied authorization of the Congress in addition to his own inherent authority, he acts at the zenith of his powers. Therefore, those who believe in the necessity of executive action to preempt and respond to the terrorist threat, as I do, should favor legal arguments that maximize presidential authority. In context, this means the meaningful and transparent participation of the Congress and the courts.

#### And there’s a Prez Powers d/a-

#### 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 president key to solve wars and avoid existential threats- Congressional deliberation takes too long, relies on inexpert advice, and divulges too much sensitive information

Weinberger 09

[Seth Weinberger is Assistant Professor in the Department of Politics and Government at the University of Puget Sound. , 2009, Balancing War Powers in an Age of Terror, The Good Society, Vol. 18, Issue 2, Project Muse, uwyo//amp]

When the president wants to take, pursuant to his powers as commander-in-chief of the armed forces, an action that is inherently legislative in nature, he must have explicit permission from "an Act of Congress or from the Constitution itself."24 Since, as Justice Black notes, the Constitution refutes the idea that the president can have legislative powers, the permission must come from an Act of Congress. Without such permission, a president is not allowed to seize steel mills to ensure that the supply of war-essential materiel is not threatened, conduct warrantless wiretapping of American citizens, indefinitely detain without challenge those suspected of involvement in international terrorist organizations, or change the rules governing the procedures for military commissions. In wartime, however, it may be neither expedient nor strategically sound for the president to be forced to come before Congress for permission for each and every legislative action deemed necessary for the war effort. Circumstances in war are fluid and unpredictable, and legislation passed at one time may quickly become irrelevant or obsolete. The deliberation and compromise that are the hallmarks of congressional legislation may be ill-suited to war, which demands swift and decisive action to keep on top of rapidly shifting military situations. As one scholar puts it, "Congress at war is not a pretty sight. The legislative branch can be questioning and judgmental, impatient for victories yet free with inexpert advice, slow to provide the men and material for combat, reluctant to vote the taxes needed to pay for the war, critical of generals, and careless with secrets."25 In times in which the country faces an existential, or otherwise exceedingly dangerous, threat, it may not behoove the president, the military, or the nation as a whole to require the president to ask Congress time and time again to enact laws to advance the war effort.

#### 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 § Marked 18:29 § 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

## Ptx

### 2NC- Econ ! O/V

#### CIR is key to provide skilled workers that innovate the US economy, while also creating business, providing capital, and boosting investor confidence, this outweighs

#### The timeframe for econ decline wars is fast

Turpin 8 (Craig, Executive editor of New Jersey newspapers, 10/14, “Critical Mass: Economic leadership or dictatorship,” http://www.nj.com/cranford/index.ssf/2008/10/critical\_mass\_economic\_leaders.html)

A global economic collapse will also increase the chance of global conflict. As economic systems shut down, so will the distribution systems for resources like petroleum and food. It is certainly within the realm of possibility that nations perceiving themselves in peril will, if they have the military capability, use force, just as Japan and Nazi Germany did in the mid-to-late 1930s. Every nation in the world needs access to food and water. Industrial nations -- the world powers of North America, Europe, and Asia -- need access to energy. When the world economy runs smoothly, reciprocal trade meets these needs. If the world economy collapses, the use of military force becomes a more likely alternative. And given the increasingly rapid rate at which world affairs move; the world could devolve to that point very quickly.

**Probability: Statistical analysis proves global economic crisis makes conflict likely---small conflicts escalate to global war**

Michael T **Klare 9**, Professor of Peace and World Security Studies at Hampshire College in Amherst, Massachusetts, The Morung Express, 2-28-09, http://www.morungexpress.com/express\_review/15698.html

For the most part, such upheavals, even when violent, are likely to remain localized in nature, and disorganized enough that government forces will be able to bring them under control within days or weeks, even if - as with Athens for six days last December - urban paralysis sets in due to rioting, tear gas, and police cordons. That, at least, has been the case so far. It is entirely possible, however, that, **as the economic crisis worsens, some of these incidents will metastasize into far more intense and long-lasting events: armed rebellions, military takeovers, civil conflicts, even economically fueled wars between states.**

Every outbreak of violence has its own distinctive origins and characteristics. All, however, are driven by a similar combination of anxiety about the future and lack of confidence in the ability of established institutions to deal with the problems at hand. And just **as the economic crisis has proven global in ways not seen before, so local incidents** - especially given the almost instantaneous nature of modern communications - **have a potential to spark others in far-off places**, linked only in a virtual sense.

[continues…24 paragraphs later]

Some sense of this new reality appears to have percolated up to the highest reaches of the US intelligence community. In testimony before the Senate Select Committee on Intelligence on February 12th, Admiral Dennis C Blair, the new Director of National Intelligence, declared, “The **primary near-term security concern** of the United States is the global economic crisis and its **geopolitical implications** ... **Statistical modeling** shows that economic crises increase the risk of **regime-threatening instability** if they persist over a one to two year period” - certain to be the case in the present situation.

Blair did not specify which countries he had in mind when he spoke of “regime-threatening instability” - a new term in the American intelligence lexicon, at least when associated with economic crises - but it is clear from his testimony that US officials are **closely** **watching dozens of shaky nations in Africa, the Middle East, Latin America, and Central Asia.** Now go back to that map on your wall with all those red and orange pins in it and proceed to color in appropriate countries in various shades of red and orange to indicate recent striking declines in gross national product and rises in unemployment rates. Without 16 intelligence agencies under you, you’ll still have a pretty good idea of the places that Blair and his associates are eyeing **in terms of instability as the future darkens on a planet at the brink.**

### 2NC- Econ Turns Terrorism

**Turns terrorism and Pakistan---increases recruitment because of backlash**

**Lipin 8** - Michael Lipin, VOA News, 11-21, 2008, “Analysts: Al-Qaida Seeks to Capitalize on Global Financial Crisis,” online: http://voanews.com/english/2008-11-21-voa3.cfm

The world's financial crisis appears to have **energized Islamic militants and their supporters.**¶ Groups that monitor terrorist Internet traffic have seen a flurry of messages on al-Qaida-linked Web sites that gloat over the West's economic difficulties, and urge militants to take advantage.¶ On one Web site monitored by the U.S.-based SITE Intelligence Group, a user says, "now is a golden opportunity. If America is hit now, it will never survive, unless God permits it."¶ Al-Qaida spokesman Adam Gadahn released a video last month saying the terror network hopes to use the financial crisis to inflict a "crushing defeat" on what he calls the "enemies of Islam."¶ Terrorism expert and professor Bruce Hoffman of Georgetown University in Washington says al-Qaida has long sought to destroy the West's way of life, rather than try to win a conventional war. ¶ "In terms of al-Qaida's propaganda, for at least the past six years - they have constantly hit on the issue that they will bankrupt us. So, consequently they see recent global economic events as providing proof of the effectiveness of their strategy. That may be completely divorced from reality, but, unfortunately, propaganda does not have to be true to be believed," he said.¶ Matthew Levitt of the Washington Institute for Near Eastern Affairs agrees that al-Qaida is **using the financial crisis as a propaganda tool**.

**Reform’s key to heg**

**Nye 12.** [Joseph S., a former US assistant secretary of defense and chairman of the US National Intelligence Council, is University Professor at Harvard University. “Immigration and American Power,” December 10, Project Syndicate, http://www.project-syndicate.org/commentary/obama-needs-immigration-reform-to-maintain-america-s-strength-by-joseph-s--nye]

CAMBRIDGE – **The U**nited **S**tates **is a nation of immigrants.** Except for a small number of Native Americans, everyone is originally from somewhere else, and even recent immigrants can rise to top economic and political roles. President Franklin Roosevelt once famously addressed the Daughters of the American Revolution – a group that prided itself on the early arrival of its ancestors – as “fellow immigrants.”¶ **In recent years**, however, **US politics has had a strong anti-immigration slant**, and the issue played an important role in the Republican Party’s presidential nomination battle in 2012. **But** Barack Obama’s re-election demonstrated the electoral power of Latino voters, who rejected Republican presidential candidate Mitt Romney by a 3-1 majority, as did Asian-Americans.¶ As a result, **several prominent Republican politicians are now urging their party to reconsider its anti-immigration policies, and plans for immigration reform will be on the agenda at the beginning of Obama’s second term. Successful reform will be an important step in preventing the decline of American power.¶** Fears about the impact of immigration on national values and on a coherent sense of American identity are not new. The nineteenth-century “Know Nothing” movement was built on opposition to immigrants, particularly the Irish. Chinese were singled out for exclusion from 1882 onward, and, with the more restrictive Immigration Act of 1924, immigration in general slowed for the next four decades.¶ During the twentieth century, the US recorded its highest percentage of foreign-born residents, 14.7%, in 1910. A century later, according to the 2010 census, 13% of the American population is foreign born. But, despite being a nation of immigrants, more Americans are skeptical about immigration than are sympathetic to it. Various opinion polls show either a plurality or a majority favoring less immigration. The recession exacerbated such views: in 2009, one-half of the US public favored allowing fewer immigrants, up from 39% in 2008.¶ Both the number of immigrants and their origin have caused concerns about immigration’s effects on American culture. Demographers portray a country in 2050 in which non-Hispanic whites will be only a slim majority. Hispanics will comprise 25% of the population, with African- and Asian-Americans making up 14% and 8%, respectively.¶ But mass communications and market forces produce powerful incentives to master the English language and accept a degree of assimilation. Modern media help new immigrants to learn more about their new country beforehand than immigrants did a century ago. Indeed, most of the evidence suggests that the latest immigrants are assimilating at least as quickly as their predecessors.¶ While too rapid a rate of immigration can cause social problems, over the long term, **immigration strengthens US power.** It is estimated that **at least 83 countries and territories currently have fertility rates that are below the level needed to keep their population constant.** Whereas most developed countries will experience a shortage of people as the century progresses, **America is one of the few that may avoid demographic decline and maintain its share of world population.¶** For example, to maintain its current population size, Japan would have to accept 350,000 newcomers annually for the next 50 years, which is difficult for a culture that has historically been hostile to immigration. In contrast, the Census Bureau projects that the US population will grow by 49% over the next four decades.¶ **Today, the US is the world’s third most populous country; 50 years from now it is still likely to be third** (after only China and India). **This is highly relevant to economic power: whereas nearly all other developed countries will face a growing burden of providing for the older generation, immigration could help to attenuate the policy problem for the US.¶** In addition, though studies suggest that the short-term economic benefits of immigration are relatively small, and that unskilled workers may suffer from competition**, skilled immigrants can be important to** particular sectors – and to **long-term growth. There is a strong correlation between the number of visas for skilled applicants and patents filed in the US. At the beginning of this century, Chinese- and Indian-born engineers were running one-quarter of Silicon Valley’s technology businesses**, which accounted for $17.8 billion in sales; and, in 2005, immigrants had helped to start one-quarter of all US technology start-ups during the previous decade. **Immigrants or children of immigrants founded roughly 40% of the 2010 Fortune 500 companies.**¶ **Equally important are immigration’s benefits for America’s soft power. The fact that people want to come to the US enhances its appeal, and immigrants’ upward mobility is attractive to people in other countries. The US is a magnet, and many people can envisage themselves as Americans, in part because so many successful Americans look like them.** Moreover, **connections between immigrants and their families and friends back home help to convey accurate and positive information about the US.**¶ Likewise, because the presence of many cultures creates avenues of connection with other countries, **it helps to broaden Americans’ attitudes and views of the world in an era of globalization. Rather than diluting hard and soft power, immigration enhances both.¶ § Marked 18:32 §** Singapore’s former leader, Lee Kwan Yew, an astute observer of both the US and China, argues that **China will not surpass the US as the leading power of the twenty-first century, precisely because the US attracts the best and brightest** from the rest of the world and melds them into a diverse culture of creativity. China has a larger population to recruit from domestically, but, in Lee’s view, its Sino-centric culture will make it less creative than the US.¶ That is a view that Americans should take to heart. **If Obama succeeds in enacting immigration reform in his second term, he will have gone a long way toward fulfilling his promise to maintain the strength of the US.**

### Healthcare thumper

#### Schilirio solves ACA drama—he’s been connecting with congress and smoothing problems over

Miller and Rogers 1-5

[ Zeke Miller and Alex Rogers, “White House Point Man Mends Obamacare Politics,” Time Magazine, January 5, 2013, <http://swampland.time.com/2014/01/05/white-house-point-man-mends-obamacare-politics/> //uwyo-baj]

Just days after his return to the White House last month, Phil Schiliro sat down in the Capitol with a group of vulnerable Senate Democrats seething over the disastrous rollout of Obamacare. Weeks before they’d been riding high following the disastrous GOP-led government shutdown. Now they were fighting for their political lives and had openly considered breaking with the President on his signature issue. For Schiliro, the meeting was an important test. The legislative tactician who spearheaded President Barack Obama’s most significant legislative achievements in the first term was less than two weeks into a temporary job in the West Wing with a singular mission: fix the disastrous politics of Obamacare for panicking congressional Democrats. Under nonstop fire from Republicans and facing a potential revolt on its Democratic flank, the White House needed to get things back on track. According to some Democrats on the Hill, it’s working. “Phil is very accessible, very responsive” says Democratic Congressman Rob Andrews of New Jersey. “It’s clear he has the ear of decisionmakers on substance, and that matters to the members,” he adds. The Dec. 18 meeting, together with a host of other interactions, has helped mend the sometimes dysfunctional relationship between the two ends of Pennsylvania Avenue. The Senators, who had long complained of White House neglect of their political plight, gathered with Schiliro to discuss additional fixes and improvements to Obamacare, messaging efforts around positive stories, and granting members credit for fixes they suggest that the White House implements, according to a Senate Democratic aide familiar with the meeting. The same week, Schiliro met with congressional staff, inviting around 30 health care policy wonks for a two-hour session at the White House, House Democratic aides tell TIME. It was one part meet and greet, and one part ego stroking — a rare event in the often distant Obama White House — designed to clear the air of concerns before the health care exchanges officially opened Jan. 1. Following a year in which every presidential priority from immigration to the budget was stymied by congressional gridlock and Democratic infighting clouded foreign policy debates, the White House turned to a familiar face. Obama’s first director of legislative affairs and a former top aide to Democratic Congressman Henry Waxman of California, Schiliro rose to be one of Obama’s “special advisers,” before opening a consulting firm focusing on nonprofits in New Mexico. Schiliro’s hiring was a tacit acknowledgement by the White House that congressional Democrats needed more from the Administration than the technical fixes to Obamacare — as the Affordable Care Act (ACA) is popularly known — like extensions, delays and exemptions, that the Administration had been offering. They needed a politically savvy friend, Democratic aides say, someone they knew and could trust who would listen to their concerns and, most important, help resolve them. At the White House, Schiliro’s surprise, albeit temporary, return from New Mexico presaged a larger West Wing shake-up, which saw changes in the legislative-affairs team and the officials overseeing the implementation of the health care law in an effort to salvage the second term. In December, Katie Beirne Fallon, White House deputy communications director who was an aide to Senator Chuck Schumer, earned the role of top congressional liaison, replacing Miguel Rodriguez, a longtime Obama aide who had trouble working with Hill Democrats. Fallon oversees the health care “strike team” that has organized Democratic messaging in defense of the law, including daily phone conversations with a couple of dozen White House and congressional staffers first thing in the morning, according to aides. The discussions focus on the message of the day and potential responses to Republican attacks. Andrews, who spoke with Schiliro on New Year’s Day to mark the first day of coverage in the exchanges, says that Schiliro will orchestrate small group meetings to hear from members and resolve specific implementation problems in various districts, such as insurance companies removing doctors and hospitals from their networks, confusing Medicaid enrollment processes and the lack of Spanish materials. “I’m a big fan of Phil,” says Andrews. “I hope he stays a long time.” Congressional aides point to other, subtler shifts in White House practices that they say indicate an attempt at bridging gaps with Congress. In December, the White House and the Department of Health and Human Services (HHS) reversed course and granted temporary exemptions to the ACA’s individual mandate in response to a letter sent by six Democratic and independent Senators. A Senate Democratic aide complained that when the Administration announced in mid-November that insurers could continue to offer canceled plans for an additional year, a proposal similar to the one offered by Senator Mary Landrieu, a Democrat of Louisiana, there was “no mention” that it was an idea derived from Congress. “Whereas later, improvements and communications have been made, the White House and HHS are properly crediting the folks who came up with this idea in their announcement,” said the aide, who cited a new “culture of outreach.” Obama has been criticized for failing to cultivate a connection with congressional lawmakers since before he even took office. White House Chief of Staff Denis McDonough, a driving force in bringing Schiliro back into the Administration, made rebuilding ties, or in many cases building them for the first time, a priority. The new staff changes more closely align the West Wing toward McDonough’s vision for how the Obama White House should operate, Administration aides say. “The Obama Administration has always had a hard time with this — they’ve rarely done a really good job at managing members of Congress and staff,” says a House Democratic aide. “What happens often is when there is a crisis, they quickly try to ramp up their coordination. Whether it’s Syria, the IRS, or whether it’s the ACA. And then, during noncrisis times, when we’re just trying to get regular information, the modes of communication are so much worse.” “My sense is, I think they’ve finally gotten that, and they are trying to make this a more permanent thing instead of it just trying to be a patch job. Phil Schiliro fits that mold. And frankly Miguel Rodriguez — nobody knew who he was,” says the aide. Even Republicans have noticed a difference. While far from keeping an open line to the GOP, Republican aides say they’ve seen an improvement in the Administration’s openness in recent weeks.

**Won’t Thump – Focus**

**The Root 1/3**/14 [David Swerdlick, associate editor, “Obama’s Last Year Wasn’t as Bad as They Say”, <http://www.theroot.com/articles/politics/2014/01/five_things_obama_got_right_last_year.html>]

Unless you opted for your own news blackout during the holiday season, by now you’ve probably read one of the many year-end recaps that described 2013 as President Barack Obama’s worst year. If not, just read here, here, here, here and here.¶ Reviews were bad, with even Chris Matthews—of “thrill going up my leg when Obama speaks” fame—lamenting that last year “feels like the seventh or eighth year of a presidency,” not the fifth.¶ The overall gist, of course, is that between Edward Snowden’s National Security Agency leaks, the administration’s clumsy messaging on Syria, Congress’ inability to enact background-check legislation and the lousy rollout of Obamacare—including PolitiFact’s naming “If you like your health care plan, you can keep it” as its lie of the year—the president heads into 2014 digging himself out of a hole.¶ Indeed, the last 12 months were far from stellar.¶ The president and his key surrogates have failed to capitalize on an improving economic picture, with their seeming inability to proactively communicate to the American electorate where they’re trying to take it from day to day and year to year. And as my The Root colleague Keli Goff explains, he’s still battling persistently high unemployment, particularly among African Americans.¶ But the first year of his second term wasn’t quite as bad as everyone says. Background-check legislation didn’t happen, but that wasn’t on Obama’s agenda until the Sandy Hook massacre in Newtown, Conn. Immigration reform only got through the Senate, but it’s not completely dead in the House. His approval numbers took a hit, but in last week's Gallup poll, they made a modest five-point rebound.¶ He deserves criticism, sure, but also some credit. Here are five good moves he made last year:¶ Syria¶ It wasn’t pretty watching Obama send Secretary of State John Kerry out to make a full-throated case for military action in Syria, only to pull back days later and call for Congress to weigh in—we’re used to seeing commanders in chief go to war without reservation. But you could argue that one of the main reasons Obama was elected in the first place was that Americans wanted a president who was willing to pull back from the brink if that was what circumstances called for.¶ The Government Shutdown¶ There’ll be more fights ahead between the White House and Congress, but the president scored a win (later squandered) when he forced House Republicans to blink first in the standoff that led to the government shutdown, and got—temporarily, at least—Washington’s political fever to break. When the dust settled, the path cleared for Sen. Patty Murray (D-Wash.) and Rep. Paul Ryan (R-Wis.)—budget chairs in their respective legislative chambers—to come to terms on a deal.¶ Janet Yellen¶ The same president who tripled the number of women on the Supreme Court went on to nominate respected economist and current Federal Reserve Vice Chair Janet Yellen as the Fed’s first female chair, and she's expected to be confirmed by the Senate this month.¶ Civil Rights¶ He hasn’t really done much that’s new on gay civil rights, but over the course of his tenure repealing “Don’t ask, don’t tell,” and Obama's public support of same-sex marriage helped make the high court’s decisions to strike down provisions of the so-called Defense of Marriage Act and not to reinstate California’s Proposition 8 seem inevitable.¶ Obamacare (Seriously)¶ And, OK, for now, keep Obamacare in the fail column. For reasons that can’t adequately be explained, team Obama—including Sec. Kathleen Sebelius and the president himself—kept their eye off the ball for four years while overpaid contractors botched a rollout that The Root’s development team could have handled in their sleep with one hand tied behind their keyboards.¶ Policywise, the Affordable Care Act works—and premiums come down—only if enough healthy enrollees sign up to offset the cost of covering those who already need care. That hasn’t happened yet, and we won’t know if it does for a year. ¶ Without cost savings to individuals, or a bending of the infamous “cost curve,” the law is a loser. ¶ **On the politics**, though, **Obama is playing a longer game.** As of this week, more than 6 million people have signed up for Medicaid or for coverage on the ACA exchanges—nowhere near the planned enrollment goals, but not the fiasco of two months ago. To the degree that he’s failing, he’s doing it while trying to bring health care to the uninsured. In time, politically, that might wind up being a win.

### Unemployment

**Obama is not pushing-Senate democrats are doing the heavy lifting and will get the blame for fights**

**Lewis and Rushe 1-2**

(Paul Lewis in Washington and Dominic Rushe in New York, both writers for the Guardian. “Senate Democrats plan fast-track fix to reinstate lost unemployment benefits” 1-2-14 http://www.theguardian.com/world/2014/jan/02/senate-democrats-bill-reinstate-unemployment-benefits//wyoccd)

**Democratic leaders in the Senate are planning to fast-track legislation to extend unemployment insurance**, a move that would provide a lifeline to more than a million jobless Americans who lost their benefits five days ago.¶ Senator Jack **Reed,** a Democrat from Rhode **Island whose bipartisan bill will ensure a three-month extension of the federal benefits program**, told the Guardian **the measure would stimulate the economy and alleviate what he called the “mental torment” suffered by those long-term unemployed who now feel abandoned.**¶ The benefits, which apply to people who are unemployed for longer than six months, were left to expire on Saturday after a bipartisan budget deal on federal spending for the next two years failed to include a reauthorisation of the program.¶ “On a human level, many of these people are desperate,” Reed said in an interview on Thursday. “It is the difference between being able to pay their mortgage or not. Many of these are people who have worked for decades. They had good jobs, and they’ve been sending out sending out thousands of résumés, but they’re in a job market that is terrible.”¶ **Reed’s bill**, **which is co-authored by** the Nevada Republican Dean **Heller,** will only extend the federal benefits until the end of March – a temporary fix designed to allow congressional committees to work on a more permanent solution for the long-term unemployed. It would be applied retroactively, reimbursing those who lost benefits over the last week.¶ **In a clear sign that Democrats plan to make poverty and inequality major issues in this year’s Congressional mid-term elections,** Harry Reid, the Senate majority leader, told a reporter in his home state of Nevada earlier this week that the bill will be put to a vote when the Senate reconvenes on Monday.¶ A senior Democratic aide involved in the legislation said any vote may now be pushed back to Tuesday or Wednesday, to make room for the Senate’s confirmation of Janet Yellen as the chair of the Federal Reserve. But the bill remains a priority.¶ “We have a commitment that the the unemployment insurance bill be one of the first things the Senate moves on,” the aide said.¶ Reed and Heller represent the two states – Rhode Island and Nevada – with the highest unemployment rates in the US. ¶ Reed said 49,000 people – many of whom once had successful, managerial jobs – had lost benefits in Rhode Island over the last week. “Their suffering is the kind of mental torment of someone whose future is suddenly uncertain,” he said. “You’re 40 or 50 years old and you’ve worked all your life, and suddenly you’re thinking: I may never get a job anything like the one I had when I was laid off.”

**Henry Reid is doing the heavy lifting over unemployment benefits, not Obama-his PC is irrelevant**

**Demirjian 12-31**

(Karoun, reporter for the Las Vegas Sun. “Reid eyes way to make emergency unemployment benefits more accessible” 12-31-13 https://www.lasvegassun.com/news/2013/dec/31/reid-looking-way-make-emergency-unemployment-benef//wyoccd)

The three-month unemployment insurance extension the Senate plans to vote on next week won’t make any changes to the current eligibility structure for federally backed emergency benefits.¶ But Senate Majority Leader **Harry Reid is thinking about pushing to change how eligibility for emergency unemployment benefits is determined, making it easier for the long-term unemployed to access benefits as the economy improves**.¶ Reid told the Las Vegas Sun during an interview Monday that he’d like to lower the per-tier unemployment rate threshold that determines when jobless workers in hardest-hit states can claim the maximum weeks of benefits.¶ “Hopefully, we can bring that number down,” Reid said during a telephone interview.¶ Right now, jobless workers are only eligible for the maximum duration of benefits — 73 weeks — if the state they are filing in has at least a 9 percent unemployment rate.¶ But pretty soon, there may be no states left in the country that are quite that bad off.¶ In November, only Nevada and Rhode Island had a 9 percent unemployment rate — exactly.¶ With much more sustained economic improvement, the country could end up in a situation where it has authorized up to 73 weeks of emergency unemployment benefits but no one in the country can claim all of them.¶ The loss of eligibility is not immediate: A state has to post a three-month average unemployment rate of less than 9 percent before its jobless workers can no longer apply for the final 10 weeks of emergency assistance, known as Tier 4. Eligibility calculations are done the same way for states teetering on the edge of Tier 3, where having an unemployment rate at or worse than 7 percent buys jobless workers an extra nine weeks of assistance, and Tier 2, where a threshold of 6 percent unemployment means an extra 14 weeks of benefits.¶ There are no requirements tied to the unemployment rate for jobless workers to be eligible for the 14 weeks of Tier 1 benefits that kick in after individuals have exhausted their first 26 weeks of benefits.¶ Congress set those thresholds in 2012, and since they have been in place, many states have seen their jobless workers’ eligibility for additional tiers of benefits expire as the state’s economic situation has improved.¶ **But when asked if improving indicators meant the country may soon be ready for a reduction in the maximum availability of emergency unemployment benefits, Reid rejected the idea.**¶ “During the Bush years, we had emergency unemployment insurance when it was 5.6 percent,” Reid said.¶ President George W. Bush authorized long-term jobless benefits in 2008, and though the availability and duration of benefits was expanded and later slightly contracted, federally funded extended benefits have been available since.¶ But in that time, only rarely has funding for the program been replenished without a fight.¶ The federal government foots the whole bill for emergency unemployment benefits, which right now are expected to cost about $25 billion for the year. That’s much less than the costs were during the height of the recession’s unemployment in 2010, when jobless benefits cost the government over $150 billion.¶ Advocates of the benefits say they’re well-spent dollars that go straight back into the economy. But others maintain they represent a bill the government can’t keep footing — and should allow to expire, if not by the inaction of Congress, then at least by attrition as states’ economies improve.¶ Rep. Mark Amodei, R-Nev., has been among those who have advocated for letting the upper tiers of unemployment benefits expire, arguing that the extended benefits were only meant to be a temporary boost to help jobless workers through the worst of the recession.¶ Numbers suggest that workers’ dependency on unemployment insurance is falling, nationally. While at the height of the recession the average length of time spent on unemployment rose to over 37 weeks, it is currently only 17.1 weeks. That is a national average, however, not an average that is necessarily reflective of the specific situation in Nevada. Nationally, the unemployment rate is also lower than it is in the Silver State, at just 7 percent.¶ Right now, nobody has emergency unemployment benefits, as the program was allowed to expire Dec. 28.¶ **Reid already has pledged to have the Senate vote next week on a bill that would replenish funding for the program for three months. The vote on the legislation, drafted by Sens. Jack Reed, D-R.I., and Dean Heller, R-Nev., could be as early as Monday, and Reid has warned Republicans in the House not to follow suit at their political peril.**

### 2NC-Will Pass

#### Will pass now-PC key

Garrett 1-7

(Major, reporter for CBS News. “"Unfinished business" on Obama's pre-State of the Union agenda” 1-7-14 http://www.cbsnews.com/news/unfinished-business-on-obamas-pre-state-of-the-union-agenda//wyoccd)

The new business before the State of the Union address will be a major address on reforms to National Security Agency counter-terrorism surveillance tactics. The date of Mr. Obama’s speech was not revealed, but no action will occur this week. Aides said Mr. Obama met extensively with members of his NSA review panel before leaving for his Hawaiian vacation. While in Hawaii, Mr. Obama studied the panel’s 352-page report and has since contacted top counter-terrorism officials, privacy advocates and top lawmakers.¶ Mr. Obama will meet Thursday with Sen. Patrick Leahy, Chairman of the Judiciary Committee, Sen. Dianne Feinstein, chair of the Intelligence Committee, as well as lawmakers critical of current NSA practices – among them Sen. Ron Wyden, D-Oregon.¶ The officials also said Mr. Obama has been pleased with current enrollment numbers for the Affordable Care Act, though no one would say the administration had turned the corner on the Obamacare story. Implementation challenges remain and officials said they still don’t have data on the demographic mix of health insurance enrollees.¶ As for the State of Union address, Mr. Obama intends to repeat his push for immigration reform, a higher federal minimum wage and announce additional efforts to boost manufacturing jobs and economic growth. The officials said Mr. Obama remains optimistic House Republicans will pass immigration reform that eventually leads to a path to citizenship for the nation’s estimated 11 million undocumented workers. Mr. Obama’s priority is not to hector the GOP, but to give them quiet encouragement to move immigration legislation in pieces through the House with the goal of merging those bills with a comprehensive Senate-passed reform bill.¶ The officials also predicted no difficulties in winning GOP approval of an increase in the current debt ceiling of $17.2 trillion. The Treasury Department has said the nation will reach its debt ceiling in late February or early March. ¶ Lastly, the officials said Mr. Obama will not measure success strictly on the basis of what bills Congress sends to his desk for signature. Mr. Obama will step up the use of executive action to battle climate change and job creation, bypassing Congress when it refuses to act.

### link

#### Pushing anything drone related through congress would obliterate Obama’s PC-congress is divided at every level

Hughes 13

(Siobhan Hughes, Correspondent at DowJones Newswire. “Brennan Fight Shows GOP Divisions on Drones” 3-7-13 http://online.wsj.com/article/SB10001424127887323628804578346333053356560.html//wyoccd)

WASHINGTON—The U.S. Senate on Thursday confirmed John Brennan as head of the Central Intelligence Agency after a high-profile fight that exposed divisions within the Republican Party over the extent and limits of the use of unmanned drones to target Americans in their own country.¶ The confirmation vote, 63-34, came after days of turmoil over Mr. Brennan's nomination, mostly keyed to a broader debate about the authority of the U.S. targeted killing program to strike at American noncombatants on U.S. soil. The fight hit the public arena when Sen. Rand Paul (R., Ky.) on Wednesday launched a surprise 13-hour filibuster in order to get an Obama administration promise that the U.S. could not target unarmed American citizens on U.S. soil with drones. Tea-party Republicans rallied to his side.¶ By Thursday afternoon, a picture had emerged around the Capitol of a shifting political landscape in which once seemingly fringe viewpoints had appeared to become more mainstream within the Republican party.¶ "I could care less whether my view is minority or majority," Sen. John McCain (R., Ariz.) told reporters. "I know what's right." "We've done a disservice to Americans by making them believe that somehow they're in danger from their government—they're not," Mr. McCain said.¶ Sen. Lindsey Graham (R., S.C.) chided fellow Republicans, questioning whether their views were even truly Republican.¶ "What is it all of a sudden that this drone program has gotten every Republican so spun up?" Mr. Graham said on the Senate floor. "Not Senator Paul—he's a man to himself. He has a view that I don't think is a Republican view; I think is a legitimately held libertarian view."¶ The split among Republicans was notable because some of the longest-serving Republicans—traditionally the party of national security—are up for re-election in 2014 and facing potential challenges from tea-party candidates. Asked by a reporter whether he had any concern that his statements might put him at odds with the tea party, Mr. Graham, who is up in 2014, said "not over this." Still, with Mr. Paul generating headlines and thousands of new Twitter followers after his filibuster, Senate aides were left wondering 0 legitimate but that they were also not intended as a criticism of the Senate's own oversight authority.¶ Mr. McConnell was also careful to note that his own opposition to Mr. Brennan was due to concern that Mr. Brennan had been "a loyal, dogged defender of the administration's policies—policies with which I seriously disagree."¶ Soul searching was also apparent among Democrats. Sen. Dick Durbin (D. Ill.), the Democratic whip, expressed some of the same sentiments as Messrs. McCain and Graham, questioning whether there were scenarios in which the U.S. might need to employ drones at home to deter threats.¶ But Senate Judiciary Committee Chairman Patrick Leahy (D., Vt.) took a different tack, voting against Mr. Brennan and complaining that the Obama administration had "stonewalled " his committee's efforts to win access to secret legal memos justifying the use of drones in the targeted killing of American citizens overseas.¶ Mr. Paul got in the final word, issuing a press release that declared his filibuster had been a victory. Shortly before the vote, Attorney General Eric Holder sent a letter to Mr. Paul, in which he wrote: "Does the president have the authority to use a weaponized drone to kill an American not engaged in combat on American soil? The answer is no."¶ "This is a major victory for American civil liberties and ensures the protection of our basic Constitutional rights," said Mr. Paul. The junior senator from Kentucky also beat down the senior Arizona senator's criticisms. "He's wrong," Mr. Paul told reporters.

# 1nr

#### OWEN CONCLUDES NEG- CRITICISM KEY

Owen 2

(David, Reader of Political Theory at the Univ. of Southampton, Millennium, Vol 31, No 3, Sage)

 Commenting on the ‘philosophical turn’ in IR, Wæver remarks that ‘[a] frenzy for words like “epistemology” and “ontology” often signals this philosophical turn’, although he goes on to comment that these terms are often used loosely.4 However, loosely deployed or not, **it is** **clear that debates concerning ontology and epistemology play a central role in the contemporary IR theory wars.** In one respect, this is unsurprising since it is a characteristic feature of the social sciences that periods of disciplinary disorientation involve recourse to reflection on the philosophical commitments of different theoretical approaches, and there is no **doubt that such reflection can play a valuable role in making explicit the commitments that characterise (and help individuate) diverse theoretical positions.** Yet, such a philosophical turn is not without its dangers and I will briefly mention three before turning to consider a confusion that has, I will suggest, helped to promote the IR theory wars by motivating this philosophical turn.