# 1NC

### 1NC 1

#### asking how the executive should be allowed to conduct war masks the fundamental question of whether war should be allowed at all – ensures a military mentality

* Accepting that war is inevitable even without realizing it is problematic

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

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

#### this mindset is important – our consciousness of war guarantees endless violence that ensures planetary destruction and structural violence

* Another impact: freeing ourselves from war = more resources for peace

Lawrence 9 (Grant, “Military Industrial "War" Consciousness Responsible for Economic and Social Collapse,” OEN—OpEdNews, March 27)

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

#### The alternative must begin in our minds – we need to free ourselves of the presumption towards war and advocate for peace and social justice to stop the flow of militarism that threatens existence

* Democracy itself is the product of searching for peaceful solutions

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

### 1NC 2

#### Text: The Executive branch of the United States federal government should establish an executive advisory committee with jurisdiction over targeted killing orders and implement this through self-binding mechanisms including, but not limited to independent commissions to review and ensure compliance with the order and transparency measures that gives journalists access to White House decisionmaking.

#### The order should also

#### publish clear guidelines for targeting to be carried out by nonpoliticians and make assassination truly a last resort,

#### release the legal briefs upon which the targeted killing was based

#### The Executive branch of the United States federal government should give a speech explaining the rationale for the proposal.

#### The executive should also sign a directive that consolidates lead executive authority for planning and conducting nonbattlefield targeted killings under the Department of Defense.

#### The President should issues an executive order creating a Task Force on Civilian Protection that includes independent, transparent investigations and the participation of relevant non-governmental organizations.

#### Including self-binding mechanisms ensures effective constraints and executive credibility – solves the aff

Posner & Vermeule, 6 --- \*Prof of Law at U Chicago, AND \*\* Prof of Law at Harvard (9/19/2006, Eric A. Posner & Adrian Vermeule, “The Credible Executive,” <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=931501)>)

IV. Executive Signaling: Law and Mechanisms

We suggest that the executive’s credibility problem can be solved by second-order mechanisms of executive signaling. In the general case, well-motivated executives send credible signals by taking actions that are more costly for ill-motivated actors than for well-motivated ones, thus distinguishing themselves from their ill-motivated mimics. Among the specific mechanisms we discuss, an important subset involve executive self-binding, whereby executives commit themselves to a course of action that would impose higher costs on ill-motivated actors. Commitments themselves have value as signals of benign motivations.

This departs from the usual approach in legal scholarship. Legal theory has often discussed self-binding by “government” or government officials. In constitutional theory, it is often suggested that constitutions represent an attempt by “the people” to bind “themselves” against their own future decisionmaking pathologies, or relatedly that constitutional prohibitions represent mechanisms by which governments commit themselves not to expropriate investments or to exploit their populations.71 Whether or not this picture is coherent,72 it is not the question we examine here, although some of the relevant considerations are similar.73 We are not concerned with binding the president so that he cannot abuse his powers, but with how he might bind himself or take other actions that enhance his credibility, so that he can generate support from the public and other members of the government.

Furthermore, our question is subconstitutional; it is whether a well-motivated executive, acting within an established set of constitutional and statutory rules, can use signaling to generate public trust. Accordingly we proceed by assuming that no constitutional amendments or new statutes will be enacted. Within these constraints, what can a well-motivated executive do to bootstrap himself to credibility? The problem for the well-motivated executive is to credibly signal his benign motivations; in general, the solution is to engage in actions that are less costly for good types than for bad types.

We begin with some relevant law; then examine a set of possible mechanisms, emphasizing both the conditions under which they might succeed and the conditions under which they might not; and then examine the costs of credibility.

A. A Preliminary Note on Law and Self-Binding

Many of our mechanisms are unproblematic from a legal perspective, as they involve presidential actions that are clearly lawful. But a few raise legal questions; in particular, those that involve self-binding.74 Can a president bind himself to respect particular first-order policies? With qualifications, the answer is “yes, at least to the same extent that a legislature can.” Formally, a duly promulgated executive rule or order binds even the executive unless and until it is validly abrogated, thereby establishing a new legal status quo.75 The legal authority to establish a new status quo allows a president to create inertia or political constraints that will affect his own future choices. In a practical sense, presidents, like legislatures, have great de facto power to adopt policies that shape the legal landscape for the future. A president might commit himself to a long-term project of defense procurement or infrastructure or foreign policy, narrowing his own future choices and generating new political coalitions that will act to defend the new rules or policies.

More schematically, we may speak of formal and informal means of self-binding:

(1) The president might use formal means to bind himself. This is possible in the sense that an executive order, if otherwise valid, legally binds the president while it is in effect and may be enforced by the courts. It is not possible in the sense that the president can always repeal the executive order if he can bear the political and reputational costs of doing so.

(2) The president might use informal means to bind himself. This is not only possible but frequent and important. Issuing an executive rule providing for the appointment of special prosecutors, as Nixon did, is not a formal self-binding.76 However, there may be large political costs to repealing the order. This effect does not depend on the courts’ willingness to enforce the order, even against Nixon himself. Court enforcement makes the order legally binding while it is in place, but only political and reputational enforcement can protect it from repeal. Just as a dessert addict might announce to his friends that he is going on a no-dessert diet in order to raise the reputational costs of backsliding and thus commit himself, so too the repeal of an executive order may be seen as a breach of faith even if no other institution ever enforces it.

In what follows, we will invoke both formal and informal mechanisms. For our purposes, the distinction between the authority to engage in de jure self-binding (legally limited and well-defined) and the power to engage in de facto self-binding (broad and amorphous) is secondary. So long as policies are deliberately chosen with a view to generating credibility, and do so by constraining the president’s own future choices in ways that impose greater costs on ill-motivated presidents than on well-motivated ones, it does not matter whether the constraint is formal or informal.

B. Mechanisms

What signaling mechanisms might a well-motivated executive adopt to credibly assure voters, legislators and judges that his policies rest on judgments about the public interest, rather than on power-maximization, partisanship or other nefarious motives? Intrabranch separation of powers. In an interesting treatment of related problems, Neal Katyal suggests that the failure of the Madisonian system counsels “internal separation of powers” within the executive branch.77 Abdication by Congress means that there are few effective checks on executive power; second-best substitutes are necessary. Katyal proposes some mechanisms that would be adopted by Congress, such as oversight hearings by the minority party, but his most creative proposals are for arrangements internal to the executive branch, such as redundancy and competition among agencies, stronger civil-service protections and internal adjudication of executive controversies by insulated “executive” decisionmakers who resemble judges in many ways.78Katyal’s argument is relevant because the mechanisms he discusses might be understood as signaling devices, but his overall approach is conceptually flawed, on two grounds. First, the assumption that second-best constraints on the executive should reproduce the Madisonian separation of powers within the executive branch is never defended. The idea seems to be that this is as close as we can get to the first-best, while holding constant everything else in our constitutional order. But the general theory of second-best states that approaching as closely as possible to the first-best will not necessarily be the preferred strategy;79 the best approach may be to adjust matters on other margins as well, in potentially unpredictable ways. If the Madisonian system has failed in the ways Katyal suggests, the best compensating adjustment might be, for all we know, to switch to a parliamentary system. (We assume that no large-scale changes of this sort are possible, whereas Katyal seemingly assumes that they are, or at least does not make clear his assumptions in this regard). Overall, Katyal’s view has a kind of fractal quality – each branch should reproduce within itself the very same separation of powers structure that also describes the whole system – but it is not explained why the constitutional order should be fractal.

Second, Katyal’s proposals for internal separation of powers are self-defeating: the motivations that Katyal ascribes to the executive are inconsistent with the executive adopting or respecting the prescriptions Katyal recommends.80 Katyal never quite says so explicitly, but he clearly envisions the executive as a power-maximizing actor, in the sense that the president seeks to remove all constraints on his current choices.81 Such an executive would not adopt or enforce the internal separation of powers to check himself. Executive signaling is not, even in principle, a solution to the lack of constraints on a power-maximizing executive in the sense Katyal implicitly intends. Although an illmotivated executive might bind himself to enhance his strategic credibility, as explained above, he would not do so in order to restore the balance of powers. Nor is it possible, given Katyal’s premise of legislative passivity or abdication, that Congress would force the internal separation of powers on the executive. In what follows, we limit ourselves to proposals that are consistent with the motivations, beliefs, and political opportunities that we ascribe to the well-motivated executive, to whom the proposals are addressed. This limitation ensures that the proposals are not self-defeating, whatever their costs.

The contrast here must not be drawn too simply. A well-motivated executive, in our sense, might well attempt to increase his power. The very point of demonstrating credibility is to encourage voters and legislators to increase the discretionary authority of the executive, where all will be made better off by doing so. Scholars such as Katyal who implicitly distrust the executive, however, do not subscribe to this picture of executive motivations. Rather, they see the executive as an unfaithful agent of the voters; the executive attempts to maximize his power even where fully-informed voters would prefer otherwise. An actor of that sort will have no incentive to adopt proposals intended to constrain that sort of actor.

Independent commissions. We now turn to some conceptually coherent mechanisms of executive signaling. Somewhat analogously to Katyal’s idea of the internal separation of powers, a well-motivated executive might establish independent commissions to review policy decisions, either before or after the fact. Presidents do this routinely, especially after a policy has had disastrous outcomes, but sometimes beforehand as well. Independent commissions are typically blue-ribbon and bipartisan.82

We add to this familiar process the idea that the President might gain credibility by publicly committing or binding himself to give the commission authority on some dimension. The president might publicly promise to follow the recommendations of such a commission, or to allow the commission to exercise de facto veto power over a policy decision before it is made, or might promise before the policy is chosen that the commission will be given power to review its success after the fact. To be sure, there will always be some wiggle room in the terms of the promise, but that is true of almost all commitments, which raise the costs of wiggling out even if they do not completely prevent it.

Consider whether George W. Bush’s credibility would have been enhanced had he appointed a blue-ribbon commission to examine the evidence for weapons of mass destruction in Iraq before the 2003 invasion, and publicly promised not to invade unless the commission found substantial evidence of their existence. Bush would have retained his preexisting legal authority to order the invasion even if the commission found the evidence inadequate, but the political costs of doing so would have been large. Knowing this, and knowing that Bush shared that knowledge, the public could have inferred that Bush’s professed motive – elimination of weapons of mass destruction – was also his real motive. Public promises that inflict reputational costs on badly motivated behavior help the well-motivated executive to credibly distinguish himself from the ill-motivated one.

The more common version of this tactic is to appoint commissions after the relevant event, as George W. Bush did to investigate the faulty reports by intelligence agencies that Iraq possessed weapons of mass destruction.83 If the president appoints after-the-fact commissions, the commissions can enhance his credibility for the next event—by showing that he will be willing, after that event, to subject his statements to scrutiny by public experts. Here, however, the demonstration of credibility is weaker, because there is no commitment to appoint any after-the-fact commissions in the future – merely a plausible inference that the president’s future behavior will track his past behavior.

Bipartisan appointments. In examples of the sort just mentioned, the signaling arises from public position-taking. The well-motivated executive might produce similar effects through appointments to office.84 A number of statutes require partisan balance on multimember commissions; although these statutes are outside the scope of our discussion, we note that presidents might approve them because they allow the president to commit to a policy that legislators favor, thus encouraging legislators to increase the scope of the delegation in the first place.85 For similar reasons, presidents may consent to restrictions on the removal of agency officials, because the restriction enables the president to commit to giving the agency some autonomy from the president’s preferences.86

Similar mechanisms can work even where no statutes are in the picture. As previously mentioned, during World War II, FDR appointed Republicans to important cabinet positions, making Stimson his Secretary of War. Clinton appointed William Cohen, a moderate Republican, as Secretary of Defense in order to shore up his credibility on security issues. Bipartisanship of this sort might improve the deliberation that precedes decisions, by impeding various forms of herding, cascades and groupthink;87 however, we focus on its credibility-generating effects. By (1) expanding the circle of those who share the president’s privileged access to information, (2) ensuring that policy is partly controlled by officials with preferences that differ from the president’s, and (3) inviting a potential whistleblower into the tent, bipartisanship helps to dispel the suspicion that policy decisions rest on partisan motives or extreme preferences, which in turn encourages broader delegations of discretion from the public and Congress.

A commitment to bipartisanship is only one way in which appointments can generate credibility. Presidents might simply appoint a person with a reputation for integrity, as when President Nixon appointed Archibald Cox as special prosecutor (although plausibly Nixon did so because he was forced to do so by political constraints, rather than as a tactic for generating credibility). A person with well-known preferences on a particular issue, even if not of the other party or widely respected for impartiality, can serve as a credible whistleblower on that issue. Thus presidents routinely award cabinet posts to leaders of subsets of the president’s own party, leaders whose preferences are known to diverge from the president’s on the subject; one point of this is to credibly assure the relevant interest groups that the president will not deviate (too far) from their preferences.

The Independent Counsel Statute institutionalized the special prosecutor and strengthened it. But the statute proved unpopular and was allowed to lapse in 1999.88 This experience raises two interesting questions. First, why have presidents confined themselves to appointing lawyers to investigate allegations of wrongdoing; why have they not appointed, say, independent policy experts to investigate allegations of policy failure? Second, why did the Independent Counsel Statute fail? Briefly, the statute failed because it was too difficult to control the behavior of the prosecutor, who was not given any incentive to keep his investigation within reasonable bounds.89 Not surprisingly, policy investigators would be even less constrained since they would not be confined by the law, and at the same time, without legal powers they would probably be ignored on partisan grounds. A commission composed of members with diverse viewpoints is harder to ignore, if the members agree with each other.

More generally, the decision by presidents to bring into their administrations members of other parties, or persons with a reputation for bipartisanship and integrity, illustrates the formation of domestic coalitions of the willing. Presidents can informally bargain around the formal separation of powers90 by employing subsets of Congress, or of the opposing party, to generate credibility while maintaining a measure of institutional control. FDR was willing to appoint Knox and Stimson, but not to give the Republicans in Congress a veto. Truman was willing to ally with Arthur Vandenbergh but not with all the Republicans; Clinton was willing to appoint William Cohen but not Newt Gingrich. George W. Bush likewise made a gesture towards credibility by briefing members of the Senate Intelligence Committee – including Democrats – on the administration’s secret surveillance program(s), which provided a useful talking point when the existence of the program(s) was revealed to the public.

Counter-partisanship. Related to bipartisanship is what might be called counterpartisanship: presidents have greater credibility when they choose policies that cut against the grain of their party’s platform or their own presumed preferences.91 Only Nixon could go to China, and only Clinton could engineer welfare reform. Voters and publics rationally employ a political heuristic: the relevant policy, which voters are incapable of directly assessing, must be highly beneficial if it is chosen by a president who is predisposed against it by convictions or partisan loyalty.92 Accordingly, those who wish to move U.S. terrorism policy towards greater security and less liberty might do well to support the election of a Democrat.93 By the same logic, George W. Bush is widely suspected of nefarious motives when he rounds up alleged enemy combatants, but not when he creates a massive prescription drug benefit.

Counter-partisanship can powerfully enhance the president’s credibility, but it depends heavily on a lucky alignment of political stars. A peace-loving president has credibility when he declares a military emergency but not when he appeases; a belligerent president has credibility when he offers peace but not when he advocates military solutions. A lucky nation has a well-motivated president with a belligerent reputation when international tensions diminish (Ronald Reagan) and a president with a pacific reputation when they grow (Abraham Lincoln, who opposed the Mexican War). But a nation is not always lucky.

Transparency. The well-motivated executive might commit to transparency, as a way to reduce the costs to outsiders of monitoring his actions.94 The FDR strategy of inviting potential whistleblowers from the opposite party into government is a special case of this; the implicit threat is that the whistleblower will make public any evidence of partisan motivations. The more ambitious case involves actually exposing the executive’s decisionmaking processes to observation. To the extent that an ill-motivated executive cannot publicly acknowledge his motivations or publicly instruct subordinates to take them into account in decisionmaking, transparency will exclude those motivations from the decisionmaking process. The public will know that only a well-motivated executive would promise transparency in the first place, and the public can therefore draw an inference to credibility.

Credibility is especially enhanced when transparency is effected through journalists with reputations for integrity or with political preferences opposite to those of the president. Thus George W. Bush gave Bob Woodward unprecedented access to White House decisionmaking, and perhaps even to classified intelligence,95 with the expectation that the material would be published. This sort of disclosure to journalists is not real-time transparency – no one expects meetings of the National Security Council to appear on CSPAN – but the anticipation of future disclosure can have a disciplining effect in the present. By inviting this disciplining effect, the administration engages in signaling in the present through (the threat of) future transparency.

There are complex tradeoffs here, because transparency can have a range of harmful effects. As far as process is concerned, decisionmakers under public scrutiny may posture for the audience, may freeze their views or positions prematurely, and may hesitate to offer proposals or reasons for which they can later be blamed if things go wrong.96 As for substance, transparency can frustrate the achievement of programmatic or policy goals themselves. Where security policy is at stake, secrecy is sometimes necessary to surprise enemies or to keep them guessing. Finally, one must take account of the incentives of the actors who expose the facts—especially journalists who might reward presidents who give them access by portraying their decisionmaking in a favorable light.97

We will take up the costs of credibility shortly.98 In general, however, the existence of costs does not mean that the credibility-generating mechanisms are useless. Quite the contrary: where the executive uses such mechanisms, voters and legislators can draw an inference that the executive is well-motivated, precisely because the existence of costs would have given an ill-motivated executive an excuse not to use those mechanisms.

Multilateralism. Another credibility-generating mechanism for the executive is to enter into alliances or international institutions that subject foreign policy decisions to multilateral oversight. Because the information gap between voters and legislators, on the one hand, and the executive on the other is especially wide in foreign affairs, there is also wide scope for suspicion and conspiracy theories. If the president undertakes a unilateral foreign policy, some sectors of the domestic public will be suspicious of his motives. All recent presidents have faced this problem. In the case of George W. Bush, as we suggested, many have questioned whether the invasion of Iraq was undertaken to eliminate weapons of mass destruction, or to protect human rights, or instead to safeguard the oil supply, or because the president has (it is alleged) always wanted to invade Iraq because Saddam Hussein ordered the assassination of his father. In the case of Bill Clinton, some said that the cruise missile attack on Osama bin Laden’s training camp in Afghanistan was a “wag the dog” tactic intended to distract attention from Clinton’s impeachment.

A public commitment to multilateralism can close or narrow the credibility gap.

Suppose that a group of nations have common interests on one dimension – say, security from terrorism or from proliferation of nuclear weapons – but disparate interests on other dimensions – say, conflicting commercial or political interests. Multilateralism can be understood as a policy that in effect requires a supermajority vote, or even unanimity, among the group to license intervention. The supermajority requirement ensures that only interventions promoting the security interest common to the group will be approved, while interventions that promote some political agenda not shared by the requisite supermajority will be rejected. Knowing this, domestic audiences can infer that interventions that gain multilateral approval do not rest on disreputable motives.

It follows that multilateralism can be either formal or informal. Action by the United Nations Security Council can be taken only under formal voting rules that require unanimity. Informally, in the face of increasing tensions with Iran, George W. Bush’s policy has been extensive multilateral consultations and a quasi-commitment not to intervene unilaterally. Knowing that his credibility is thin after Iraq, Bush has presumably adopted this course in part to reassure domestic audiences that there is no nefarious motive behind an intervention, should one occur.

It also follows that multilateralism and bipartisan congressional authorization may be substitutes, in terms of generating credibility. In both cases the public knows that the cooperators – partisan opponents or other nations, as the case may be – are unlikely to share any secret agenda the president may have. The substitution is only partial, however; as we suggested in Part III, the Madisonian emphasis on bipartisan authorization has proven insufficient. The interests of parties within Congress diverge less than do the interests of different nations, which makes the credibility gain greater under multilateralism. In eras of unified government, the ability of the president’s party to put a policy through Congress without the co-operation of the other party (ignoring the threat of a Senate filibuster, a weapon that the minority party often hesitates to wield) often undermines the policy’s credibility even if members of the minority go along; after all, the minority members may be going along precisely because they anticipate that opposition is fruitless, in which case no inference about the policy’s merits should be drawn from their approval. Moreover, even a well-motivated president may prefer, all else equal, to generate credibility through mechanisms that do not involve Congress, if concerned about delay, leaks, or obstruction by small legislative minorities. Thus Truman relied on a resolution of the United Nations Security Council rather than congressional authorization to prosecute the Korean War.99

The costs of multilateralism are straightforward. Multilateralism increases the costs of reaching decisions, because a larger group must coordinate its actions, and increases the risks of false negatives – failure to undertake justified interventions. A president who declines to bind himself through multilateralism may thus be either illmotivated and desirous of pursuing an agenda not based on genuine security goals, or well-motivated and worried about the genuine costs of multilateralism. As usual, however, the credibility-generating inference holds asymmetrically: precisely because an ill-motivated president may use the costs of multilateralism as a plausible pretext, a president who does pursue multilateralism is more likely to be well-motivated.

Strict liability. For completeness, we mention that the well-motivated executive might in principle subject himself to strict liability for actions or outcomes that only an ill-motivated executive would undertake. Consider the controversy surrounding George W. Bush’s telecommunications surveillance program, which the president has claimed covers only communications in which one of the parties is overseas; domestic-to-domestic calls are excluded.100 There is widespread suspicion that this claim is false.101 In a recent poll, 26% of respondents believed that the National Security Agency listens to their calls.102 The credibility gap arises because it is difficult in the extreme to know what exactly the Agency is doing, and what the costs and benefits of the alternatives are.

Here the credibility gap might be narrowed by creating a cause of action, for damages, on behalf of anyone who can show that domestic-to-domestic calls were examined.103 Liability would be strict, because a negligence rule – did the Agency exert reasonable efforts to avoid examining the communication? – requires too much information for judges, jurors, and voters to evaluate, and would just reproduce the monitoring problems that gave rise to the credibility gap in the first place. Strict liability, by contrast, would require a much narrower factual inquiry. Crucially, a commitment to strict liability would only be made by an executive who intended to minimize the incidence of (even unintentional and non-negligent) surveillance of purely domestic communications.

However, there are legal and practical problems here, perhaps insuperable ones. Legally, it is hardly clear that the president could, on his own authority, create a cause of action against himself or his agents to be brought in federal court. It is well within presidential authority to create executive commissions for hearing claims against the United States, for disbursing funds under benefit programs, and so on; but the problem here is that there might be no pot of money from which to fund damages. The so-called Judgment Fund, out of which damages against the executive are usually paid, is restricted to statutorily-specified lawsuits. If so, statutory authorization for the president to create the strict liability cause of action would be necessary, as we discuss shortly.104 Practically, it is unclear whether government agents can be forced to “internalize costs” through money damages in the way that private parties can, at least if the treasury is paying those damages.105 And if it is, voters may not perceive the connection between governmental action and subsequent payouts in any event.

The news conference. Presidents use news conferences to demonstrate their mastery of the details of policy. Many successful presidents, like FDR, conducted numerous such conferences.106 Ill-motivated presidents will not care about policy if their interest is just holding power for its own sake; thus, they would regard news conferences as burdensome and risky chores. The problem is that a well-motivated president does not necessarily care about details of policy, as opposed to its broad direction, and journalists might benefit by tripping up a president in order to score points. Reagan, for example, did not care about policy details, but is generally regarded as a successful president.107 To make Reagan look good, his handlers devoted considerable resources trying to prepare him for news conferences, resources that might have been better used in other ways.108

“Precommitment politics.”109 We have been surveying mechanisms that the wellmotivated executive can employ once in office. However, in every case the analysis can be driven back one stage to the electoral campaign for executive office. During electoral campaigns, candidates for the presidency take public positions that partially commit them to subsequent policies, by raising the reputational costs of subsequent policy changes. Under current law, campaign promises are very difficult to enforce in the courts.110 But even without legal enforcement, position-taking helps to separate the well-motivated from the ill-motivated candidate, because the costs to the former of making promises of this sort are higher. To be sure, many such promises are vacuous, meaning that voters will not sanction a president who violates them, but some turn out to have real force, as George H.W. Bush discovered when he broke his clear pledge not to raise taxes.

#### Giving a speech about the action empirically solves transparency

Pearlstein, 13 --- Professor of Public and International Affairs at Princeton

(3/26/2013, Congress Shouldn’t Give the President New Power to Fight Terrorists, www.slate.com/articles/news\_and\_politics/jurisprudence/2013/03/congress\_shouldn\_t\_give\_president\_obama\_new\_power\_to\_fight\_terrorists.html)

This is hardly to say the president’s decision to use force operates under no constraint at all. Using force is expensive, it is alienating, it is provocative, and it may create greater threats to the American people than it prevents. Presidents have to convince the American public that war is worth fighting. This has even been true when they respond to acts of terror in self-defense. When President Reagan ordered strikes against Libya following the bombing of the civilian airliner over Lockerbie, Scotland, he made a speech from the Oval Office. Ditto for President Clinton when he bombed Sudan in response to al-Qaida’s attacks on the U.S. Embassies in Kenya and Tanzania. Mission details were rightly few, but both presidents explained who we had targeted and why. And the public, if they were displeased, could hold accountable the president or his party. Today, it is this lack of transparency—not Congress’ relative apathy—that has boosted executive power and threatened the legitimacy of current drone operations. If Congress wants to do something about this, it should start by beefing up its own oversight efforts. Current federal laws require the president to notify the intelligence committees of all covert actions carried out by CIA (after the fact if need be). Congress should also require the same degree of notification of the Senate and House Armed Services Committees for operations carried out by the military’s Joint Special Operations Command, an active participant in U.S. targeting operations. The much maligned War Powers Resolution has been modestly effective in requiring the White House to report the introduction of military forces into hostilities. In the age of drones, Congress should explore strengthening that reporting requirement further.

#### Obama himself decides drone targeting --- publishing guidelines creates transparency and solves the aff

NYT, 12 (Editorial, 5/30/2012, “Too Much Power for a President,” <http://www.nytimes.com/2012/05/31/opinion/too-much-power-for-a-president.html?_r=0)>)

It has been clear for years that the Obama administration believes the shadow war on terrorism gives it the power to choose targets for assassination, including Americans, without any oversight. On Tuesday, The New York Times revealed who was actually making the final decision on the biggest killings and drone strikes: President Obama himself. And that is very troubling.

Mr. Obama has demonstrated that he can be thoughtful and farsighted, but, like all occupants of the Oval Office, he is a politician, subject to the pressures of re-election. No one in that position should be able to unilaterally order the killing of American citizens or foreigners located far from a battlefield — depriving Americans of their due-process rights — without the consent of someone outside his political inner circle.

How can the world know whether the targets chosen by this president or his successors are truly dangerous terrorists and not just people with the wrong associations? (It is clear, for instance, that many of those rounded up after the Sept. 11, 2001, attacks weren’t terrorists.) How can the world know whether this president or a successor truly pursued all methods short of assassination, or instead — to avoid a political charge of weakness — built up a tough-sounding list of kills?

It is too easy to say that this is a natural power of a commander in chief. The United States cannot be in a perpetual war on terror that allows lethal force against anyone, anywhere, for any perceived threat. That power is too great, and too easily abused, as those who lived through the George W. Bush administration will remember.

Mr. Obama, who campaigned against some of those abuses in 2008, should remember. But the Times article, written by Jo Becker and Scott Shane, depicts him as personally choosing every target, approving every major drone strike in Yemen and Somalia and the riskiest ones in Pakistan, assisted only by his own aides and a group of national security operatives. Mr. Obama relies primarily on his counterterrorism adviser, John Brennan.

To his credit, Mr. Obama believes he should take moral responsibility for these decisions, and he has read the just-war theories of Augustine and Thomas Aquinas.

The Times article points out, however, that the Defense Department is currently killing suspects in Yemen without knowing their names, using criteria that have never been made public. The administration is counting all military-age males killed by drone fire as combatants without knowing that for certain, assuming they are up to no good if they are in the area. That has allowed Mr. Brennan to claim an extraordinarily low civilian death rate that smells more of expediency than morality.

In a recent speech, Mr. Brennan said the administration chooses only those who pose a real threat, not simply because they are members of Al Qaeda, and prefers to capture suspects alive. Those assurances are hardly binding, and even under Mr. Obama, scores of suspects have been killed but only one taken into American custody. The precedents now being set will be carried on by successors who may have far lower standards. Without written guidelines, they can be freely reinterpreted.

A unilateral campaign of death is untenable. To provide real assurance, President Obama should publish clear guidelines for targeting to be carried out by nonpoliticians, making assassination truly a last resort, and allow an outside court to review the evidence before placing Americans on a kill list. And it should release the legal briefs upon which the targeted killing was based.

#### Obama issuing a directive to consolidate authority in the DOD will create transparency

Zenko, 13 --- Douglas Dillon Fellow at the Council on Foreign Relations

(April, Transferring CIA Drone Strikes to the Pentagon, [www.cfr.org/drones/transferring-cia-drone-strikes-pentagon/p30434](http://www.cfr.org/drones/transferring-cia-drone-strikes-pentagon/p30434))

The main obstacle to acknowledging the scope, legality, and oversight of U.S. targeted killings beyond traditional or "hot" battlefields is the division of lead executive authority between the Joint Special Operations Command (JSOC)—a subunit of the Department of Defense (DOD) Special Operations Command—and the Central Intelligence Agency (CIA). In particular, the U.S. government cannot legally acknowledge covert actions undertaken by the CIA. The failure to answer the growing demands for transparency increases the risk that U.S. drone strikes will be curtailed or eliminated due to mounting domestic or international pressure. To take a meaningful first step toward greater transparency, President Barack Obama should sign a directive that consolidates lead executive authority for planning and conducting nonbattlefield targeted killings under DOD.

#### Presidential creation of a Task force solves foreign blowback from civilian casualties and avoids political backlash

Second Lieutenant Groves, 10 (Brendan --- an educational delay student at Yale Law School, J.D. expected 2010, The Air Force Law Review, “ARTICLE: CIVIL-MILITARY COOPERATION IN CIVILIAN CASUALTY INVESTIGATIONS: LESSONS LEARNED FROM THE AZIZABAD ATTACK,” 65 A.F. L. Rev. 1))

This article recommends that the President create a Task Force on Civilian Protection (Task Force) through an executive order. The Task Force would work with NGOs, the United Nations and the Government of Afghanistan to investigate alleged civilian casualty incidents. Vesting this responsibility in a single entity would solve a variety of problems. The military units that executed an attack would not be primarily responsible for any subsequent investigation, reducing the appearance of bias. Lessons learned from casualty investigations could also be shared among the services more easily, instead of being "stovepiped" within particularly military units or commands. Specially trained public relations and legal officers would respond to alleged civilian casualties incidents forthrightly and compassionately, minimizing the risk that ineffectual responses would inflame Afghan opinion against the coalition. n45

[\*8] A number of other benefits would flow from utilizing the task force model. First, creating a task force would signal to Afghans and the world the importance that America places on protecting vulnerable civilians in wartime. Since the Task Force could be established by executive order, the President could take much of the credit for sending this signal, making this course politically advantageous. n46 Second, the task force model is tried and true. A presidentially-created Criminal Investigation Task Force (CITF), for instance, has excelled at investigating alleged war crimes against U.S. forces and funneling this information to prosecutors. n47 The task force model provides the ideal platform from which to synthesize the work of different military commands, intelligence agencies, criminal investigation agencies, NGOs and foreign governments.

A hallmark of the Task Force on Civilian Protection would be its inclusion of NGOs. Military and humanitarian actors traditionally operate in separate spheres of a conflict. This time-honored dichotomy, however, is rapidly evaporating. In fact, the military and humanitarians n48 have come to speak the same language: the language of [\*9] law. Sharing a lexicon builds bridges between the two professions and enables them to interact more closely. Another paradigm shift may also invite closer military-humanitarian cooperation. This shift in thinking is titled "lawfare." n49 Lawfare denotes the weaponization of law and the myriad ways in which the law can be used to achieve tactical and strategic objectives in modern conflicts. n50 Waging effective lawfare in certain contexts, such as in civilian casualty investigations, calls for the participation of humanitarian organizations.

Involving neutral players in civilian casualty investigations, so long as these organizations are not used simply to whitewash the proceedings, could enhance the credibility of the outcomes. Additionally, reducing the number of investigations would reduce hardship on Afghans involved in casualty incidents, who would no longer have to be interviewed by multiple organizations or be misled by the results of cursory investigations. NGOs would also benefit from this arrangement. By having a seat on the proposed task force, they could directly influence military policy while ensuring that the military more accurately performed casualty investigations. Despite their frequent disagreements, NGOs and the military share much common ground. A Task Force on Civilian Protection would provide them with a common platform for cooperation.

Section II of this article discusses in detail the Azizabad strike and its aftermath. Section III begins by exploring the growing nexus between humanitarians and the military. It then advances the concept of lawfare as a potential reason to alter the civilian casualty investigation process and to include NGOs in this work. Section IV makes the case for the Task Force on Civilian Protection. The argument proceeds from the premise that protecting civilians is "part of the counterinsurgent's mission, in fact, the most important part." n51 Current casualty investigation procedures fail to achieve this mission. By working with host governments and humanitarians, the Task Force departs from the go-it-alone unilateralism that too often results in popular distrust of the military by Afghanis. New procedures would usher in a new era of openness in a traditionally secretive arena. These procedures would also comply with emerging international standards for civilian casualty [\*10] investigations. n52 Although the United States is unlikely to regard these standards as binding, complying with them will improve the accuracy of investigations while showcasing a commitment to follow international law.

Once implemented, the Task Force's significance would be more than symbolic. Winning counterinsurgencies requires winning the support of the people. Most Afghans likely understand the tragic truth that some innocents will die in war. But, they are unlikely to understand why the world's superpower must launch multiple investigations into a single incident of civilian casualties. They are just as unlikely to believe the results of these inquiries when their own government, the United Nations, and human rights organizations reach divergent conclusions.

The Azizabad attack sounds a warning call. No longer can the United States appear indifferent to the needs of the people whose support it needs most. A Task Force on Civilian Protection, like any institution, cannot promise perfection--but it would markedly improve on the flawed infrastructure for casualty investigations in place today.

### 1NC 3

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

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

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

House Republicans are taming members’ expectations ahead of the debt limit showdown, signaling that they may not be able to extract significant concessions from Democrats.A Friday memo to GOP members by Majority Leader Eric Cantor (R-VA) says “the House will act to prevent a default on our obligations before” the mid-October deadline the Obama administration has established. “House Republicans,” he says, “will demand fiscal reforms and pro-growth policies which put us on a path to balance in ten years in exchange for another increase in the debt limit.” The language is vague — intentionally so, in order to maintain wiggle room for Republicans to avert a disastrous debt default. President Barack Obama has vowed not to pay a ransom to ensure the U.S. can meet its obligations. If and when they do cave, Republicans will be hard-pressed to show their base they got something in return for raising the debt ceiling. In January, they got Senate Democrats to agree to pass a non-binding budget resolution. This time around, the possibilities for symbolic concessions range from a doomed Senate vote to delay or defund Obamacare or instructions to initiate the process of tax reform. There are a number of demands rank-and-file Republicans have urged leaders to make which could genuinely complicate the battle, such as dollar-for-dollar spending cuts or unwinding Obamacare. Cantor’s memo mentioned neither. GOP members have also called on leadership not to bring up any debt limit bill that lacks the support of half the conference. Boehner hasn’t committed to this and Cantor didn’t mention it in his memo. There are several reasons Republicans will have a hard time extracting concessions. Back in January, when Obama held firm and refused to negotiate on the debt limit, Republicans folded and agreed to suspend the debt ceiling without substantial concessions but rather symbolic ones. And due to deep divisions within the conference, House Republicans will face enormous challenges in rounding up 218 votes to pass any conceivable debt limit hike.

#### **Changes in drone policy cause fights between Congress and the White House.**

Plain Dealer 13

(The Plain Dealer staff and wire reports, “Battle brewing over Obama administration's use of deadly drones”, 2/6/13, http://www.cleveland.com/nation/index.ssf/2013/02/battle\_brewing\_over\_obama\_admi.html)

As some in Congress are looking to limit America's authority to kill suspected terrorists, the White House and Justice Department on Tuesday adamantly defended the administration's authority to use unmanned drones following the release of a controversial memo on the program.¶ Fox News reports that President Obama's advisers are also trying to tamp down concerns about the targeted killings ahead of the confirmation hearing Thursday for CIA director nominee John Brennan -- the counterterrorism adviser and drone-program supporter who has come under criticism from Democrats.¶ The furor is heating up after a white paper, leaked on Monday night and dating from 2011, justifies the killing of United States citizens who hold senior positions in al-Qaida and pose an "imminent threat of violent attack" against America. ¶ The white paper provides some detail of the legal framework under United States and international law for the drones policy, including that the United States is at war with al-Qaida. But it has come under criticism from human rights groups for making too broad a case for killing, rather than capturing, suspected American and foreign terrorists. ¶ The report was shown to senators several weeks ago, but failed to allay their concerns. It was made public by NBC News

#### 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.

#### Political capital is finite --- the plan burns up limited leverage with House Republicans

Moore, 9/10 --- Guardian's US finance and economics editor

(Heidi, 9/10/2013, “Syria: the great distraction; Obama is focused on a conflict abroad, but the fight he should be gearing up for is with Congress on America's economic security,” <http://www.theguardian.com/commentisfree/2013/sep/10/obama-syria-what-about-sequester)>)

The country will crash into the debt ceiling in mid-October, which would be an economic disaster, especially with a government shutdown looming at the same time. These are deadlines that Congress already learned two years ago not to toy with, but memories appear to be preciously short. The Federal Reserve needs a new chief in three months, someone who will help the country confront its raging unemployment crisis that has left 12 million people without jobs. The president has promised to choose a warm body within the next three weeks, despite the fact that his top pick, Larry Summers, would likely spark an ugly confirmation battle – the "fight of the century," according to some – with a Congress already unwilling to do the President's bidding. Congress was supposed to pass a farm bill this summer, but declined to do so even though the task is already two years late. As a result, the country has no farm bill, leaving agricultural subsidies up in the air, farmers uncertain about what their financial picture looks like, and a potential food crisis on the horizon. The two main housing agencies, Fannie Mae and Freddie Mac, have been in limbo for four years and are desperately in need of reform that should start this fall, but there is scant attention to the problem. These are the problems going unattended by the Obama administration while his aides and cabinet members have been wasting the nation's time making the rounds on television and Capitol Hill stumping for a profoundly unpopular war. The fact that all this chest-beating was for naught, and an easy solution seems on the horizon, belies the single-minded intensity that the Obama White House brought to its insistence on bombing Syria. More than one wag has suggested, with the utmost reason, that if Obama had brought this kind of passion to domestic initiatives, the country would be in better condition right now. As it is, public policy is embarrassingly in shambles at home while the administration throws all of its resources and political capital behind a widely hated plan to get involved in a civil war overseas. The upshot for the president may be that it's easier to wage war with a foreign power than go head-to-head with the US Congress, even as America suffers from neglect. This is the paradox that President Obama is facing this fall, as he appears to turn his back on a number of crucial and urgent domestic initiatives in order to spend all of his meager political capital on striking Syria. Syria does present a significant humanitarian crisis, which has been true for the past two years that the Obama administration has completely ignored the atrocities of Bashar al-Assad. Two years is also roughly the same amount of time that key domestic initiatives have also gone ignored as Obama and Congress engage in petty battles for dominance and leave the country to run itself on a starvation diet imposed by sequestration cuts. Leon Panetta tells the story of how he tried to lobby against sequestration only to be told: Leon, you don't understand. The Congress is resigned to failure. Similarly, those on Wall Street, the Federal Reserve, those working at government agencies, and voters themselves have become all too practiced at ignoring the determined incompetence of those in Washington. Political capital – the ability to horse-trade and win political favors from a receptive audience – is a finite resource in Washington. Pursuing misguided policies takes up time, but it also eats up credibility in asking for the next favor. It's fair to say that congressional Republicans, particularly in the House, have no love for Obama and are likely to oppose anything he supports. That's exactly the reason the White House should stop proposing policies as if it is scattering buckshot and focus with intensity on the domestic tasks it wants to accomplish, one at a time.The president is scheduled to speak six times this week, mostly about Syria. That includes evening news interviews, an address to the nation, and numerous other speeches. Behind the scenes, he is calling members of Congress to get them to fall into line. Secretary of State John Kerry is omnipresent, so ubiquitous on TV that it may be easier just to get him his own talk show called Syria Today. It would be a treat to see White House aides lobbying as aggressively – and on as many talk shows – for a better food stamp bill, an end to the debt-ceiling drama, or a solution to the senseless sequestration cuts, as it is on what is clearly a useless boondoggle in Syria. There's no reason to believe that Congress can have an all-consuming debate about Syria and then, somehow refreshed, return to a domestic agenda that has been as chaotic and urgent as any in recent memory. The President should have judged his options better. As it is, he should now judge his actions better.

#### This will destroy the U.S. and global economy and collapse trade

Davidson, 9/10 (Adam - co-founder of NPR’s “Planet Money” 9/10/2013, “Our Debt to Society,” <http://www.nytimes.com/2013/09/15/magazine/our-debt-to-society.html?pagewanted=all&_r=0)>)

This is the definition of a deficit, and it illustrates why the government needs to borrow money almost every day to pay its bills. Of course, all that daily borrowing adds up, and we are rapidly approaching what is called the X-Date — the day, somewhere in the next six weeks, when the government, by law, cannot borrow another penny. Congress has imposed a strict limit on how much debt the federal government can accumulate, but for nearly 90 years, it has raised the ceiling well before it was reached. But since a large number of Tea Party-aligned Republicans entered the House of Representatives, in 2011, raising that debt ceiling has become a matter of fierce debate. This summer, House Republicans have promised, in Speaker John Boehner’s words, “a whale of a fight” before they raise the debt ceiling — if they even raise it at all.If the debt ceiling isn’t lifted again this fall, some serious financial decisions will have to be made. Perhaps the government can skimp on its foreign aid or furlough all of NASA, but eventually the big-ticket items, like Social Security and Medicare, will have to be cut. At some point, the government won’t be able to pay interest on its bonds and will enter what’s known as sovereign default, the ultimate national financial disaster achieved by countries like Zimbabwe, Ecuador and Argentina (and now Greece). In the case of the United States, though, it won’t be an isolated national crisis. If the American government can’t stand behind the dollar, the world’s benchmark currency, then the global financial system will very likely enter a new era in which there is much less trade and much less economic growth. It would be, by most accounts, the largest self-imposed financial disaster in history. Nearly everyone involved predicts that someone will blink before this disaster occurs. Yet a small number of House Republicans (one political analyst told me it’s no more than 20) appear willing to see what happens if the debt ceiling isn’t raised — at least for a bit. This could be used as leverage to force Democrats to drastically cut government spending and eliminate President Obama’s signature health-care-reform plan. In fact, Representative Tom Price, a Georgia Republican, told me that the whole problem could be avoided if the president agreed to drastically cut spending and lower taxes. Still, it is hard to put this act of game theory into historic context. Plenty of countries — and some cities, like Detroit — have defaulted on their financial obligations, but only because their governments ran out of money to pay their bills. No wealthy country has ever voluntarily decided — in the middle of an economic recovery, no less — to default. And there’s certainly no record of that happening to the country that controls the global reserve currency. Like many, I assumed a self-imposed U.S. debt crisis might unfold like most involuntary ones. If the debt ceiling isn’t raised by X-Day, I figured, the world’s investors would begin to see America as an unstable investment and rush to sell their Treasury bonds. The U.S. government, desperate to hold on to investment, would then raise interest rates far higher, hurtling up rates on credit cards, student loans, mortgages and corporate borrowing — which would effectively put a clamp on all trade and spending. The U.S. economy would collapse far worse than anything we’ve seen in the past several years. Instead, Robert Auwaerter, head of bond investing for Vanguard, the world’s largest mutual-fund company, told me that the collapse might be more insidious. “You know what happens when the market gets upset?” he said. “There’s a flight to quality. Investors buy Treasury bonds. It’s a bit perverse.” In other words, if the U.S. comes within shouting distance of a default (which Auwaerter is confident won’t happen), the world’s investors — absent a safer alternative, given the recent fates of the euro and the yen — might actually buy even more Treasury bonds. Indeed, interest rates would fall and the bond markets would soar. While this possibility might not sound so bad, it’s really far more damaging than the apocalyptic one I imagined. Rather than resulting in a sudden crisis, failure to raise the debt ceiling would lead to a slow bleed. Scott Mather, head of the global portfolio at Pimco, the world’s largest private bond fund, explained that while governments and institutions might go on a U.S.-bond buying frenzy in the wake of a debt-ceiling panic, they would eventually recognize that the U.S. government was not going through an odd, temporary bit of insanity. They would eventually conclude that it had become permanently less reliable. Mather imagines institutional investors and governments turning to a basket of currencies, putting their savings in a mix of U.S., European, Canadian, Australian and Japanese bonds. Over the course of decades, the U.S. would lose its unique role in the global economy.The U.S. benefits enormously from its status as global reserve currency and safe haven. Our interest and mortgage rates are lower; companies are able to borrow money to finance their new products more cheaply. As a result, there is much more economic activity and more wealth in America than there would be otherwise. If that status erodes, the U.S. economy’s peaks will be lower and recessions deeper; future generations will have fewer job opportunities and suffer more when the economy falters. And, Mather points out, no other country would benefit from America’s diminished status. When you make the base risk-free asset more risky, the entire global economy becomes riskier and costlier.

### 1NC 4

#### Obama’s Syria maneuver has maximized presidential war powers because it’s on his terms

Posner 9/3, Law Prof at University of Chicago

(Eric, Obama Is Only Making His War Powers Mightier, www.slate.com/articles/news\_and\_politics/view\_from\_chicago/2013/09/obama\_going\_to\_congress\_on\_syria\_he\_s\_actually\_strengthening\_the\_war\_powers.html)

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

#### Drones are key to warfighting – they are the future of combat

Bruntstetter 12, Political Science Professor at UC Irvine

(Daniel, Drones: The Future of Warfare?, www.e-ir.info/2012/04/10/drones-the-future-of-warfare/)

Since President Obama took office, the use of and hype surrounding drones has greatly increased. Obama has conducted more than three times as many drone strikes per year compared to his predecessor in the White House. The increase use of drones points to a potential revolution in warfare, or at least a shift in the perspective of how wars will be fought in the future. As robotics expert P.W. Singer argues, “the introduction of unmanned systems to the battlefield doesn’t change simply how we fight, but for the first time changes who fights at the most fundamental level. It transforms the very agent of war, rather than just its capabilities.” The three major reasons drones are seen as the future of warfare are: they remove the risk to our soldiers, they make fewer mistakes than other weapons platforms, and technology will continue to improve such that drones become even more precise, efficient, and infallible in the future, thus rendering less precise, efficient and fallible human forms of war obsolete. Drones are thus seen as marking “a step forward in humanitarian technology,” and viewed as “a weapon of choice for future presidents, future administrations, in future conflicts and circumstances of self-defense and vital national security of the United States.” Yet, there has been much criticism of these assertions. Journalists challenge the claim that there are diminished civilian deaths from drone strikes, while just war scholars suggest that drones loosen the moral restraints on the use of force and legal scholars grapple with the relation between drones and international law. Notwithstanding these ethical and legal challenges, and despite what advocates say about their place in the future of armed combat, drones are, like any weapons platform, inherently limited in what they can do. In this brief article, I make three claims to contextualize the idea that drones are the future of war to shed light on the circumscribed role they might play in the foreseeable future. First, that drones are an improvement – in terms of providing surveillance capabilities and satisfying the rules of war – compared to previous technology. Their technical advantages (loitering capacity, removal of risk to pilots, and precision) make them an important addition to any military arsenal.

#### Statutory restriction of Presidential War Powers makes warfighting impossible

Yoo 12 – prof of law @ UC Berkeley

(John, War Powers Belong to the President, ABA Journal February 2012 Issue, http://www.abajournal.com/magazine/article/war\_powers\_belong\_to\_the\_president) <we do not endorse the ableist language used in this card, but have left it in to preserve the author’s intent. we apologize for the author’s inappropriate use of the word “paralyze”>

The framers realized the obvious. Foreign affairs are unpredictable and involve the highest of stakes, making them unsuitable to regulation by pre-existing legislation. Instead, they can demand swift, decisive action—sometimes under pressured or even emergency circumstances—that is best carried out by a branch of government that does not suffer from multiple vetoes or is delayed by disagreements. Congress is too large and unwieldy to take the swift and decisive action required in wartime. Our framers replaced the Articles of Confederation, which had failed in the management of foreign relations because they had no single executive, with the Constitution’s single president for precisely this reason. Even when it has access to the same intelligence as the executive branch, Congress’ loose, decentralized structure would paralyze American policy while foreign threats grow. Congress has no political incentive to mount and see through its own wartime policy. Members of Congress, who are interested in keeping their seats at the next election, do not want to take stands on controversial issues where the future is uncertain. They will avoid like the plague any vote that will anger large segments of the electorate. They prefer that the president take the political risks and be held accountable for failure. Congress’ track record when it has opposed presidential leadership has not been a happy one. Perhaps the most telling example was the Senate’s rejection of the Treaty of Versailles at the end of World War I. Congress’ isolationist urge kept the United States out of Europe at a time when democracies fell and fascism grew in their place. Even as Europe and Asia plunged into war, Congress passed the Neutrality Acts designed to keep the United States out of the conflict. President Franklin Roosevelt violated those laws to help the Allies and draw the nation into war against the Axis. While pro-Congress critics worry about a president’s foreign adventurism, the real threat to our national security may come from inaction and isolationism. Many point to the Vietnam War as an example of the faults of the “imperial presidency.” Vietnam, however, could not have continued without the consistent support of Congress in raising a large military and paying for hostilities. And Vietnam ushered in a period of congressional dominance that witnessed American setbacks in the Cold War and the passage of the ineffectual War Powers Resolution. Congress passed the resolution in 1973 over President Richard Nixon’s veto, and no president, Republican or Democrat, George W. Bush or Obama, has ever accepted the constitutionality of its 60-day limit on the use of troops abroad. No federal court has ever upheld the resolution. Even Congress has never enforced it. Despite the record of practice and the Constitution’s institutional design, critics nevertheless argue for a radical remaking of the American way of war. They typically base their claim on Article I, Section 8, of the Constitution, which gives Congress the power to “declare war.” But these observers read the 18th century constitutional text through a modern lens by interpreting “declare war” to mean “start war.” When the Constitution was written, however, a declaration of war served diplomatic notice about a change in legal relations between nations. It had little to do with launching hostilities. In the century before the Constitution, for example, Great Britain—where the framers got the idea of the declare-war power—fought numerous major conflicts but declared war only once beforehand. Our Constitution sets out specific procedures for passing laws, appointing officers and making treaties. There are none for waging war because the framers expected the president and Congress to struggle over war through the national political process. In fact, other parts of the Constitution, properly read, support this reading. Article I, Section 10, for example, declares that the states shall not “engage” in war “without the consent of Congress” unless “actually invaded, or in such imminent danger as will not admit of delay.” This provision creates exactly the limits desired by anti-war critics, complete with an exception for self-defense. If the framers had wanted to require congressional permission before the president could wage war, they simply could have repeated this provision and applied it to the executive. Presidents, of course, do not have complete freedom to take the nation to war. Congress has ample powers to control presidential policy, if it wants to. Only Congress can raise the military, which gives it the power to block, delay or modify war plans. Before 1945, for example, the United States had such a small peacetime military that presidents who started a war would have to go hat in hand to Congress to build an army to fight it. Since World War II, it has been Congress that has authorized and funded our large standing military, one primarily designed to conduct offensive, not defensive, operations (as we learned all too tragically on 9/11) and to swiftly project power worldwide. If Congress wanted to discourage presidential initiative in war, it could build a smaller, less offensive-minded military. Congress’ check on the presidency lies not just in the long-term raising of the military. It can also block any immediate armed conflict through the power of the purse. If Congress feels it has been misled in authorizing war, or it disagrees with the president’s decisions, all it need do is cut off funds, either all at once or gradually. It can reduce the size of the military, shrink or eliminate units, or freeze supplies. Using the power of the purse does not even require affirmative congressional action. Congress can just sit on its hands and refuse to pass a law funding the latest presidential adventure, and the war will end quickly. Even the Kosovo war, which lasted little more than two months and involved no ground troops, required special funding legislation. The framers expected Congress’ power of the purse to serve as the primary check on presidential war. During the 1788 Virginia ratifying convention, Patrick Henry attacked the Constitution for failing to limit executive militarism. James Madison responded: “The sword is in the hands of the British king; the purse is in the hands of the Parliament. It is so in America, as far as any analogy can exist.” Congress ended America’s involvement in Vietnam by cutting off all funds for the war. Our Constitution has succeeded because it favors swift presidential action in war, later checked by Congress’ funding power. If a president continues to wage war without congressional authorization, as in Libya, Kosovo or Korea, it is only because Congress has chosen not to exercise its easy check. We should not confuse a desire to escape political responsibility for a defect in the Constitution. A radical change in the system for making war might appease critics of presidential power. But it could also seriously threaten American national security. In order to forestall another 9/11 attack, or to take advantage of a window of opportunity to strike terrorists or rogue nations, the executive branch needs flexibility. It is not hard to think of situations where congressional consent cannot be obtained in time to act. Time for congressional deliberation, which leads only to passivity and isolation and not smarter decisions, will come at the price of speed and secrecy. The Constitution creates a presidency that can respond forcefully to prevent serious threats to our national security. Presidents can take the initiative and Congress can use its funding power to check them. Instead of demanding a legalistic process to begin war, the framers left war to politics. As we confront the new challenges of terrorism, rogue nations and WMD proliferation, now is not the time to introduce sweeping, untested changes in the way we make war.

#### This is particularly true with the plan because…..

[Insert link and then slap your opponents in the face while yelling NOW WHAT!!!]

#### Loss of warfighting effectiveness ensures nuclear war in every hotspot

Kagan and O’Hanlon 07, resident scholar at AEI and senior fellow in foreign policy at Brookings

(Frederick and Michael, The Case for Larger Ground Forces, April, http://www.aei.org/files/2007/04/24/20070424\_Kagan20070424.pdf)

We live at a time when **wars not only rage in nearly every region but threaten to erupt in many places where the current relative calm is** tenuous. To view this as **a strategic military challenge for the U**nited **S**tates **is not to espouse a specific theory of America’s role in the world** or a certain political philosophy. Such an assessment flows directly from the basic bipartisan view of American foreign policy makers since World War II that **overseas threats must be countered before they can directly threaten this country’s shores**, that the **basic stability of the international system is essential to American peace** and prosperity, **and that no country besides the U**nited **S**tates **is in a position to lead the way in countering major challenges to the global order**. Let us highlight the **threats and their consequences** with a few concrete examples, emphasizing those **that involve key strategic regions of the world such as the Persian Gulf and East Asia, or** key potential **threats to American security, such as the spread of nuclear weapons and** the strengthening of the global **Al Qaeda**/jihadist movement. The Iranian government has rejected a series of international demands to halt its efforts at enriching uranium and submit to international inspections. What will happen if the US—or Israeli—government becomes convinced that Tehran is on the verge of fielding a nuclear weapon? North **Korea**, of course, has already done so, and the ripple effects are beginning to spread. Japan’s recent election to supreme power of a leader who has promised to rewrite that country’s constitution to support increased armed forces—and, possibly, even nuclear weapons— may well alter the delicate balance of fear in Northeast Asia fundamentally and rapidly. Also, in the background, at least for now, Sino Taiwanese tensions continue to flare, as do tensions between India and Pakistan, Pakistan and Afghanistan, Venezuela and the United States, and so on. Meanwhile, the world’s nonintervention in Darfur troubles consciences from Europe to America’s Bible Belt to its bastions of liberalism, yet with no serious international forces on offer, the bloodletting will probably, tragically, continue unabated. And as bad as things are in Iraq today, they could get worse. What would happen if the key Shiite figure, Ali al Sistani, were to die? If another major attack on the scale of the Golden Mosque bombing hit either side (or, perhaps, both sides at the same time)? Such deterioration might convince many Americans that the war there truly was lost—but the costs of reaching such a conclusion would be enormous. Afghanistan is somewhat more stable for the moment, although a major Taliban offensive appears to be in the offing. Sound US grand strategy must proceed from the recognition that, over the next few years and decades, the world is going to be a very unsettled and quite dangerous place, with Al Qaeda and its associated groups as a subset of a much larger set of worries. The only serious response to this international environment is to develop armed forces capable of protecting America’s vital interests throughout this dangerous time**.** Doing so requires a military capable of a wide range of missions—including not only deterrence of great power conflict in dealing with potential hotspots in Korea, the Taiwan Strait, and the Persian Gulf but also associated with a variety of Special Forces activities and stabilization operations. For today’s US military, which already excels at high technology and is increasingly focused on re-learning the lost art of counterinsurgency, this is first and foremost a question of finding the resources to field a large-enough standing Army and Marine Corps to handle personnel intensive missions such as the ones now under way in Iraq and Afghanistan.

### 1NC Solvency

#### Court would opt to not restrain the executive

#### Deference

Kaufman 13

[Kaufman, Eileen, Washington University Global Studies Law Review, “Deference or abdication: a comparison of the Supreme Courts of Israel and the United States in cases involving real or perceived threats to national security.”, http://www.thefreelibrary.com/Deference+or+abdication%3A+a+comparison+of+the+Supreme+Courts+of+Israel...-a0330250376]

The targeted killing cases present the clearest example of how the two court systems differ. In the United States, the issue of targeted killing has been found to be non-justiciable, whereas in Israel, the challenge was heard and resolved on the merits. As described in Part I above, the United States' targeted killing policy was challenged in Al-Aulaqi v. Obama. (111) The father of an American citizen on the targeted killing list argued that the US policy of authorizing the targeted killing of US citizens outside of armed conflict in circumstances that do not present concrete, specific and imminent threats to life or physical safety, and where there are means other than lethal force that could reasonably be employed to neutralize any such threat violates his Fourth and Fifth Amendment rights. (112) Plaintiff's attorney explained, "the central proposition of [this challenge] was that the courts have a role to play in articulating the standards under which lethal force is used and in ensuring that the government actually complies with those standards." (113) The Court rejected this proposition and granted the government's motion to dismiss because the case presented a non-justiciable political question and because petitioner lacked standing.

#### Evidentiary standards

Marcy – 2/15/13, BA Amherst College, PhD program Michigan, Department of Pre-Crime, Part 3: What Law Would the Drone (and/or Targeted Killing) Court Interpret?, http://www.emptywheel.net/2013/02/15/department-of-pre-crime-part-3-what-law-would-the-drone-andor-targeted-killing-court-interpret/#sthash.5iwHrHQW.dpufhttp://www.emptywheel.net/2013/02/15/department-of-pre-crime-part-3-what-law-would-the-drone-andor-targeted-killing-court-interpret/

I’ve been writing about the nascent plan, on the part of a few Senators who want to avoid hard decisions, to establish a FISA Court to review Drone (and/or Targeted Killings) of American citizens. A number of people presumably think it’d be easy. Just use the AUMF — which authorizes the President “to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States” — and attach some kind of measure of the seriousness of the threat, and voila! Rubber-stamp to off an American. And while that may while be how it would work in practice, even assuming the reviews would be halfway as thorough as the Gitmo habeas cases (with the selective presumption of regularity for even obviously faulty intelligence reports adopted under Latif, as well as the “military age male” standard adopted under Uthman, habeas petitions are no longer all that meaningful), that would still mean the Executive could present any laughably bad intelligence report showing a military aged male was hanging around baddies to be able to kill someone. The Gitmo habeas standard would have authorized the killing of Abdulrahman al-Awlaki, in spite of the fact that no one believes he was even a member of AQAP. Then there’s the problem introduced by the secrecy of the Drone (and/or Targeted Kiling) Court. One of the several main questions at issue in US targeted killings has always been whether the group in question (AQAP, in the case of Anwar al-Awlaki, which didn’t even exist on 9/11) and the battlefield in question (Yemen, though the US is one big question) is covered by the AUMF. Congress doesn’t even know the answers to these questions. The Administration refuses to share a list of all the countries it has already used lethal counterterrorism authorities in. So ultimately, on this central issue, the Drone (and/or Targeted Killing) Court would have no choice but to accept the Executive’s claims about where and with whom we’re at war, because no list exists of that, at least not one Congress has bought off on.

### 1NC Blowback

#### **No correlation between drone use and recruitment levels.**

Etzioni 13, Professor of International Relations @ George Washington University

(Aimtai Etzioni, senior adviser to the Carter administration, “Everything Libertarians and Liberals Get Wrong About Drones”, The Atlantic, 4/30/13, http://www.theatlantic.com/politics/archive/2013/04/everything-libertarians-and-liberals-get-wrong-about-drones/275356/)

Some critics worry that relying upon drones will engender significant resentment and potentially aid terrorist recruitment efforts. However, those who are inclined towards terrorism already loathe the United States for a thousand other reasons. Pew surveys show that anti-Americanism thrives in regions where there have been no drone strikes (for example, in Egypt) and, where drones have been active, high levels of anti-Americanism predated their arrival (for instance in Pakistan).

#### Al-Qaeda weak – Bin Laden’s death, Abbottabad intelligence, no safe haven

WILLIAM MCCANTS - Center for Strategic Studies / Johns Hopkins – Sept/Oct 2011, Al Qaeda's Challenge, Foreign Affairs, http://www.foreignaffairs.com/articles/68160/william-mccants/al-qaedas-challenge?page=show

Al Qaeda now stands at a precipice. The Arab Spring and the success of Islamist parliamentarians throughout the Middle East have challenged its core vision just as the group has lost its founder. Al Qaeda has also lost access to bin Laden's personal connections in Afghanistan, Pakistan, and the Persian Gulf, which had long provided it with resources and protection. Bin Laden's death has deprived al Qaeda of its most media-savvy icon; and most important, al Qaeda has lost its commander in chief. The raid that killed bin Laden revealed that he had not been reduced to a figurehead, as many Western analysts had suspected; he had continued to direct the operations of al Qaeda and its franchises. Yet the documents seized from bin Laden's home in Abbottabad, Pakistan, reveal how weak al Qaeda had become even under his ongoing leadership. Correspondence found in the raid shows bin Laden and his lieutenants lamenting al Qaeda's lack of funds and the constant casualties from U.S. drone strikes. These papers have made the organization even more vulnerable by exposing its general command structure, putting al Qaeda's leadership at greater risk of extinction than ever before. Al Qaeda has elected Zawahiri as its new chief, at least for now. But the transition will not be seamless. Some members of al Qaeda's old guard feel little loyalty to Zawahiri, whom they view as a relative newcomer. Al Qaeda's members from the Persian Gulf, for their part, may feel alienated by having an Egyptian at their helm, especially if Zawahiri chooses another Egyptian as his deputy. Despite these potential sources of friction, al Qaeda is not likely to split under Zawahiri's reign. Its senior leadership will still want to unite jihadist groups under its banner, and its franchises will have little reason to relinquish the recognition and resources that come with al Qaeda affiliation. Yet those affiliates cannot offer al Qaeda's senior commanders shelter. Indeed, should Pakistan become too dangerous a refuge for the organization's leaders, they will find themselves with few other options. The Islamic governments that previously protected and assisted al Qaeda, such as those in Afghanistan and Sudan in the 1990s, either no longer exist or are inhospitable (although Somalia might become a candidate if the militant group al Shabab consolidates its hold there). In the midst of grappling with all these challenges, al Qaeda must also decide how to respond to the uprisings in the Arab world. Thus far, its leaders have indicated that they want to support Islamist insurgents in unstable revolutionary countries and lay the groundwork for the creation of Islamic states once the existing regimes have fallen, similar to what they attempted in Iraq. But al Qaeda's true strategic dilemma lies in Egypt and Tunisia. In these countries, local tyrants have been ousted, but parliamentary elections will be held soon, and the United States remains influential. The outcome in Egypt is particularly personal for Zawahiri, who began his fight to depose the Egyptian government as a teenager. Zawahiri also understands that Egypt, given its geostrategic importance and its status as the leading Arab nation, is the grand prize in the contest between al Qaeda and the United States. In his recent six-part message to the Egyptian people and in his eulogy for bin Laden, Zawahiri suggested that absent outside interference, the Egyptians and the Tunisians would establish Islamic states that would be hostile to Western interests. But the United States, he said, will likely work to ensure that friendly political forces, including secularists and moderate Islamists, win Egypt's upcoming elections. And even if the Islamists succeed in establishing an Islamic state there, Zawahiri argued, the United States will retain enough leverage to keep it in line. To prevent such an outcome, Zawahiri called on Islamist activists in Egypt and Tunisia to start a popular (presumably nonviolent) campaign to implement sharia as the sole source of legislation and to pressure the transitional governments to end their cooperation with Washington. Yet Zawahiri's attempt to sway local Islamists is unlikely to succeed. Although some Islamists in the two countries rhetorically support al Qaeda, many, especially the Muslim Brotherhood, are now organizing for their countries' upcoming elections -- that is, they are becoming Islamist parliamentarians. Even Egyptian Salafists, who share Zawahiri's distaste for parliamentary politics, are forming their own political parties. Most ominous for Zawahiri's agenda, the Egyptian Islamist organization al-Gama'a al-Islamiyya (the Islamic Group), parts of which were once allied with al Qaeda, has forsworn violence and recently announced that it was creating a political party to compete in Egypt's parliamentary elections. Al Qaeda, then, is losing sway even among its natural allies. This dynamic limits Zawahiri's options. For fear of alienating the Egyptian people, he is not likely to end his efforts to reach out to Egypt's Islamist parliamentarians or to break with them by calling for attacks in the country before the elections. Instead, he will continue urging the Islamists to advocate for sharia and to try to limit U.S. influence. In the meantime, Zawahiri will continue trying to attack the United States and continue exploiting less stable postrevolutionary countries, such as Libya, Syria, and Yemen, which may prove more susceptible to al Qaeda's influence. Yet to operate in these countries, al Qaeda will need to subordinate its political agenda to those of the insurgents there or risk destroying itself, as Zarqawi's group did in Iraq. If those insurgents take power, they will likely refuse to offer al Qaeda safe haven for fear of alienating the United States or its allies in the region. Thanks to the continued predominance of the United States and the growing appeal of Islamist parliamentarians in the Muslim world, even supporters of al Qaeda now doubt that it will be able to replace existing regimes with Islamic states anytime soon. In a recent joint statement, several jihadist online forums expressed concern that if Muammar al-Qaddafi is defeated in Libya, the Islamists there will participate in U.S.-backed elections, ending any chance of establishing a true Islamic state. As a result of all these forces, al Qaeda is no longer the vanguard of the Islamist movement in the Arab world. Having defined the terms of Islamist politics for the last decade by raising fears about Islamic political parties and giving Arab rulers a pretext to limit their activity or shut them down, al Qaeda's goal of removing those rulers is now being fulfilled by others who are unlikely to share its political vision. Should these revolutions fail and al Qaeda survives, it will be ready to reclaim the mantle of Islamist resistance. But for now, the forces best positioned to capitalize on the Arab Spring are the Islamist parliamentarians, who, unlike al Qaeda, are willing and able to engage in the messy business of politics.

#### No threat of nuclear terrorism – bin Laden documents prove terrorists have no money

John Mueller- Prof poli sci, Ohio State, August 2, 2011, The Truth About al Qaeda, Foreign Affairs, http://www.foreignaffairs.com/articles/68012/john-mueller/the-truth-about-al-qaeda?page=show

The chief lesson of 9/11 should have been that small bands of terrorists, using simple methods, can exploit loopholes in existing security systems. But instead, many preferred to engage in massive extrapolation: If 19 men could hijack four airplanes simultaneously, the thinking went, then surely al Qaeda would soon make an atomic bomb. As a misguided Turkish proverb holds, "If your enemy be an ant, imagine him to be an elephant." The new information unearthed in Osama bin Laden's hideout in Abbottabad, Pakistan, suggests that the United States has been doing so for a full decade. Whatever al Qaeda's threatening rhetoric and occasional nuclear fantasies, its potential as a menace, particularly as an atomic one, has been much inflated. The public has now endured a decade of dire warnings about the imminence of a terrorist atomic attack. In 2004, the former CIA spook Michael Scheuer proclaimed on television's 60 Minutes that it was "probably a near thing," and in 2007, the physicist Richard Garwin assessed the likelihood of a nuclear explosion in an American or a European city by terrorism or other means in the next ten years to be 87 percent. By 2008, Defense Secretary Robert Gates mused that what keeps every senior government leader awake at night is "the thought of a terrorist ending up with a weapon of mass destruction, especially nuclear." Few, it seems, found much solace in the fact that an al Qaeda computer seized in Afghanistan in 2001 indicated that the group's budget for research on weapons of mass destruction (almost all of it focused on primitive chemical weapons work) was some $2,000 to $4,000. In the wake of the killing of Osama bin Laden, officials now have more al Qaeda computers, which reportedly contain a wealth of information about the workings of the organization in the intervening decade. A multi-agency task force has completed its assessment, and according to first reports, it has found that al Qaeda members have primarily been engaged in dodging drone strikes and complaining about how cash-strapped they are. Some reports suggest they've also been looking at quite a bit of pornography. The full story is not out yet, but it seems breathtakingly unlikely that the miserable little group has had the time or inclination, let alone the money, to set up and staff a uranium-seizing operation, as well as a fancy, super-high-tech facility to fabricate a bomb. It is a process that requires trusting corrupted foreign collaborators and other criminals, obtaining and transporting highly guarded material, setting up a machine shop staffed with top scientists and technicians, and rolling the heavy, cumbersome, and untested finished product into position to be detonated by a skilled crew, all the while attracting no attention from outsiders. The documents also reveal that after fleeing Afghanistan, bin Laden maintained what one member of the task force calls an "obsession" with attacking the United States again, even though 9/11 was in many ways a disaster for the group. It led to a worldwide loss of support, a major attack on it and on its Taliban hosts, and a decade of furious and dedicated harassment. And indeed, bin Laden did repeatedly and publicly threaten an attack on the United States. He assured Americans in 2002 that "the youth of Islam are preparing things that will fill your hearts with fear"; and in 2006, he declared that his group had been able "to breach your security measures" and that "operations are under preparation, and you will see them on your own ground once they are finished." Al Qaeda's animated spokesman, Adam Gadahn, proclaimed in 2004 that "the streets of America shall run red with blood" and that "the next wave of attacks may come at any moment." The obsessive desire notwithstanding, such fulminations have clearly lacked substance. Although hundreds of millions of people enter the United States legally every year, and countless others illegally, no true al Qaeda cell has been found in the country since 9/11 and exceedingly few people have been uncovered who even have any sort of "link" to the organization. The closest effort at an al Qaeda operation within the country was a decidedly nonnuclear one by an Afghan-American, Najibullah Zazi, in 2009. Outraged at the U.S.-led war on his home country, Zazi attempted to join the Taliban but was persuaded by al Qaeda operatives in Pakistan to set off some bombs in the United States instead. Under surveillance from the start, he was soon arrested, and, however "radicalized," he has been talking to investigators ever since, turning traitor to his former colleagues. Whatever training Zazi received was inadequate; he repeatedly and desperately sought further instruction from his overseas instructors by phone. At one point, he purchased bomb material with a stolen credit card, guaranteeing that the purchase would attract attention and that security video recordings would be scrutinized. Apparently, his handlers were so strapped that they could not even advance him a bit of cash to purchase some hydrogen peroxide for making a bomb. For al Qaeda, then, the operation was a failure in every way -- except for the ego boost it got by inspiring the usual dire litany about the group's supposedly existential challenge to the United States, to the civilized world, to the modern state system. Indeed, no Muslim extremist has succeeded in detonating even a simple bomb in the United States in the last ten years, and except for the attacks on the London Underground in 2005, neither has any in the United Kingdom. It seems wildly unlikely that al Qaeda is remotely ready to go nuclear. Outside of war zones, the amount of killing carried out by al Qaeda and al Qaeda linkees, maybes, and wannabes throughout the entire world since 9/11 stands at perhaps a few hundred per year. That's a few hundred too many, of course, but it scarcely presents an existential, or elephantine, threat. And the likelihood that an American will be killed by a terrorist of any ilk stands at one in 3.5 million per year, even with 9/11 included. That probability will remain unchanged unless terrorists are able to increase their capabilities massively -- and obtaining nuclear weapons would allow them to do so. Although al Qaeda may have dreamed from time to time about getting such weapons, no other terrorist group has even gone so far as to indulge in such dreams, with the exception of the Japanese cult Aum Shinrikyo, which leased the mineral rights to an Australian sheep ranch that sat on uranium deposits, purchased some semi-relevant equipment, and tried to buy a finished bomb from the Russians. That experience, however, cannot be very encouraging to the would-be atomic terrorist. Even though it was flush with funds and undistracted by drone attacks (or even by much surveillance), Aum Shinrikyo abandoned its atomic efforts in frustration very early on. It then moved to biological weapons, another complete failure that inspired its leader to suggest that fears expressed in the United States of a biological attack were actually a ruse to tempt terrorist groups to pursue the weapons. The group did finally manage to release some sarin gas in a Tokyo subway that killed 13 and led to the group's terminal shutdown, as well as to 16 years (and counting) of pronouncements that WMD terrorism is the wave of the future. No elephants there, either.

### 1NC Prolif

#### **U.S. drone use doesn’t cause prolif – no international precedent.**

Etzioni 13, Professor of International Relations @ George Washington University

(Aimtai Etzioni, adviser to the Carter administration, “The Great Drone Debate”, Military Review, 4/2013, http://usacac.army.mil/CAC2/MilitaryReview/Archives/English/MilitaryReview\_20130430\_art004.pdf)

Other critics contend that by the United States ¶ using drones, it leads other countries into making and ¶ using them. For example, Medea Benjamin, the cofounder of the anti-war activist group CODEPINK ¶ and author of a book about drones argues that, “The ¶ proliferation of drones should evoke reﬂection on the ¶ precedent that the United States is setting by killing ¶ anyone it wants, anywhere it wants, on the basis of ¶ secret information. Other nations and non-state entities are watching—and are bound to start acting in ¶ a similar fashion.”60 Indeed scores of countries are ¶ now manufacturing or purchasing drones. There can ¶ be little doubt that the fact that drones have served ¶ the United States well has helped to popularize them. ¶ However, it does not follow that United States ¶ should not have employed drones in the hope that such a show of restraint would deter others. First ¶ of all, this would have meant that either the United ¶ States would have had to allow terrorists in hard-to-reach places, say North Waziristan, to either ¶ roam and rest freely—or it would have had to use ¶ bombs that would have caused much greater collateral damage. ¶ Further, the record shows that even when the ¶ United States did not develop a particular weapon, ¶ others did. Thus, China has taken the lead in the ¶ development of anti-ship missiles and seemingly ¶ cyber weapons as well. One must keep in mind ¶ that the international environment is a hostile ¶ one. Countries—and especially non-state actors—¶ most of the time do not play by some set of selfconstraining rules. Rather, they tend to employ ¶ whatever weapons they can obtain that will further ¶ their interests. The United States correctly does ¶ not assume that it can rely on some non-existent ¶ implicit gentleman’s agreements that call for the ¶ avoidance of new military technology by nation X ¶ or terrorist group Y—if the United States refrains ¶ from employing that technology. I am not arguing that there are no natural norms ¶ that restrain behavior. There are certainly some ¶ that exist, particularly in situations where all parties beneﬁt from the norms (e.g., the granting of ¶ diplomatic immunity) or where particularly horrifying weapons are involved (e.g., weapons of ¶ mass destruction). However drones are but one ¶ step—following bombers and missiles—in the ¶ development of distant battleﬁeld technologies. ¶ (Robotic soldiers—or future ﬁghting machines—¶ are next in line). In such circumstances, the role ¶ of norms is much more limited.

# 2NC

# 2NC

## CP

Their interpretation links to all their offense Cap K and Econ DA proves

**Counter interpretation – we get 2 conditional advocacies**

That’s good

**1.) Innovation –**the alternative is teams only run what they are good at, and don’t try new arguments, leads to stale education and dogmatism.

**2.) Neg Flex –**key to check 2ac addons and  2ar persuasion outweighs time benefits of the block. Space topic is skewed toward the aff.

**3.) Breadth –** Depth is impossible – teams would just read more shitty answers and hope we drop them, only a chance we force critical thinking. Breadth of information allows for multiple access points to education, forces research

**4) Turns 2ac strategy –**force them to read their best offense like turns and addons

-Multiple Perms are worse they tempt aff condtionality and skew us worse, voter.

-Time skew inev – some teams are faster than others, we can run an infinite number of SPEC arguments.

-Aff didn’t specify their agent – kills agent cps and all implementation based education, voter for fairness education.

**-No Strat Skew – 2ac always has a strategic option - stop crying, 1ar must articulate specific inround abuse**

**-Theory is a reason to reject the argument not the team (reasonability)**

### AT: Perception

#### President more perceived than Congress or Courts

Marshall, 8 --- Professor of Law at the University of North Carolina

(April 2008, William P., Boston University Law Review, “THE ROLE OF THE PRESIDENT IN THE TWENTY-FIRST CENTURY: ARTICLE: ELEVEN REASONS WHY PRESIDENTIAL POWER INEVITABLY EXPANDS AND WHY IT MATTERS,” 88 B.U.L. Rev. 505))

7. The Media and the Presidency

As Justice Jackson recognized in Youngstown, the power of the Presidency has also been magnified by the nature of media coverage. This coverage, which focuses on the President as the center of national power, n66 has only increased since Jackson's day as the dominance of television has increasingly identified the image of the nation with the image of the particular President holding office. n67 The effects of this image are substantial. Because the President is seen as speaking for the nation, the Presidency is imbued with a unique credibility. The President thereby holds an immediate and substantial advantage in any political confrontation. n68 Additionally, unlike the Congress or the Court, the President is uniquely able to demand the attention of the media and, in that way, can influence the Nation's political agenda to an extent that no other individual, or institution, can even approximate.

### Must Read

#### First – their aff author says the CP solves both advantages

Zenko, 13 --- Fellow at the Council on Foreign Relations

(January, Reforming U.S.Drone Strike Policies)

Much like policies governing the use of nuclear weapons, offensive cyber capabilities, and space, developing rules and frameworks for innovative weapons systems, much less reaching a consensus within the U.S. government, is a long and arduous process. In its second term, the Obama administration has a narrow policy window of opportunity to pursue reforms of the targeted killings program. The Obama administration can proactively shape U.S. and international use of armed drones in nonbattlefield settings through transparency, self-restraint, and engagement, or it can continue with its current policies and risk the consequences. To better secure the ability to conduct drone strikes, and potentially influence how others will use armed drones in the future, the United States should undertake the following specific policy recommendations.

#### Executive self-restraint can be used to limit targeted killings – empirics prove CP is realistic and possible

Sales, 12 --- Assistant Professor of Law, George Mason University School of Law (7/3/2012, Nathan Alexander Sales, Journal of National Security Law & Policy, “Self-Restraint and National Security,” 6 J. Nat'l Security L. & Pol'y 227, Lexis))

B. Targeted Killing

A second example of self-restraint concerns the well known presidential ban on assassinations. In the popular imagination, the term "assassination" broadly implies singling out a specific head of state or terrorist operative for killing. Yet the United States' understanding of the prohibition is quite narrow. In the American view, both domestic and international law permit the government to undertake a wide variety of targeted killings. Nevertheless, on a number of occasions, officials have vetoed a plan to slay an adversary, or modified an operation so its apparent deadly aims could be denied plausibly. In the aftermath of 9/11 - and especially given President Obama's escalation of armed drone attacks on suspected al Qaeda operatives n86 - American reluctance to use targeted killings may have become a thing of the past. But targeted killings remain a useful illustration of how the government sometimes prevents itself from carrying out operations that it thinks are lawful.

The domestic assassination ban traces its roots to the Church Committee's disclosure that the CIA had participated in a number of assassination plots. n87 "In fact, no foreign leader was assassinated by U.S. operatives, but it was not for want of trying." n88 The committee found that [\*248] agency operatives were complicit in efforts to kill foreign leaders such as Cuba's Fidel Castro, and it called for a legislative ban on all assassinations. Congress never took up the recommendation, but President Ford did. In 1976 he issued an executive order outlawing assassination, and his successors have left the prohibition in place. n89 Executive Order 12,333, the current version, categorically provides that "no person employed by or acting on behalf of the United States Government shall engage in, or conspire to engage in, assassination." n90 That seems simple enough. But the government interprets the term assassination so narrowly that the ban has very little bite. n91 A brief detour through international law, whose terms the executive order reinforces, n92 will help develop the point.

## Prolif

#### **Won’t cause global warfare**

Blank 12, Director of the International Humanitarian Law Clinic

(Laurie R. Blank, Emory University School of Law, “After ‘Top Gun’: How Drone Strikes Impact the Law of War”, University of Pennsylvania Journal of International Law, Spring ’12)

Drones are Lawful Weapons¶ ¶ As the United Nations Special Rapporteur on Extrajudicial, Arbitrary or Summary Executions stated in his recent report on targeted killings, "a missile fired from a drone is no different from any other commonly used weapon, including a gun fired by a soldier or a helicopter or gunship that fires missiles. The critical legal question is the same for each weapon: whether its specific use complies with IHL." n34 The first question, addressed in this Section, is whether a particular weapon is prohibited due to its inherent characteristics. Section 2 below will examine whether armed drones are used in accordance with international law principles of distinction, proportionality, and precautions.¶ International law prohibits two categories of weapons in armed conflict: indiscriminate weapons and weapons that cause unnecessary suffering. The first prohibition appears in Article 51(4) of Additional Protocol I, which defines indiscriminate attacks as (1) attacks "not directed at a specific military objective," (2) attacks "which employ a method or means of combat which cannot be directed at a military objective," or (3) attacks "which employ a method or means of combat the effects of which cannot be limited as required by this Protocol." n35 Means of combat generally refers to weapons or weapons systems. Thus, as the International Court of Justice declared in its advisory opinion in the Legality of the [\*684] Threat or Use of Nuclear Weapons, parties to a conflict may not "use weapons that are incapable of distinguishing between civilian and military targets." n36 There is little doubt that any weapon can be used in an indiscriminate way during conflict, such as spraying machine gun fire into a crowd with no regard for the presence of civilians or others who are hors de combat. Such illegal use does not make the machine gun an unlawful weapon, however. One example of inherently indiscriminate weapons is the rockets that Hamas and Hezbollah have fired into Israel for many years. n37¶ The ban on indiscriminate weapons focuses on those weapons that are, by design or other shortcoming, "incapable of being targeted at a military objective only, even if collateral harm occurs." n38 The ban on indiscriminate effects encompasses both these types of indiscriminate weapons and the use of otherwise lawful weapons in an indiscriminate manner. For example, the use of cluster munitions is highly disputed for this reason. n39 As the International Committee of the Red Cross has stated,¶ ¶ "these characteristics [of cluster munitions] raise serious questions as to whether such weapons can be used in populated areas in accordance with the rule of distinction and the prohibition of indiscriminate attacks. The wide area effects of these weapons and the large number of unguided submunitions released would appear to make it [\*685] difficult, if not impossible, to distinguish between military objectives and civilians in a populated target area." n40¶ ¶ Others argue that cluster munitions may well be a more discriminating weapon in certain circumstances because if they were banned, many more missions would be needed to achieve the same effect and cover the same amount of area. By increasing the number of missions, the attacking force consequently would expose more of its force and more civilians to a heightened risk. n41 Further, cluster munitions could reduce collateral damage because of their small detonating impact; otherwise, forces would have to use a more highly explosive weapon to accomplish the same military goal, thereby creating more damage. n42¶ Second, weapons that cause unnecessary suffering or superfluous injury are prohibited. The goal is to minimize harm that is not justified by military utility, either because of a lack of any utility at all or because the utility gained is considerably outweighed by the suffering caused. n43 The international community's first effort at regulating weapons was the St. Petersburg Declaration Renouncing the Use, in Time of War, of Explosive Projectiles Under 400 Grammes Weight of December 11, 1868, which sought to outlaw "the employment of arms which uselessly aggravate the sufferings of disabled men, or render their death inevitable." n44 Repeated in Article 23(e) of the Annex to the [\*686] 1907 Hague Convention IV, this prohibition is recognized as customary international law. n45 The International Court of Justice emphasized this norm as the second of two cardinal principles of international law, explaining that¶ ¶ it is prohibited to cause unnecessary suffering to combatants: it is accordingly prohibited to use weapons causing them such harm or uselessly aggravating their suffering. In application of that second principle, States do not have unlimited freedom of choice of means in the weapons they use. n46¶ ¶ The basic idea behind the prohibition on weapons that cause unnecessary suffering is that weapons that increase suffering - specifically that of combatants - without increasing military advantage in any way are unlawful. Expanding bullets and blinding lasers offer two examples. Certainly many weapons cause extensive - even horrible - suffering and injury, but that in and of itself is not the key issue. The analysis hinges on two primary factors: "(a) whether an alternative weapon is available, causing less injury or suffering; and ... (b) whether the effects produced by the alternative weapon are sufficiently effective in neutralizing enemy personnel." n47¶ By both measures - indiscriminate weapon or effects and unnecessary suffering - armed drones pass muster. Armed drones fire Hellfire missiles and other similar munitions, all of which are also carried by or are similar to the weapons carried by piloted [\*687] fighter aircraft. n48 These missiles are not banned by any international agreement and do not manifest any characteristics that cause superfluous injury as understood in international law. In fact, the precision-guided munitions that drones carry and their extensive surveillance capabilities make them particularly discriminate weapons. The ability to track a target for hours, even days, before launching an attack facilitates accurate targeting and enhances the protection of civilians by giving drone operators the ability to choose the time and place of attack with an eye towards minimizing civilian casualties or damage. Therefore, armed drones can easily be aimed at only military objectives and have effects that can be limited, as much as possible, to military objects, thus meeting the standards in Article 51(4) of Additional Protocol I. n49¶ The fact that armed drones could be used - and perhaps have been used - in indiscriminate attacks does not make them an inherently unlawful weapon or weapons system. Determinations of legality, such as those required in new weapons reviews under Article 36 of Additional Protocol I, n50 do not mean that states must anticipate any possible unlawful use of a weapon. Rather, as noted at the 1974-1977 Diplomatic Conference that produced the Additional Protocols, the question is "whether the employment of a weapon for its normal or expected use would be prohibited under some or all circumstances. A State is not required to foresee or analyze all possible misuses of a weapon, for almost any weapon can be misused in ways that would be prohibited." n51 The normal or expected use of armed drones falls clearly within the parameters of lawful weapons under international law.

#### No SCS war – in no one’s rational interest

Ba, Professor IR Delaware, ’11 (Alice, December, “Staking Claims and Making Waves in the South China Sea: How Troubled Are the Waters?” Contemporary Southeast Asia: A Journal of International and Strategic Affairs, Vol 33 No 3, Project Muse)

Conclusion To varying degrees, authors in this issue generally agree that conflict can be avoided and that there are spaces for potential compromise. Fravel, for example, cites historical precedents where China has been willing to make territorial compromises in support of larger strategic and political objectives; he also sees opportunities in China’s exclusion of the Spratlys from its drawing of its baselines.52 Goldstein draws attention to the concern for moderation and compromise from China’s senior leadership, as well as key naval higher-ups; Thayer highlights the mechanisms and interests that exist to counter more emotional and violent reactions. Womack, along with Fravel and Thayer, sees China and ASEAN states’ 2011 agreement and attention to implementing the DoC as a significant recognition by states of the need to reduce tensions, especially as it involved critical and symbolic concessions, especially on the parts of China and Vietnam. Much like the original DoC, the 2011 agreement and [End Page 285] states’ ability to overcome their stalemate expressed a common interest to ratchet down the dispute from where it was in 2009 and 2010. While acknowledging the need for “bolder” measures, Womack sees the DoC as both “reasonable” and “promising” as a framework that moreover can provide the basis for “a more robust Spratly Management Authority”. Most of all, authors mostly see the prospects for major conflict being mitigated by an unfavourable cost-benefit calculus where the costs of conflict and militarization will be high and the benefits far from clear.

Certainly, this is true of Southeast Asia’s weaker states, but it is also true of the major powers — China and the United States. For China, for example, Womack is strongest in seeing militarization of the dispute as contrary to China’s “quarter century of broad and peaceful development” and reform-era policies and diplomacy that have served it very well. A South China Sea conflict scenario would also likely have ripple effects along China’s periphery among other neighbouring and lesser states that are most vulnerable to Chinese power. Given the attention and priority that has been given to stabilizing China’s periphery these past two decades, it hardly seems in China’s interest to militarize the South China Sea in such a way that invites more active interventions from others in the seas around it, especially given its own reliance on those waters to get goods in and out. At minimum, militarization would divert resources and attention from both domestic and other global objectives, with active defence of claims requiring “diplomatic and military efforts of the utmost magnitude”.53 Womack is blunt in his argument that the Spratlys, in the larger scheme of Chinese objectives, is insignificant: “[T]here is no threshold of military superiority that would make it beneficial for China to establish its control over all the Spratlys at the cost of strategic hostility with Southeast Asia.” By one argument, China has the most to lose with the militarization of the South China Sea dispute. As for the United States, Goldstein is most direct in considering the risks and costs of US involvement. Much as is the case in his discussion on US assessments of China, Goldstein’s concern is that too much is assumed of US power and attraction, and too much weight has already been placed on a dispute that is not that important to US larger interests or global balance of power. As already noted, Washington’s diplomatic intervention has already been at cost to US-China relations in other areas. US-China tensions also [End Page 286] potentially push away Southeast Asian states who fear great power conflict more than they want the US to balance China.54 Most of all, Goldstein warns the United States against “competing for the sake of competing” and to guard against over-involving itself in a conflict that risks US credibility, if not lives (as it did forty years ago in Vietnam).

## **Solvency**

#### Political question doctrine proves courts won’t engage war powers issues

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(Jonathan, War Powers, Foreign Affairs, and the Courts: Some Institutional Considerations, Case Western Reserve Journal of International Law, Vol 45)

Even if a plaintiff with standing were available, a court still might decline to reach the merits of a challenge to a military or other foreign operation under the so-called political-question doctrine. The idea that some cases raise nonjusticiable political questions has few scholarly defenders these days,43 and the Supreme Court has hesitated to invoke this doctrine recently.44 Nevertheless, lower courts rejected challenges to the legality of the Vietnam War on the basis that they presented political questions, including cases brought by members of Congress45 as well as others filed by members of the armed forces and other individuals.46 Similarly, a lawsuit contesting the legality of American involvement in El Salvador under President Reagan was dismissed under the political-question doctrine.47 Although some cases have treated such claims as justiciable,48 a plurality of the Supreme Court invoked the political-question doctrine to reject a challenge to President Carter’s unilateral termination of a defense treaty with Taiwan.49 Accordingly, the body of precedent relating to foreign affairs suggests that the justiciability issue must be taken seriously.

#### **Drone court fails – can’t consider all legal factors in time.**

Groves 13, Senior Research Fellow @ Heritage Foundation

(Steven Groves, Senior Research Fellow in the Margaret Thatcher Center for Freedom @ Heritage Foundation, J.D. from Ohio Northern University, BA in History, “Drone Strikes: The Legality of U.S. Targeting Terrorists Abroad”, The Heritage Foundation, 4/10/13, http://www.heritage.org/research/reports/2013/04/drone-strikes-the-legality-of-us-targeting-terrorists-abroad)

Certain former Obama Administration officials, the editorial board of The New York Times, and at least one U.S. Senator have called for the establishment of a special oversight panel or court to review the Administration’s targeting determinations, particularly in instances in which a U.S. citizen is targeted.[49] Essentially, such a court would scrutinize the Administration’s targeting decisions, presumably including its decisions to place individuals on the “disposition matrix.” The court would apparently have the authority to overrule and nullify targeting decisions. The creation of such a court is ill advised and of doubtful constitutionality.¶ The proponents of a drone court apparently do not appreciate the potential unintended consequences of establishing such an authority. The idea is wrongheaded and raises more questions than it answers. For instance, could the drone court decide as a matter of law that a targeted strike is not justified because the United States is not engaged in an armed conflict with al-Qaeda? Could the drone court rule that members of a force associated with al-Qaeda (e.g., AQAP) may not be targeted because AQAP was not directly involved in the September 11 attacks and therefore the strike is not authorized under the AUMF? The proposed drone court cannot avoid these fundamental questions since the justification for the targeted strikes is dependent on the answers to these questions.¶ Even if the proposed drone court attempts to eschew intervention into foundational questions such as the existence of an armed conflict, it still would not be in a position to rule on the “easy” questions involved in each and every drone strike. Does the target constitute an “imminent threat”

to the United States? When civilian casualties may occur as a result of the strike, does the drone court have the authority to overrule the targeting decision as a violation of the principle of proportionality? Is the target an innocent civilian or a civilian “directly participating in hostilities”? Should U.S. forces attempt to capture the target before resorting to a drone strike? Is capture feasible? Any drone court, even if constituted with former military and intelligence officials, is ill suited to weigh all of the competing factors that go into a decision to target an al-Qaeda operative and make a timely decision, particularly when there is often only a short window of time to order a strike.¶ Regardless, creating a judicial or quasi-judicial review process will not ameliorate, much less resolve, objections to U.S. targeted killing practices. Critics will continue to demand more judicial process, including appeals from the proposed drone court, and additional transparency no matter what kind of forum is established to oversee targeting decisions.

In the wake of the recent confirmation hearing on John Brennan’s nomination as CIA director, and the probably related “leak” of a Justice Department white paper on targeted killings, some politicians, pundits and professors have suggested that “kill lists,” drone strikes and targeting protocols be submitted for “independent judicial review” — essentially, that federal judges ought to be assigned the task of monitoring, mediating and approving the killer instincts of our government. This is a very bad idea.¶ U.S. judges have been hard-wired against rendering “advisory opinions” since 1793, when the first chief justice, John Jay, declined to answer George Washington’s legal questions about the status of a British ship that had been captured by the French and brought to an American port. To answer the president’s questions, Jay wrote, would violate “the lines of separation drawn by the Constitution between the three departments of the government.” Jay’s letter referred to Article II, Section 2 of the Constitution, which provides that the president “may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices” — a provision, Jay wrote, that “seems to have been purposely as well as expressly united to the executive departments.”¶ From that letter — itself an advisory opinion — has grown a complex but well-established and understood set of constraints on the federal courts: They are to decide only “cases” or “controversies” that are “justiciable” and “ripe” for decision. Federal courts rule on specific disputes between adversary parties. They do not make or approve policy; that job is reserved to Congress and the executive.¶ Nor do federal courts act ex parte — hearing one side only — or sit in a Star Chamber, like the co-opted judges of 16th-century England. The targets of a drone strike make no appearance before a judge; they have no notice of the charges against them; no lawyer; no chance to call witnesses or confront the evidence against them; no due process rights. Their case is necessarily considered in absentia and in secret. An American judge cannot do American justice in such a case. If he did, his independence would be severely compromised.¶ But — say the politicians, pundits and professors — courts routinely rule on government requests for search warrants and, in the national security context, on requests for foreign intelligence surveillance. Why not requests for drone strikes? The answer is simple: A search warrant is not a death warrant.

# 1NR

### 2NC Turns Case

--Turns US/China cooperation and war

Mead 9 (Walter Russell, Henry A. Kissinger Senior Fellow in U.S. Foreign Policy – Council on Foreign Relations, “Only Makes You Stronger”, The New Republic, 2-4, http://www.tnr.com/politics/story.html?id=571cbbb9-2887-4d81-8542-92e83915f5f8&p=2)

The greatest danger both to U.S.-China relations and to American power itself is probably not that China will rise too far, too fast; it is that the current crisis might end China's growth miracle. In the worst-case scenario, the turmoil in the international economy will plunge China into a major economic downturn. The Chinese financial system will implode as loans to both state and private enterprises go bad. Millions or even tens of millions of Chinese will be unemployed in a country without an effective social safety net. The collapse of asset bubbles in the stock and property markets will wipe out the savings of a generation of the Chinese middle class. The political consequences could include dangerous unrest--and a bitter climate of anti-foreign feeling that blames others for China's woes. (Think of Weimar Germany, when both Nazi and communist politicians blamed the West for Germany's economic travails.) Worse, instability could lead to a vicious cycle, as nervous investors moved their money out of the country, further slowing growth and, in turn, fomenting ever-greater bitterness. Thanks to a generation of rapid economic growth, China has so far been able to manage the stresses and conflicts of modernization and change; nobody knows what will happen if the growth stops. India's future is also a question. Support for global integration is a fairly recent development in India, and many serious Indians remain skeptical of it. While India's 60-year-old democratic system has resisted many shocks, a deep economic recession in a country where mass poverty and even hunger are still major concerns could undermine political order, long-term growth, and India's attitude toward the United States and global economic integration. The violent Naxalite insurrection plaguing a significant swath of the country could get worse; religious extremism among both Hindus and Muslims could further polarize Indian politics; and India's economic miracle could be nipped in the bud. If current market turmoil seriously damaged the performance and prospects of India and China, the current crisis could join the Great Depression in the list of economic events that changed history, even if the recessions in the West are relatively short and mild. The United States should stand ready to assist Chinese and Indian financial authorities on an emergency basis--and work very hard to help both countries escape or at least weather any economic downturn. It may test the political will of the Obama administration, but the United States must avoid a protectionist response to the economic slowdown. U.S. moves to limit market access for Chinese and Indian producers could poison relations for years. For billions of people in nuclear-armed countries to emerge from this crisis believing either that the United States was indifferent to their well-being or that it had profited from their distress could damage U.S. foreign policy far more severely than any mistake made by George W. Bush. It's not just the great powers whose trajectories have been affected by the crash. Lesser powers like Saudi Arabia and Iran also face new constraints. The crisis has strengthened the U.S. position in the Middle East as falling oil prices reduce Iranian influence and increase the dependence of the oil sheikdoms on U.S. protection. Success in Iraq--however late, however undeserved, however limited--had already improved the Obama administration's prospects for addressing regional crises. Now, the collapse in oil prices has put the Iranian regime on the defensive. The annual inflation rate rose above 29 percent last September, up from about 17 percent in 2007, according to Iran's Bank Markazi. Economists forecast that Iran's real GDP growth will drop markedly in the coming months as stagnating oil revenues and the continued global economic downturn force the government to rein in its expansionary fiscal policy. All this has weakened Ahmadinejad at home and Iran abroad. Iranian officials must balance the relative merits of support for allies like Hamas, Hezbollah, and Syria against domestic needs, while international sanctions and other diplomatic sticks have been made more painful and Western carrots (like trade opportunities) have become more attractive. Meanwhile, Saudi Arabia and other oil states have become more dependent on the United States for protection against Iran, and they have fewer resources to fund religious extremism as they use diminished oil revenues to support basic domestic spending and development goals. None of this makes the Middle East an easy target for U.S. diplomacy, but thanks in part to the economic crisis, the incoming administration has the chance to try some new ideas and to enter negotiations with Iran (and Syria) from a position of enhanced strength. Every crisis is different, but there seem to be reasons why, over time, financial crises on balance reinforce rather than undermine the world position of the leading capitalist countries. Since capitalism first emerged in early modern Europe, the ability to exploit the advantages of rapid economic development has been a key factor in international competition. Countries that can encourage--or at least allow and sustain--the change, dislocation, upheaval, and pain that capitalism often involves, while providing their tumultuous market societies with appropriate regulatory and legal frameworks, grow swiftly. They produce cutting-edge technologies that translate into military and economic power. They are able to invest in education, making their workforces ever more productive. They typically develop liberal political institutions and cultural norms that value, or at least tolerate, dissent and that allow people of different political and religious viewpoints to collaborate on a vast social project of modernization--and to maintain political stability in the face of accelerating social and economic change. The vast productive capacity of leading capitalist powers gives them the ability to project influence around the world and, to some degree, to remake the world to suit their own interests and preferences. This is what the United Kingdom and the United States have done in past centuries, and what other capitalist powers like France, Germany, and Japan have done to a lesser extent. In these countries, the social forces that support the idea of a competitive market economy within an appropriately liberal legal and political framework are relatively strong. But, in many other countries where capitalism rubs people the wrong way, this is not the case. On either side of the Atlantic, for example, the Latin world is often drawn to anti-capitalist movements and rulers on both the right and the left. Russia, too, has never really taken to capitalism and liberal society--whether during the time of the czars, the commissars, or the post-cold war leaders who so signally failed to build a stable, open system of liberal democratic capitalism even as many former Warsaw Pact nations were making rapid transitions. Partly as a result of these internal cultural pressures, and partly because, in much of the world, capitalism has appeared as an unwelcome interloper, imposed by foreign forces and shaped to fit foreign rather than domestic interests and preferences, many countries are only half-heartedly capitalist. When crisis strikes, they are quick to decide that capitalism is a failure and look for alternatives. So far, such half-hearted experiments not only have failed to work; they have left the societies that have tried them in a progressively worse position, farther behind the front-runners as time goes by. Argentina has lost ground to Chile; Russian development has fallen farther behind that of the Baltic states and Central Europe. Frequently, the crisis has weakened the power of the merchants, industrialists, financiers, and professionals who want to develop a liberal capitalist society integrated into the world. Crisis can also strengthen the hand of religious extremists, populist radicals, or authoritarian traditionalists who are determined to resist liberal capitalist society for a variety of reasons. Meanwhile, the companies and banks based in these societies are often less established and more vulnerable to the consequences of a financial crisis than more established firms in wealthier societies. As a result, developing countries and countries where capitalism has relatively recent and shallow roots tend to suffer greater economic and political damage when crisis strikes--as, inevitably, it does. And, consequently, financial crises often reinforce rather than challenge the global distribution of power and wealth. This may be happening yet again. None of which means that we can just sit back and enjoy the recession. History may suggest that financial crises actually help capitalist great powers maintain their leads--but it has other, less reassuring messages as well. If financial crises have been a normal part of life during the 300-year rise of the liberal capitalist system under the Anglophone powers, so has war. The wars of the League of Augsburg and the Spanish Succession; the Seven Years War; the American Revolution; the Napoleonic Wars; the two World Wars; the cold war: The list of wars is almost as long as the list of financial crises. Bad economic times can breed wars. Europe was a pretty peaceful place in 1928, but the Depression poisoned German public opinion and helped bring Adolf Hitler to power. If the current crisis turns into a depression, what rough beasts might start slouching toward Moscow, Karachi, Beijing, or New Delhi to be born? The United States may not, yet, decline, but, if we can't get the world economy back on track, we may still have to fight.

Growth solves terrorism – free trade

Griswold 3 (Daniel Griswold is director of the Center for Trade Policy Studies at the Cato Institute, “Can Free Trade Promote Peace in the Middle East?”, June 20 2003, http://www.freetrade.org/pubs/speeches/dg-062003.htm)

Free trade is not a panacea, but it is a necessary building block for a more peaceful and prosperous Middle East. Free trade has helped to reduce poverty in those countries and regions of the world that have progressively opened themselves to the global economy. Free trade can till the soil for democracy and respect for human rights by creating an economically independent and growing middle class. Countries that are open to trade and global commerce are more likely to be working democracies that respect human rights. The Bush administration's white paper on National Security Strategy last year emphasized the importance of trade in building a more secure world. In his May 9 address in South Carolina, President Bush said, "The Arab world has a great cultural tradition, but is largely missing out on the economic progress of our time. Across the globe, free markets and trade have helped defeat poverty, and taught men and women the habits of liberty." We have seen this dynamic in action in South Korea, Taiwan, Chile, Mexico, and other countries where economic reforms and openness have laid a foundation for political competition and democracy. Within the Arab world, those nations that have traveled the furthest on the road of economic reform, and Jordan certainly belongs on that list, are among the leaders of political reform as well. Sadly, the Arab world is a land that globalization has largely passed by-and their isolation is largely self-imposed. Average tariff barriers in the Arab Middle East are among the highest in the world, and as a consequence the region suffers from chronically declining shares of global trade and investment. Average annual inflows of foreign direct investment to Arab countries are only slightly larger than the inflows to Sweden; non-oil exports from Arab countries to the rest of the world are smaller than those of Denmark. There are more McDonalds franchises serving the 15 million people in the Netherlands serve the 280 million people in the whole Arab world. The government of Jordan took the positive step of joining the World Trade Organization in 2000, but WTO membership is still the exception in the Middle East. Here's a pop quiz: What do Libya, Sudan, Syria, Iraq, Iran, and Afghanistan have in common? Besides all of them being ongoing or recent sponsors of terrorism, not one of them belongs to the WTO. Internal market freedom is also lacking in many Arab nations that are still suffering from a bout of so-called Arab socialism. Most Arab countries engage in widespread price controls and state-ownership of enterprises. They lack the legal and political infrastructure to enforce property and contract rights. Those policies have wrought dismal economic performance. The total gross domestic product of the 280 million people who live in Arab lands is smaller than that of Spain. According to a recent report by the UN Development Program, between 1985 and 1998, real per capita GDP declined in a broad swath of the Arab world. In contrast, real GDP during that same period rose by 30 percent in Israel, 90 percent in Chile, and more than doubled in Thailand, China, and South Korea. The record on civil and political freedom in the Arab world is no better. Freedom House, the human rights group in New York, reported in its latest study that only 25 percent of Muslim-majority countries in the world are democracies compared to 75 percent of non-Muslim countries. Freedom House noted in most recent report that, "the democracy gap between the Islamic world and rest of the world is dramatic," and there is no sign that the gap is closing. That depressing reality feeds terrorism, not because of poverty but because of a lack of opportunity and hope for a better future, especially among the young. It's a myth that poverty breeds terrorism. In fact, poverty is more widespread in sub-Saharan Africa and South Asia than in the Arab world, in part because of the network of private Islamic charities that help the poorest in society. And many terrorists are well educated and come from relatively privileged families. As Paul Blustein of the Washington Post wrote in a story from Cairo last year: "It is not poverty that drives their discontent so much as an economy that provides few chances for interesting work and upward mobility." Young people who cannot find meaningful work and who cannot participate in the political process are ripe pickings for religious fanatics and terrorist recruiters. All of this gives urgency to the summit in Jordan this weekend, and to what the Bush administration is trying to accomplish with its proposal for a free trade area in the Middle East. The initiative concentrates on negotiating free trade agreements with willing and ready partners in the Middle East, with the goal of establishing a network of agreements within a decade.

Triggers their international norms impact to drone wars

Sanders, ’90 [Jerry W. Sanders 90, Prof. Peace and Conflict Studies, UC, Berkeley [“Global Ecology and World Economy: Collision Course or Sustainable Future”, Bulletin of Peace Proposals Vol. 21 (4) p. 395-401]

Circumstances of looming catastrophe like these call for a maximum of world order and international cooperation. Historically, however, it is in just such times that the political will for global governance is in shortest supply. In a period of economic stagnation and trade competition, a declining hegemonic power will think less about maintaining world order than about shoring up its position relative to new challengers and upstarts. Multilateral cooperation will run up against similar constraints, due to suspicions that others may gain at one’s own expense by ‘free riding’ on the ‘public goods’ provided by environmental protection, trade regulation, or collective security regimes. The tendency will be for states to withhold the resources and the legitimacy required for supranational structures to work. And left to fend for themselves in a climate of economic stagnation, individual nations will be little able and even less inclined to end their destabilizing environ mental practices. Thus the groundwork will be laid for a chain reaction of conflicts across a spectrum of relations, with one nation after another forced into escalating confrontation along several fronts.

**Failure to raise the debt limit will undermine U.S. leadership—that access our warfighting impact from the DA**

**Rivlin 9/3 --- senior fellow of economic studies at Brookings**

(9/3/2013, Alice, “Alice Rivlin is Interviewed on Bloomberg Surveillance,” Bloomberg: Surveillance Show, Lexis))

ALICE RIVLIN, SENIOR FELLOW ECONOMIC STUDIES, BROOKINGS INSTITUTION: Good morning.

KEENE: So many times we have been here talking about the debt ceiling. What is different this time?

RIVLIN: Well **I hope** what's different is **Syria**. That it **reminds people that in Congress that they are at the helm of a great nation that the world is looking to for leadership**. Whatever you think we ought to do in Syria, **the** **U**nited **S**tates **is the leader and everybody's looking to us**.

**So that means we ought to also have our ordinary business of government in hand.** The debt ceiling is a silly distraction. You used the word distraction and that's all it is. The Congress ought to get serious. They should make a budget for the next fiscal years. Most countries have that. We are hung up on our partisan bickering.

KEENE: Right.

RIVLIN: And at the same time **they need to raise the debt ceiling so we don't have this ridiculous counter-productive argument again.**

#### Quickly turns leadership

Harl, 10

al Harl, professor economics, Iowa State Univ. 11.20.10

[http://www.desmoinesregister.com/article/20101120/OPINION01/11200313/-1/SPORTS12/Guestcolumn-A-perfect-fiscal-storm-may-be-brewing]

Another way to begin is to refuse to raise the federal debt limit, as some key Republicans propose. The consequences of that could be breathtakingly tragic. If the government is unable to pay interest on the debt and to refinance expiring issues, the obvious result is default. The consequences of a default would do untold damage to the standing of the United States as a debtor nation and would raise the specter of another Greece. But the impact would be several times greater, with any meaningful rescue beyond the financial ability of any nation - or group of nations. And it could happen fast.

### 2NC UQ WAll

#### Obama’s pivot away from Syria preserves his political capital for debt ceiling resolution

**[\*\*\* Also Answers Syria Thumper]**

Bohan, 9/11 (Caren, 9/11/2013, “Delay in Syria vote frees Obama to shift to hefty domestic agenda,” <http://www.reuters.com/article/2013/09/11/usa-obama-agenda-idUSL2N0H716N20130911>))

WASHINGTON, Sept 11 (Reuters) - Putting off a decision on military strikes on Syria allows President Barack Obama to shift his attention back to a weighty domestic agenda for the fall that includes budget fights, immigration and selecting a new chairman of the Federal Reserve.

Obama and his aides have immersed themselves for a week and a half in an intensive effort to win support in Congress for U.S. military action in Syria after a suspected chemical weapons attack last month killed more than 1,400 people.

But the effort, which included meetings by Obama on Capitol Hill on Tuesday followed by his televised speech to Americans, seemed headed for an embarrassing defeat, with large numbers of both Democrats and Republicans expressing opposition.

The push for a vote on Syria - which has now been delayed - had threatened to crowd out the busy legislative agenda for the final three months of 2013 and drain Obama's political clout, making it harder for him to press his priorities.

But analysts said a proposal floated by Russia, which the Obama administration is now exploring, to place Syria's weapons under international control may allow Obama to emerge from a difficult dilemma with minimal political damage.

"He dodges a tough political situation this way," said John Pitney, professor of politics at Claremont McKenna College in California.

Pitney said the delay in the Syria vote removes a big burden for Obama, given that Americans, who overwhelmingly opposed military intervention in Syria, will now be able to shift their attention to other matters.

He said Obama could suffer some weakening of his leverage with Congress. The administration's "full court press" to try to persuade lawmakers to approve military force on Syria was heavily criticized and did not yield much success.

"He probably has suffered some damage in Congress because there are probably many people on (Capitol Hill) who have increasing doubts about the basic competence of the administration and that's a disadvantage in any kind of negotiation," Pitney said.

BUDGET BATTLES

Among Obama's most immediate challenges are two looming budget fights. By Sept. 30, Congress and the president must agree on legislation to keep federal agencies funded or face a government shutdown.

Two weeks later, Congress must raise the limit on the country's ability to borrow or risk a possible debt default that could cause chaos in financial markets.

On the first budget showdown, Obama may be at a strategic advantage because of divisions among opposition Republicans about whether to use the spending bill to provoke a fight over Obama's signature health care law, known as Obamacare.

House Republican leaders are trying to rally the party around a temporary spending measure that would keep the government funded until Dec. 15 but are facing resistance within their own caucus from some conservatives who want to cut off funding for Obamacare, even if it means a government shutdown.

The debt limit fight could end up going down to the wire and unnerving financial markets. Republicans want to use that standoff to extract concessions from the Democratic president, such as spending cuts and a delay in the health law. But Obama has said he has no intention of negotiating over the borrowing limit.

Another challenge for Obama will be reviving momentum for immigration reform. Sweeping legislation that would grant a path to citizenship for 11 million undocumented immigrants has passed the Democratic-led Senate but has been stalled in the Republican-controlled House of Representatives.

Over the past week and half, lobbyists and other supporters of immigration reform have become worried that the Syria issue could doom the legislation in the House by limiting the amount of time lawmakers have to consider it.

But lobbyists are not ready to give up and have continued meeting with lawmakers to press the issue.

Some activists believe Obama could create pressure on Republicans to act by making greater use of the bully pulpit. The White House has sought to strike a balance between calling for action and giving Congress space to consider the issue.

Another pressing domestic matter will be picking a candidate to succeed Fed Chairman Ben Bernanke, whose term expires in January. Obama has been leaning toward Lawrence Summers, a former top White House aide and Treasury secretary, who is controversial within his own Democratic Party.

Any candidate for Fed chairman will require confirmation by the U.S. Senate.

On issues like the budget battles in which Obama will go toe-to-toe with Republicans, the Syria push will have little fallout for Obama, predicted Matt Bennett, senior vice president at Third Way, a center-left think tank.

Republicans showed a huge resistance to Obama's agenda well before the administration's effort to win congressional backing on Syria began to falter, Bennett noted. He said the time focused on Syria over the last week and half did nothing to change that dynamic.

"I certainly don't think the situation he's in today is markedly different from the one he faced a

few weeks ago," Bennett said.

#### Obama has leverage to increase debt ceiling now --- his capital is key

Khunhenn, 9/8 (Jim, The Associated Press, “Issues test Obama's persuasion, mobilizing skills,” Lexis))

The tasks stacking up before President Barack Obama over the coming weeks will test his persuasion powers and his mobilizing skills more than any other time in his presidency.

How well Obama handles the challenges in the concentrated amount of time before him could determine whether he leads the nation from a position of strength or whether he becomes a lame duck one year into his second term.

Between now and the end of October, Obama must convince wary lawmakers that they should grant him authority to take military action against Syria; take on Congress in an economy-rattling debate over spending and the nation's borrowing limit; and oversee a crucial step in the putting in place his prized health care law.

The Syria vote looms as his first, biggest and perhaps most defining challenge. His mission is persuading Congress and bringing the public along to approve armed action against the Syrian government in response to a chemical attack that Obama blames on President Bashar Assad's government.

"It's conceivable that, at the end of the day, I don't persuade a majority of the American people that it's the right thing to do," Obama acknowledged in a news conference Friday.

His chief of staff, Denis McDonough, was asked on "Fox News Sunday" whether a congressional rejection might endanger Obama's presidency, and he responded: "Politics is somebody else's concern. The president is not interested in the politics of this."

Presidents tend to have an advantage on issues of national security, a tradition demonstrated by the support Obama has won for action in Syria from the bipartisan leadership of the House. But that has not translated so far into firm support among the rank and file.

"Congress can look presidents in the eye on a level gaze regarding the budget," the presidential historian H.W. Brands said. "But on war and peace they have to look up to the president, he's the commander in chief.

"If he does lose, even if the loss comes about partly as a result from negative Democratic votes, the Republicans are going to get the bit in their teeth and say `We're not going to give this guy anything,'" said Brands, a professor at the University of Texas at Austin, said.

By that reasoning, success on Syria could give Obama some momentum.

"If he gets the authority it shows that he's not a lame duck, that he still has some power," said John Feehery, a Republican strategist and former House GOP leadership aide. "If he doesn't get the authority, it's devastating. People see him as the lamest of lame ducks."

The Syria vote, however, is unusual and probably will not break along traditional partisan or ideological lines. Democrats and Republicans have voiced support and opposition to a military intervention. As a result, some White House officials believe their ability to influence issues that split along party lines is limited.

"It becomes more of a stand-alone," said Republican pollster David Winston, who advises House Republican leaders. "This is a decision distinct from internal domestic politics."

At the White House, Syria for now has eclipsed all other matters.

Obama spent the last two days in St. Petersburg, Russia, trying to build a coalition of support from among the members of the Group of 20 largest economies. Back home, Defense Secretary Chuck Hagel and Secretary of State John Kerry made their case to lawmakers in public and in private while Obama lobbied individual members by telephone.

On Tuesday, Obama will speak to the nation during an evening address from the White House, a rare forum reserved for the weightiest of issues. The speech will come a day before the Senate holds its first showdown vote over a resolution authorizing the "limited and specified use" of U.S. armed forces against Syria. The resolution bars the use of U.S. combat troops. A final Senate vote could come at the end of the week. The House would likely take the measure up the following week.

Win or lose, Obama and lawmakers then would run headlong into a debate over the budget.

Congress will have a limited window to continue government operations before the new budget year begins Oct. 1.

Congressional leaders probably will agree to hold spending at current budget levels for about two months or three months. That would delay a confrontation with the White House and pair a debate over 2014 spending levels with the government's need to raise its current $16.7 trillion borrowing limit. The Treasury says the government will hit that ceiling in mid-October.

Obama has been adamant that he will not negotiate over the debt limit. He says a similar faceoff in 2011 hurt the economy and caused Standard & Poors to lower its rating of the nation's debt, which made it more expensive to borrow.

White House officials say they ultimately have leverage because they believe Republicans would be punished politically for playing brinkmanship and threatening the nation with a default.

The White House is counting on pressure from traditional Republican allies, particularly in the business sector. "It is insane not to raise the debt ceiling," U.S. Chamber of Commerce President Thomas Donohue said last week on C-SPAN. Donohue pledged to find primary challengers against lawmakers who threaten a default.

#### Obama sticking to his guns now to not negotiate over the debt limit

AP, 9/10 (“US could default on its debt obligations by mid-October, thinktank warns,” 9/10/2013, <http://www.theguardian.com/business/2013/sep/10/us-default-debt-obligations-october-thinktank>))

The United States could default on its obligations as early as October 18 if Washington fails to agree on legislation to raise the government's borrowing cap, a new study predicted Tuesday.

The Bipartisan Policy Center analysis says the default date would come no later than November 5, and that the government would quickly fall behind on its payments, including social security benefits and military pensions.

The thinktank's estimate is in line with a warning last month by Treasury Secretary Jacob Lew that the government would exhaust its borrowing authority by mid-October and be left with just $50bn cash on hand.

The government has never defaulted on its obligations. Raising the $16.7tn borrowing cap promises to be a major struggle for House Republicans and President Obama.

Two years ago Obama agreed to pair a $2.1tn increase in the debt limit with an equivalent amount in spending cuts spread over 10 years. But the president now says that he won't negotiate over the debt limit and is asking Congress to send him a straightforward increase that would ensure the government can pay its bills.

In January, House Republicans permitted an increase in the debt ceiling without demanding offsetting spending cuts.

### AT: Thumpers

#### Obama hasn’t even nominated Summers

Trujillo, 9/13 (Mario, 9/13/2013, “White House denies Obama set on Summers for Fed chief,” <http://thehill.com/blogs/on-the-money/economy/322077-japanese-newspaper-obama-to-nominate-summers-for-fed>))

The White House is denying a report claiming President Obama has made a decision to nominate Larry Summers as chairman of the Federal Reserve.

White House spokeswoman Amy Brundage dismissed the story in the Japanese newspaper Nikkei that Obama could pick Summers as early as next week.

#### The issue of \_\_\_\_\_\_\_\_\_\_ has already been priced in to Obama’s political calculations but the plan hasn’t --- making it a unique link.

#### Economic issues are now Obama’s top priority

Sink, 9/12 (Justin, “Obama signals shift back to economic focus,” <http://thehill.com/blogs/on-the-money/economy/321793-obama-signals-shift-back-to-focus-on-the-economy>))

The White House is signaling it wants to shift back to the economy after two weeks in which the Syrian crisis has dominated President Obama’s schedule and workload.

Obama will be “focusing” on issues related to the economy in the coming weeks, White House press secretary Jay Carney said Wednesday at his daily briefing.

He said the president wants to push forward with economic policies that the White House believes will grow the middle class.

Obama himself in his prime-time address to the nation Tuesday on Syria said voters wanted him focused on the economy and not on Syria. Public support for a military intervention in Syria is low.

“I know Americans want all of us in Washington — especially me — to concentrate on the task of building our nation here at home: putting people back to work, educating our kids, growing our middle class,” Obama said.

The president had wanted to use the beginning of September to press forward on his economic policies ahead of fights with Congress on government spending and debt.

Lawmakers must agree on a continuing resolution to fund the federal government by the end of September, which also marks the end of the fiscal year. If they fail to do so, the government would shut down, except for essential services.

The nation is also rapidly approaching the drop-dead date for hitting the debt ceiling, which restricts Washington’s ability to loan money and cover its payment obligations. An analysis released Tuesday by the Bipartisan Policy Center estimated the country would hit the debt ceiling sometime between Oct. 18 and Nov. 5.

Obama had hoped to enter those battles with momentum from a mid-August campaign-style tour that included a college bus trip through the Northeast, a visit to an Amazon shipping facility in Tennessee and a discussion of mortgage reform in Arizona.

The president had planned to continue that push this week, but that plan was knocked aside by the alleged use of chemical weapons by Syria’s government on Aug. 21.

Obama’s scheduled travel to Los Angeles, where he was slated to speak before union members at the AFL-CIO convention, was canceled so he could make his case for military strikes on Syria.

Vice President Biden pressed the administration’s economic message with a Monday trip to Baltimore that highlighted a new $10 million federal grant to widen the city’s port and better connect the shipping center to nearby rail lines.

But that trip was overshadowed by a dinner he hosted the previous night at the Naval Observatory, where he and Obama lobbied a group of Republican senators to back air strikes against Syria.

Carney acknowledged Wednesday that “there is no question that Syria has consumed a lot of attention here in Washington, around the country, around the world.”

But the White House spokesman refused to make a “political assessment” about whether the situation in Syria had affected Obama’s domestic policy hand.

The administration and its allies seem ready to return to the economy.

On Monday, Organizing for Action, the political advocacy group born from the president’s reelection campaign, asked supporters to sign a petition demanding that Congress avert a government shutdown.

Rep. Gene Green (D-Texas) emerged Tuesday from a Syria briefing with White House chief of staff Denis McDonough predicting that Congress would now “go back to our typical things, like the debt limit,” according to Reuters.

Indeed, attention on Capitol Hill seemed to have already shifted to the looming budget battle on Wednesday. House Republican leaders announced they would delay a vote on a continuing resolution that would have kept the government funded through Dec. 15, a move that highlighted the danger of a shutdown.

GOP leaders are struggling to win support for their plan to keep the government funded at current levels while forcing the Senate to vote on a measure defunding ObamaCare.

### 2NC Link Turn

#### Plan is a perceived loss for Obama that saps his capital

Loomis, 7 --- Department of Government at Georgetown

(3/2/2007, Dr. Andrew J. Loomis is a Visiting Fellow at the Center for a New American Security, “Leveraging legitimacy in the crafting of U.S. foreign policy,” pg 35-36, <http://citation.allacademic.com//meta/p_mla_apa_research_citation/1/7/9/4/8/pages179487/p179487-36.php>)

Declining political authority encourages defection. American political analyst Norman Ornstein writes of the domestic context,

In a system where a President has limited formal power, perception matters. The reputation for success—the belief by other political actors that even when he looks down, a president will find a way to pull out a victory—is the most valuable resource a chief executive can have. Conversely, the widespread belief that the Oval Office occupant is on the defensive, on the wane or without the ability to win under adversity can lead to disaster, as individual lawmakers calculate who will be on the winning side and negotiate accordingly. In simple terms, winners win and losers lose more often than not.

Failure begets failure. In short, a president experiencing declining amounts of political capital has diminished capacity to advance his goals. As a result, political allies perceive a decreasing benefit in publicly tying themselves to the president, and an increasing benefit in allying with rising centers of authority. A president’s incapacity and his record of success are interlocked and reinforce each other. Incapacity leads to political failure, which reinforces perceptions of incapacity. This feedback loop accelerates decay both in leadership capacity and defection by key allies.

The central point of this review of the presidential literature is that the sources of presidential influence—and thus their prospects for enjoying success in pursuing preferred foreign policies—go beyond the structural factors imbued by the Constitution. Presidential authority is affected by ideational resources in the form of public perceptions of legitimacy. The public offers and rescinds its support in accordance with normative trends and historical patterns, non-material sources of power that affects the character of U.S. policy, foreign and domestic.

This brief review of the literature suggests how legitimacy norms enhance presidential influence in ways that structural powers cannot explain. Correspondingly, increased executive power improves the prospects for policy success. As a variety of cases indicate—from Woodrow Wilson’s failure to generate domestic support for the League of Nations to public pressure that is changing the current course of U.S. involvement in Iraq—the effective execution of foreign policy depends on public support. Public support turns on perceptions of policy legitimacy. As a result, policymakers—starting with the president—pay close attention to the receptivity that U.S. policy has with the domestic public. In this way, normative influences infiltrate policy-making processes and affect the character of policy decisions.

#### Perception of losing decks the president

Ornstein, 1 (Norman, American Enterprise Institute, September 10, Lexis)

The compromise accomplished two ends. First, it changed the agenda base of the issue. Patients' rights went from an issue where the only viable proposal was from Democrats (with GOP co-sponsors), which the President vowed to veto - to one where both Democrats and Bush are for patients' rights and merely differ on the details. Two, it gave the President a victory on the House floor when all the pundits predicted defeat - a major momentum builder. In a system where a President has limited formal power, perception matters. The reputation for success - the belief by other political actors that even when he looks down, a president will find a way to pull out a victory - is the most valuable resource a chief executive can have. Conversely, the widespread belief that the Oval Office occupant is on the defensive, on the wane or without the ability to win under adversity can lead to disaster, as individual lawmakers calculate who will be on the winning side and negotiate accordingly. In simple terms, winners win and losers lose more often than not.

#### President has to spend political capital defending war powers

Samples, 11 --- director of the Center for Representative Government at CATO

(10/27/2011, John, “Congress Surrenders the War Powers: Libya, the United Nations, and the Constitution,” <http://www.cato.org/sites/cato.org/files/pubs/pdf/pa687.pdf>))

But political representation has other fac-ets. It has given voice to public dissatisfaction about wars proper and limited wars. Con-gress “has historically been actively engaged in debates over the proper conduct of major military initiatives. It has proposed, publicly debated, and voted on various legislative initiatives to authorize or curtail the use of force.” Congress has also held hearings about the conduct of limited and proper wars. 215 Many believe that such legislative actions have little effect on the president. Yet such ac-tions can affect the cost-benefit calculations of the president in pursuing or failing to pur-sue a limited war. Congress can raise the costs of a policy by shaping and mobilizing public opinion against a war, thereby increasing the cost in political capital a president must pay to sustain a policy. Congressional actions also signal disunity (or unity) to foreign actors, who in turn act on their expectations, thereby raising the costs of a limited war. Congres-sional actions also affect presidential expec-tations about how the conduct of a war will be received in the legislature; Congress can thus influence presidential policies without directly overturning them. 216 Systematic evi-dence indicates that since 1945 Congress has been able to influence presidential policies through these means. 217 Although short of constitutional propriety, congressional voice can matter in war-making.

### 2nc Trade Off / Political Capital Key

#### Obama’s capital is key to raise debt ceiling

Bull & Younglai, 9/5 (Alister Bull and Rachelle Younglai, 9/5/2013, “Analysis: Battle over Fed - Summers' opponents seek to sway Obama,” <http://www.reuters.com/article/2013/09/05/us-usa-fed-summers-analysis-idUSBRE98414R20130905)>)

Still, some Washington veterans are perplexed that Obama is apparently willing to bypass Yellen, who is also viewed as well qualified, and are concerned that Obama risks an unnecessary congressional fight at a time when he could spend his political capital more wisely.

As well as battling for authorization to punish the use of chemical weapons by Syrian President Bashar al-Assad, the White House must currently also persuade lawmakers to raise the U.S. debt ceiling and forge an agreement to fund the federal government for the fiscal year beginning in October.

"Does Barack Obama want to play political football with the Congress on everything all fall?" asked David Rothkopf, a former Clinton administration official who is now president of Garten Rothkopf, an international advisory firm. **I**

Presidents perceive their capital as finite – our theory is true in practice

Marshall & Prins, Poli Sci Profs, 11 (September 2011, Bryan W. Marshall --- associate professor of political science at Miami University, Brandon C. Prins --- associate professor of political science at the University of Tennessee, Knoxville, Presidential Studies Quarterly, “Power or Posturing? Policy Availability and Congressional Influence on U.S. Presidential Decisions to Use Force”)

We argue that the more important effect of Congress occurs because presidents anticipate how the use of force may affect the larger congressional environment in which they inevitably have to operate (Brulé, Marshall, and Prins 2010). It may be true that presidents consider the chances that Congress will react to a specific use of force with countervailing tools, but even more importantly they anticipate the likelihood that a foreign conflict may damage (or advantage) their political fortunes elsewhere—in essence, the presidential calculus to use force factors in how such actions might shape their ability to achieve legislative priorities. To be clear, presidents can and do choose to use force and press for legislative initiatives in Congress. Taking unilateral actions in foreign policy does not preclude the president from working the legislative process on Capitol Hill. However, political capital is finite so spending resources in one area lessens what the president can bring to bear in other areas. That is, presidents consider the congressional environment in their decision to use force because their success at promoting policy change in either foreign or domestic affairs is largely determined by their relationship with Congress. Presidents do not make such decisions devoid of calculations regarding congressional preferences and behavior or how such decisions may influence their ability to achieve legislative objectives. This is true in large part because presidential behavior is motivated by multiple goals that are intimately tied to Congress. Presidents place a premium on passing legislative initiatives. The passage of policy is integral to their goals of reelection and enhancing their place in history (Canes-Wrone 2001; Moe 1985). Therefore, presidents seek to build and protect their relationship with Congress.

Focus and prioritization matter even if political capital doesn’t exist --- plan can still tradeoff with other priorities

Hirsh, 13 --- Chief correspondent (2/7/2013, Michael, “There’s No Such Thing as Political Capital; The idea of political capital—or mandates, or momentum—is so poorly defined that presidents and pundits often get it wrong,” <http://www.nationaljournal.com/magazine/there-s-no-such-thing-as-political-capital-20130207)>)

THE REAL LIMITS ON POWER

**Presidents are limited in what they can do by time and attention span**, of course, **just as much as they are by electoral balances in the House and Senate. But this, too, has nothing to do with political capital**. **Another well-worn meme of recent years was that Obama used up too much political capital passing the health care** law in his first term. But **the real problem was that the plan was unpopular**, the economy was bad, and the president didn’t realize that the national mood (yes, again, the national mood) was at a tipping point against big-government intervention, with the tea-party revolt about to burst on the scene. For Americans in 2009 and 2010—haunted by too many rounds of layoffs, appalled by the Wall Street bailout, aghast at the amount of federal spending that never seemed to find its way into their pockets—government-imposed health care coverage was simply an intervention too far. So was the idea of another economic stimulus. Cue the tea party and what ensued: two titanic fights over the debt ceiling. Obama, like Bush, had settled on pushing an issue that was out of sync with the country’s mood.

Unlike Bush, **Obama did ultimately get his idea passed. But the bigger political problem with health care reform was that it distracted the government’s attention from other issues that people cared about more urgently**, such as the need to jump-start the economy and financial reform. Various congressional staffers told me at the time that their bosses didn’t really have the time to understand how the Wall Street lobby was riddling the Dodd-Frank financial-reform legislation with loopholes. **Health care was sucking all the oxygen out of the room, the aides said**.