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### 1NC Politics

#### Obama is aggressively pushing completion of a farm bill --- it’s his top priority and passage is possible

Dreiling, 11/15 (Larry, 11/15/2013, “Branches jockey for farm bill positions,” http://www.hpj.com/archives/2013/nov13/nov18/1112FarmBillLDsr.cfm))

While the House-Senate farm bill discussions continue, the White House staked out its position in an address in New Orleans. Senate Agriculture Committee Chairwoman Debbie Stabenow signaled Nov. 5 that face-to-face talks among the top four farm bill negotiators will resume this week, and she is upbeat enough to hope for a deal by Thanksgiving. “I hope so. It’s doable,” the Michigan Democrat said to the Capitol Hill publication Politico. “I feel confident the four of us can come together,” Stabenow said, speaking of herself, Sen. Thad Cochran, R-MS; Rep. Collin Peterson, D-MN; and House Agriculture Committee Chairman Frank Lucas, R-OK. While the House remained on recess through Veterans Day, Peterson’s office confirmed that he was flying back to Washington early in the week, and Stabenow told Politico that all four would meet. “The savings of the farm bill will certainly be part of the solution to the budget,” said Stabenow, who is also part of those House-Senate negotiations. But she and Lucas have both said repeatedly that the text of any farm bill will be theirs to write. “The issue is who writes the farm bill,” Stabenow said. “We’ll write the farm bill.” For all her optimism, the chairwoman gave little ground herself on the contentious issue of savings on nutrition programs. The Senate farm bill proposes about $4 billion in 10-year savings, compared with the $39 billion in reductions assumed in the revised nutrition title approved by the House in September. It’s a huge gap, but Stabenow insisted that negotiators can’t ignore previously enacted food stamp cuts that went into effect Nov. 1. Those reductions will reduce spending by as much as $11 billion over the period used by the Congressional Budget Office to score the farm bill. Typically, these are not counted since the savings result from prior actions by Congress. But Stabenow said they cannot be ignored. “I am counting them,” she told Politco. “That’s real and if (the House’s) objective is to cut help for people, that started last Friday. I do count that. In fairness, that needs to be counted.” In the same vein, she showed no interest in a compromise narrowing the range of income and asset tests now used by states in judging eligibility for food stamps. “At this point, what I’m interested in doing is focusing on fraud and abuse—ways to tighten up the system to make it more accountable,” she said. “I’m not interested in taking food away from folks who have had an economic disaster, just as I’m not interested in cutting crop insurance for farmers who have had economic disasters.” Meanwhile, President Barack Obama delivered a speech at the Port of New Orleans Nov. 8, saying that passing a farm bill is the No. 1 way that Democrats and Republicans can increase jobs in the economy. Helping American businesses grow, creating more jobs—these are not Democratic or Republican priorities, Obama said. “They are priorities that everybody, regardless of party, should be able to get behind. And that’s why, in addition to working with Congress to grow our exports, I’ve put forward additional ideas where I believe Democrats and Republicans can join together to make progress right now,” Obama said. That’s when Obama launched into his pitch on the farm bill. “Congress needs to pass a farm bill that helps rural communities grow and protects vulnerable Americans,” Obama said. “For decades, Congress found a way to compromise and pass farm bills without fuss. For some reason, now Congress can’t even get that done. “Now, this is not something that just benefits farmers. Ports like this one depend on all the products coming down the Mississippi. So let’s do the right thing, pass a farm bill. We can start selling more products. That’s more business for this port. And that means more jobs right here.” Obama listed immigration reform and a responsible budget as his second and third priorities.

#### 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>)

**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.

#### Obama’s involvement key to broker a deal on SNAP --- it will be the last crucial item in negotiations

Hagstrom, 11/3 --- founder and executive editor of The Hagstrom Report (11/3/2013, Jerry, “Compromise Is the Key to a New Farm Bill; It is time for House and Senate conferees to stop listening to the lobbyists and finish the bill,” <http://www.nationaljournal.com/outside-influences/compromise-is-the-key-to-a-new-farm-bill-20131103>))

It was a good question because the bill's overlong development period has given all the interests so many opportunities to state their positions that they seem more dug in than in past bill-writing efforts. But at the conference last week there were signals that the conferees think the time to act has come. The 41 conferees did use the last and possibly only public opportunity to make the case for their views. But almost all the members abided by the directive from the conference leader, House Agriculture Committee Chairman Frank Lucas, R-Okla., to keep their remarks to three minutes. And even the most ideological of them on the right and left were polite and stressed that they were there to compromise and finish a bill. It's unclear how quickly the conferees will proceed to the big issues because the House has left town until Nov. 12, the day after Veterans Day. There has been talk of a meeting on the bill between President Obama and the four conference committee principals—Lucas, House Agriculture ranking member Collin Peterson, D-Minn., Senate Agriculture Chairwoman Debbie Stabenow, D-Mich., and Senate Agriculture ranking member Thad Cochran, R-Miss. Peterson said he has mixed feelings about such a meeting because support from Obama might cause some House members to oppose the bill. But Peterson noted that the "one place" on which Obama could be "helpful" would be resolving the size of the cut to food stamps, formally known as the Supplemental Nutrition Assistance Program. Lucas has said that it is likely to be the last item settled and that Obama, House Speaker John Boehner, R-Ohio, and Senate Majority Leader Harry Reid, D-Nev., will have to make the call on that. The official White House position on food stamps is to make no cuts, while the Senate-passed farm bill would cut the program by $4 billion over 10 years and the House-passed bill would cut it by $39 billion over the same period.

#### New farm bill key to prevent a food price spike – massive economic damage

NELSON 10 – 17 – 13 Staff Writer [Joe Nelson, Obama, ag industry waiting for new Farm bill, http://www.weau.com/home/headlines/Obama-ag-industry-waiting-for-new-Farm-Bill-228259521.html]

With the government shutdown over, farmers are still waiting for a deal to be made.

President Obama listed the farm bill as one of his top priorities to address, which could protect farmers and low income families.

“We should pass a farm bill, one that American farmers and ranchers can depend on, one that protects vulnerable children and adults in times of need, one that gives rural communities opportunities to grow and the long-term certainty that they deserve. Again, the Senate's already passed a solid bipartisan bill. It's got support from democrats and republicans. It's sitting in the House waiting for passage. If House republicans have ideas that they think would improve the farm bill, let's see them. Let's negotiate. What are we waiting for? Let's get this done,” Obama said.

Farmers said if they struggle without a farm bill, it could cause food prices to spike, force some out of the industry and damage the economy.

“If the milk price falls below a certain level, the Farm bill does help support farmers during a time of an economic crisis when prices drop too low,” Chippewa County U.W. Extension Crops and Soils Educator, Jerry Clark

The current, five-year Farm bill was temporarily extended, but both farmers and Clark said with much to lose, a new one is needed.

“Any time we can get the new bill passed, it's definitely going to help because there's always new changes in agriculture, as far as commodities or practices that need to be implemented,” Clark said. “So those types of things should be passed to keep up with the current trends in agriculture.

Durand corn and soybean farmer and Value Implement dealer TJ Poeschel says not having a new farm bill and reverting to a bill from 1949 could cut down profits or even force some farmers to quit or retire.

#### High food prices cause Russian instability ---- forces the Kremlin to force dietary changes which was at the core of past revolutions

Stratfor in ‘8

(“Russia: Problems in the Winners' Circle”, 6-13, http://www.stratfor.com/analysis/russia\_problems\_winners\_circle, Google Cache)

As an energy and grain exporter, Russia is one of the clear winners in the current global energy and food markets. However, the recent changes within Russia will present the Kremlin with some tough choices about how to prioritize its political and economic goals. Analysis Related Special Topic Pages \* The Russian Resurgence \* The Mounting Global Food Crisis \* Oil Prices’ Unprecedented Rise As Stratfor follows the tumult in the energy and food markets and its effects on the global balance of power, a line has been drawn between the countries that are “winners” and which are “losers” in the short and long terms. Those countries that rely on food and oil imports are in a lose-lose situation and those that export seem to not only be comfortable, but reaping all the political and financial power that accompanies such a position. There is also a gray area full of those countries that export one strategic resource and import the other. Russia seems to fit squarely in the category of clear winners, since it holds and exports some of the world’s largest energy supplies and is also a minor grain exporter. Russia also has been swimming in the financial windfall that comes with being such a large energy exporter. Moreover, Russia has been discussing how it can expand its agricultural sector in order to meet the increased global demand for foodstuffs. But there is a downside to being a winner. Russia has been changing internally, and that transformation is creating new burdens to bear and testing the Kremlin’s ability to carry the weight. After the fall of the Soviet Union, Russia went through different economic models that were like a series of social, political and economic earthquakes. Under the stress of those changes and the global recession of the late 1990s, Russia’s economy nearly collapsed in the 1998 ruble crisis. During that time, the average monthly income in Russia was between $20 and $70, and the Russian people’s standard of living depended on the availability of bare necessities. In the past decade, though, as the Russian economy has recovered and the country has begun seeing the state use its petrodollars, the standard of living inside Russia has risen dramatically. Chart - Russian wages However, as the Russian people have grown richer, their basic consumption patterns — including food consumption — have changed. Their food consumption has shifted from the cheaper grains and potatoes to more expensive foods, like meat and dairy. Russia’s consumption of meat has nearly doubled since 2000 and has risen 5 percent since the start of 2008. Chart - Russian meat consumption The issue is that meat prices are in the mix of commodities whose prices are skyrocketing. Meat and dairy have grown more expensive for a slew of reasons, including high transportation costs and higher prices for the grain needed to feed the livestock. Depending on the region, prices for meat and dairy in Russia have risen between 7 percent and 22 percent since the beginning of the year. In a poll, most Russians placed food prices and security as their current top concern. The Kremlin has acknowledged these concerns and, in the past six months, placed three price freezes on certain strategic food items, like meat and dairy. One of the main reasons for the swift response from the government is that the Kremlin did not want to face criticism during an election cycle. But the Kremlin is now looking at the long term and is considering an indefinite price freeze for “socially important” foodstuffs. The Russian government is not worried about people starving, as many other countries are; after all, Russia is a net exporter of grains. Moreover, it is technically possible to change a population’s food consumption pattern back to what it was seven years ago pretty quickly. What could be problematic are the social and political implications of a massive dietary change in a country where food consumption patterns are a major form of social status and differentiation. Dietary patterns mark today’s Russians as rich and powerful domestically, as opposed to their position seven years ago when their country was weak and in economic disarray. Politically, Russia’s leaders pride themselves on high domestic approval ratings and control over a consolidated society. This could rapidly change if people are forced back to eating habits from their dire past — after all, who likes to switch from steak to gruel? Keep in mind that a series of food crises hit Russia in the early 1900s and created one of the pillars of the 1905 and 1917 Russian revolutions. This does not mean that a revolution is on the way, but that social unrest and food scarcity have caused such things in the past. The Russian government today is wealthy enough to absorb some of the high costs of food. The Russian gross domestic product has risen nearly tenfold since 2000 due to the inflow of petrodollars. Moreover, Russia has several rainy day funds amounting to approximately $160 billion that are sitting idle. But the Kremlin wants to keep that cash aside for real crises and to help its ambitious plans to reshape Russia’s national economy and recreate its global presence. Chart - Russian GDP Chart - Russian Meat Imports Russia’s current food consumption problems could create another problem: If Russians continue eating more expensive items, like meat, Russia will either have to continue relying on imports of such goods or grow its own husbandry sector. Russia’s meat industry is minor; the country currently imports more than 76 percent of its meat, mostly from the European Union. Increased meat consumption in Russia has been supported by increasing imports. This does not mean that Russia cannot expand its own husbandry industry. The country has enough land and water resources available to boost both that and agriculture. However, it would be a massive long-term and expensive undertaking to develop the industry and infrastructure needed, and it is unclear whether Russia has the necessary domestic work force or if it would need to import that as well. Regardless, the Russian government under Prime Minister Vladimir Putin and President Dmitri Medvedev has made it its goal to prevent dependence on other countries for strategic items, such as energy or food, and see its dependence on the European Union for meat as a possible vulnerability. Moscow has used the export of its strategic goods — particularly energy — as a tool or weapon against Europe and others in the past, and there are quite a few countries that would be interested in returning the favor. As long as food prices remain high, the Kremlin will have to make some hard choices between social instability, diverting money intended to rebuild a strong Russia or depending on its neighbors in Europe, though Moscow wants to be the dominant partner in that relationship.

#### The impact is nuclear war

David in ‘99

(Steven, Prof. Pol. Sci. @ Johns Hopkins, Foreign Affairs, “Saving America from the coming civil wars”, Vol. 28, Iss. 1, Proquest)

AT NO TIME since the civil war of 1918-Zo has Russia been closer to bloody conflict than it is today. The fledgling government confronts a vast array of problems without the power to take effective action. For 70 years, the Soviet Union operated a strong state apparatus, anchored by the KGB and the Communist Party. Now its disintegration has created a power vacuum that has yet to be filled. Unable to rely on popular ideology or coercion to establish control, the government must prove itself to the people and establish its authority on the basis of its performance. But the Yeltsin administration has abjectly failed to do so, and it cannot meet the most basic needs of the Russian people. Russians know they can no longer look to the state for personal security, law enforcement, education, sanitation, health care, or even electrical power. In the place of government authority, criminal groups-the Russian Mafia-increasingly hold sway. Expectations raised by the collapse of communism have been bitterly disappointed, and Moscow's inability to govern coherently raises the specter of civil unrest. If internal war does strike Russia, economic deterioration will be a prime cause. From 1989 to the present, the GDP has fallen by 5o percent. In a society where, ten years ago, unemployment scarcely existed, it reached 9.5 percent in 1997 with many economists declaring the true figure to be much higher. Twenty-two percent of Russians live below the official poverty line (earning less than $70 a month). Modern Russia can neither collect taxes (it gathers only half the revenue it is due) nor significantly cut spending. Reformers tout privatization as the country's cure-all, but in a land without well-defined property rights or contract law and where subsidies remain a way of life, the prospects for transition to an American-style capitalist economy look remote at best. As the massive devaluation of the ruble and the current political crisis show, Russia's condition is even worse than most analysts feared. If conditions get worse, even the stoic Russian people will soon run out of patience. A future conflict would quickly draw in Russia's military. In the Soviet days civilian rule kept the powerful armed forces in check. But with the Communist Party out of office, what little civilian control remains relies on an exceedingly fragile foundation-personal friendships between government leaders and military commanders. Meanwhile, the morale of Russian soldiers has fallen to a dangerous low. Drastic cuts in spending mean inadequate pay, housing, and medical care. A new emphasis on domestic missions has created an ideological split between the old and new guard in the military leadership, increasing the risk that disgruntled generals may enter the political fray and feeding the resentment of soldiers who dislike being used as a national police force. Newly enhanced ties between military units and local authorities pose another danger. Soldiers grow ever more dependent on local governments for housing, food, and wages. Draftees serve closer to home, and new laws have increased local control over the armed forces. Were a conflict to emerge between a regional power and Moscow, it is not at all clear which side the military would support. Divining the military's allegiance is crucial, however, since the structure of the Russian Federation makes it virtually certain that regional conflicts will continue to erupt. Russia's 89 republics, krais, and oblasts grow ever more independent in a system that does little to keep them together. As the central government finds itself unable to force its will beyond Moscow (if even that far), power devolves to the periphery. With the economy collapsing, republics feel less and less incentive to pay taxes to Moscow when they receive so little in return. Three-quarters of them already have their own constitutions, nearly all of which make some claim to sovereignty. Strong ethnic bonds promoted by shortsighted Soviet policies may motivate non-Russians to secede from the Federation. Chechnya's successful revolt against Russian control inspired similar movements for autonomy and independence throughout the country. If these rebellions spread and Moscow responds with force, civil war is likely. Should Russia succumb to internal war, the consequences for the United States and Europe will be severe. A major power like Russia-even though in decline-does not suffer civil war quietly or alone. An embattled Russian Federation might provoke opportunistic attacks from enemies such as China. Massive flows of refugees would pour into central and western Europe. Armed struggles in Russia could easily spill into its neighbors. Damage from the fighting, particularly attacks on nuclear plants, would poison the environment of much of Europe and Asia. Within Russia, the consequences would be even worse. Just as the sheer brutality of the last Russian civil war laid the basis for the privations of Soviet communism, a second civil war might produce another horrific regime. Most alarming is the real possibility that the violent disintegration of Russia could lead to loss of control over its nuclear arsenal. No nuclear state has ever fallen victim to civil war, but even without a clear precedent the grim consequences can be foreseen. Russia retains some 20,ooo nuclear weapons and the raw material for tens of thousands more, in scores of sites scattered throughout the country. So far, the government has managed to prevent the loss of any weapons or much materiel. If war erupts, however, Moscow's already weak grip on nuclear sites will slacken, making weapons and supplies available to a wide range of anti-American groups and states. Such dispersal of nuclear weapons represents the greatest physical threat America now faces. And it is hard to think of anything that would increase this threat more than the chaos that would follow a Russian civil war.

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#### The executive branch of the United States federal government should issue an executive order ending indefinite detention. The judicial branch of the United States federal government should defer to the executive in the area of indefinite detention. The executive branch will comply with all relevant portions of the Geneva Convention in the area of indefinite detention. The executive branch of the United States federal government should 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.

#### President has authority to change detention policy --- Courts will step in and deal with Congress if they block the counterplan

Feldman, 13 --- law prof at Harvard

(5/8/2013, Noah, “Obama has leverage to get his way on Guantanamo,” <http://articles.mcall.com/2013-05-08/opinion/mc-guantanamo-feldman-column-20130508_1_guantanamo-detainees-guantanamo-bay-obama-administration>))

President Barack Obama's renewed request to close the prison at Guantanamo Bay, Cuba, confirms what the detainees have already shown with their hunger strike: Permanent detention at the U.S. naval station isn't viable as a matter of practicality or conscience. It's easy to blame Congress for standing in the way of a rational solution. But if the Obama administration would take some of the legal ingenuity that it has applied in justifying indefinite detention and apply it instead to closing the island prison, maybe something could actually be done, despite the organized madness that is our constitutional separation of powers. Start with the most fundamental reason that Obama should be able to act unilaterally. The president is commander in chief, and the Guantanamo detainees were all held pursuant to the executive power to wage war. The Obama administration says the detainees are being held as, in effect, prisoners of war pursuant to the Geneva Conventions, until the end of hostilities with al-Qaida — whenever that may be. So why doesn't the president, who has the absolute power to hold and release the detainees, have the authority to move them around according to his sound judgment? Reputation Cost To deepen the argument beyond executive power, the president is also in charge of foreign affairs. Keeping the detainees at Guantanamo is very costly to international relations, since most nations see the prison there as a reminder of the era of waterboarding and abuses at the Abu Ghraib prison in Iraq. Surely the president should be able to salvage the U.S.'s reputation without being held hostage by Congress? The answer from Congress would have several elements. First, Congress has the power to enact a law defining who can come into the U.S., and the American public doesn't want the detainees in the country either for trial or in a new Supermax facility. Second, Congress has the power to declare war and could conceivably assert that this should include the right to tell the president how to treat prisoners. Then there's the power of the purse: Congress could make things difficult by declining to authorize funds for a suitable new stateside detention facility. Faced with a standoff between two branches, the system allows an orderly answer: turning to the third branch, the courts, to resolve the conflict. Since 2003, the Supreme Court has taken an interest in Guantanamo, deciding on the statutory and constitutional rights extended there, and vetting procedures for detainee hearings and trials. Along the way, it has shown an equal-opportunity willingness to second-guess the executive — as when President George W. Bush denied hearings to detainees — and Congress, which passed a law denying habeas corpus to the prisoners. How could the court get involved? The first step would be for the Obama administration to show some of the legal self-confidence it did in justifying drone strikes against U.S. citizens or in ignoring the War Powers Resolution in the Libya military intervention. Likewise, it could assert a right of control over where the detainees should be held. And if the president's lawyers are worried about Bush-style assertions of plenary executive power (which, for the record, didn't concern them when it came to drones or Libya), there is a path they could follow that would hew closer to their favored constitutional style. Geneva Conventions The reasoning could look like this: The president's war power must be exercised pursuant to the laws of war embodied in the Geneva Conventions. And though Guantanamo once conformed to those laws — as the administration asserted in 2009 — it no longer does. The conditions are too makeshift to manage the continuing prisoner resistance, and indefinite detention in an indefinite war with no enemy capable of surrendering is pressing on the bounds of lawful POW detention.

#### Including self-binding mechanisms ensures effective constraints and executive credibility

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.

#### Executive can restrain itself --- it is subject to internal separation of powers

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))

III. Self-Restraint as Cost-Benefit Asymmetry

As we've seen, certain officials within military and intelligence agencies - general counsels, legal advisors, and other watchdogs - are responsible for ensuring that national security operations comply with the relevant domestic and international legal requirements. These players intervene to rule out missions they believe would cross a legal line. But sometimes they go beyond that basic function - ensure compliance with the law, full stop - and reject operations that, while lawful, are thought to be undesirable on policy grounds. That is, they impose self-restraints that are stricter than the applicable laws. Why?

[\*261] One way to answer that question is to consider the individual and institutional incentives that color the behavior of military and intelligence officials. Looking at the government's national security apparatus through the lens of public choice theory (especially the idea that bureaucrats are rationally self interested actors who seek to maximize their utility n152) and basic agency relationships (e.g., the relationships between senior policymakers and the subordinates who act on their behalf n153) reveals a complex system in which power is distributed among a number of different nodes. The executive branch "is a "they,' not an "it.'" n154 The national security community in particular is subdivided into various semi-autonomous entities, each of which promotes its own parochial interests within the system and, in so doing, checks the like ambitions of rival entities; n155 the government thus is subject to what Neal Katyal has called the "internal separation of powers." n156 These basic insights into how military and intelligence agencies operate suggest several possible explanations for why self-restraint occurs. As elaborated in this Part, such constraints might result from systematic asymmetries in the expected value calculations of senior policymakers and their lawyers. In addition, as explained in Part IV, self-restraint might occur due to bureaucratic empire building by officials who review operations for compliance with domestic and international law.

### 1NC Topicality

#### Interpretation –

#### Increase means

Increase:

in·crease verb \in-ˈkrēs, ˈin-ˌ\

intransitive verb

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

2: to multiply by the production of young

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

#### A restriction is a law or rule that limits allowable action

Oxford Advanced Learner’s Dictionary – 2013, <http://oald8.oxfordlearnersdictionaries.com/dictionary/restriction>

restriction NOUN

1 [countable]

a rule or law that limits what you can do or what can happen

import/speed/travel, etc. restrictions

restriction on something to impose/place a restriction on something

The government has agreed to lift restrictions on press freedom.

There are no restrictions on the amount of money you can withdraw.

2 [uncountable]

the act of limiting or controlling somebody/something

sports clothes that prevent any restriction of movement

A diet to lose weight relies on calorie restriction in order to obtain results.

3 [countable]

a thing that limits the amount of freedom you have

the restrictions of a prison

#### aff is less of a restriction than the SQ – they say the NSC would be more lenient than the judiciary—the article 3 courts have jurisdiction over habeas hearings now

#### limits – bidirectional affs

### 1NC K

#### 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

Demenchonok 9 – Worked as a senior researcher at the Institute of Philosophy of the Russian Academy of Sciences, Moscow, and is currently a Professor of Foreign Languages and Philosophy at Fort Valley State University in Georgia, listed in 2000 Outstanding Scholars of the 21st Century and is a recipient of the Twenty-First Century Award for Achievement in Philosophy from the International Biographical Centre --Edward, Philosophy After Hiroshima: From Power Politics to the Ethics of Nonviolence and Co-Responsibility, February, American Journal of Economics and Sociology, Volume 68, Issue 1, Pages 9-49

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.

#### Framing issue – the way we discuss and represent war should come first – the language surrounding violence has direct, concrete effects

* Political acts of violence are uniquely tied to language – every government has to convince their people that it’s legitimate. The plan helps make that VERY convincing – makes it look like there’s some restraint

**Collins & Glover 2** (John, Assistant Prof. of Global Studies at St. Lawrence University, Ross, Visiting Professor of Sociology at St. Lawrence University, Collateral Language, p. 6-7)

As any university student knows, theories about the “social con­struction” and social effects of language have become a common feature of academic scholarship. Conservative critics often argue that those who use these theories of language (e.g., deconstruc­tion) are “just” talking about language, as opposed to talking about the “real world.” The essays in this book, by contrast, begin from the premise that language matters in the most concrete, im­mediate way possible: its use, by political and military leaders, leads directly to violence in the form of war, mass murder (in­cluding genocide), the physical destruction of human commu­nities, and the devastation of the natural environment. Indeed, if the world ever witnesses a nuclear holocaust, it will probably be because leaders in more than one country have succeeded in convincing their people, through the use of political language, that the use of nuclear weapons and, if necessary, the destruction of the earth itself, is justifiable. From our perspective, then, every act of political violence—from the horrors perpetrated against Native Americans to the murder of political dissidents in the So­viet Union to the destruction of the World Trade Center, and now the bombing of Afghanistan—is intimately linked with the use of language. Partly what we are talking about here, of course, are the processes of “manufacturing consent” and shaping people’s per­ception of the world around them; people are more likely to sup­port acts of violence committed in their name if the recipients of the violence have been defined as “terrorists,” or if the violence is presented as a defense of “freedom.” Media analysts such as Noam Chomsky have written eloquently about the corrosive ef­fects that this kind of process has on the political culture of sup­posedly democratic societies. At the risk of stating the obvious, however, the most fundamental effects of violence are those that are visited upon the objects of violence; the language that shapes public opinion is the same language that burns villages, besieges entire populations, kills and maims human bodies, and leaves the ground scarred with bomb craters and littered with land mines. As George Orwell so famously illustrated in his work, acts of vio­lence can easily be made more palatable through the use of eu­phemisms such as “pacification” or, to use an example discussed in this book, “targets.” It is important to point out, however, that the need for such language derives from the simple fact that the violence itself is abhorrent. Were it not for the abstract language of “vital interests” and “surgical strikes” and the flattering lan­guage of “civilization” and ‘just” wars, we would be less likely to avert our mental gaze from the physical effects of violence.

### 1NC Leadership

#### Relaxed rules undermine rule of law – turns the aff

Cole 08, Professor of Law at Georgetown

(David, A CRITIQUE OF “NATIONAL SECURITY COURTS, www.constitutionproject.org/pdf/Critique\_of\_the\_National\_Security\_Courts.pdf)

Most importantly, there is the intrinsic and inescapable problem of definition. Whereas the argument for specialized courts for tax and patent law is that expert judges are particularly necessary given the complex subject-matter, proposals for specialized courts for terrorism trials are based on the asserted need for relaxed procedural and evidentiary rules and are justified on the ground that terrorists do not deserve full constitutional protections. This creates two fundamental constitutional problems. First, justifying departures from constitutional protections on the basis that the trials are for terrorists undermines the presumption of innocence for these individuals. Second, if a conviction were obtained in a national security court using procedural and evidentiary rules that imposed a lesser burden on the government, then the defendant would be subjected to trial before a national security court based upon less of a showing than would be required in a traditional criminal proceeding. The result would be to apply less due process to the question of guilt or innocence, which, by definition, would increase the risk of error. And, if the government must make a preliminary showing that meets traditional rules of procedure and evidence in order to trigger the jurisdiction of a national security court, such a showing would also enable it to proceed via the traditional criminal process.

#### Due process deprivations spillover to the rest of the judicial system – magnifies rule of law degradation

Cole 08, Professor of Law at Georgetown

(David, A CRITIQUE OF “NATIONAL SECURITY COURTS, www.constitutionproject.org/pdf/Critique\_of\_the\_National\_Security\_Courts.pdf)

National security courts for criminal prosecutions are not just unnecessary; they are also dangerous. They run the risk of creating a separate and unequal criminal justice system for a particular class of suspects, who will be brought before such specialized courts based on the very allegations they are contesting. Such a system undermines the presumption of innocence for these defendants, and risks a broader erosion of defendants’ rights that could spread to traditional Article III trials. It was Justice Frankfurter who wrote that “It is a fair summary of history to say that the safeguards of liberty have frequently been forged in controversies involving not very nice people.” Committee members strongly believe that the shadow of terrorism must not be the basis for abandoning these fundamental tenets of justice and fairness.

#### Your solvency evidence assumes NSC for both detention review and the actual trial – proves aff can’t solve

McCarthy and Velshi 09, Director of the Center for Law and Counterterrorism at the Foundation for the Defense of Democracies and Staff attorney at the Center for Law and Counterterrorism

(Andrew and Alykhan, We Need a National Security Court, http://www.defenddemocracy.org/stuff/uploads/documents/national\_security\_court.pdf)

Congress should use its authority under Article I, Section 8, of the Constitution to create a new National Security Court. Such a court could subsume, and expand on the jurisdiction and duties of, the existing federal Foreign Intelligence Surveillance Court. This new tribunal would be responsible for terrorism trials, as well as the review and monitoring of the detention of alien enemy combatants. It would inject judicial participation into the process to promote procedural integrity and international cooperation, but would avoid the perilous prospect of judicial micromanagement of the executive branch’s conduct of war on terror.

#### It’s discriminatory --- that destroys legitimacy

Shulman 09, Law Prof at Pace

(Mark, NATIONAL SECURITY COURTS: STAR CHAMBER OR SPECIALIZED JUSTICE?, ssrn.com/abstract=1328427)

National security or terrorist courts in other countries offer troubling lessons, mostly because of their implications for the respect for civil liberties generally—not only of the accused, but of the wider population. Existing proposals to create such a court in the United States inadequately account for this risk, or explain how it would be minimized or mitigated. Emergency systems in other countries have invariably reduced civil liberties for the general population. It is understandable that governments wish to be seen to be responding to the urgent threats posed by those who use violence to affect policy. However, it is important to recognize that these emergency systems in such diverse jurisdictions as Great Britain, Malaysia, and South Africa have diminished freedoms for society as a whole. This principle lesson derived of foreign experiences is not particularly surprising. Examples abound of domestic emergency measures taken to promote national security that have undermined the base norm presumption of innocence that lies at the center of America’s constitutional order. The largescale internment of Japanese-Americans during the Second World War provides a notorious example. In that case, the federal courts deferred to the Executive’s misguided policy and thereby created a new and heinous rule allowing for internment, displacement, and forced sales of property based on no more than the notion that citizens of a given race might seek to harm the United States. Although the United States has officially apologized for this shameful episode, Korematsu has not been overruled in the two generations since the Supreme Court handed down its 6-3 decision. The Korematsu precedent may have given some legal cover for the large scale detention of Americans of Moslem, Arab, or Middle-Eastern background in the months following September 11.62 These discriminatory policies undermine the soft power America otherwise derives from its role as a leader in promoting respect for human rights. In other countries, emergency powers have had a similarly deleterious effect on civil liberties. In the United Kingdom, in order to address violence originating in troubled Northern Ireland, the government revoked the right to trial by jury for criminal offenses; denied access to legal counsel; held prisoners without charge; and allowed coercive interrogation techniques and admitted confessions elicited because of them, among other measures. In Malaysia, the government transferred judges from their positions to avoid judicial review of its decisions or release of suspects arrested without even probable cause—in violation of well-established constitutional law. In apartheid South Africa, judicial review was revoked for interrogation purposes. These extra-judicial detentions lasted weeks. In addition to radical nationalists, they swept up completely harmless nuns and pastors urging more widespread equality and access to education. Three cases, of course, do not constitute a comprehensive survey or prove the point. Even the Akin Gump survey of 123 domestic cases can lead only to limited conclusions. However, these three examples do offer insights into the threats to liberty posed by special purpose terrorism courts. IV. QUO VADIS? Would a system of national security courts offer the kind of specialized justice necessary for addressing the threat posed by radical Islamists or others who seek to use terrorist means? Or, in a tragic parallel to the Stuart kings’ infamous Star Chamber, would these courts ultimately undermine the nation’s security by degrading both its legal system and the soft power derived from its cherished reputation as a model for justice? On the eve of the inauguration of Barack Obama, these critical questions remain unresolved in the court of “public opinion which alone can here protect the values of democratic government.”

#### There’s no correlation between hegemony and stability

Fettweis, PoliSci Prof @ Tulane, ’10

[Christopher J. Fettweis, Assistant Professor of Political Science at Tulane University, “Threat and Anxiety in US Foreign Policy,” Survival, 52:2, 59-82, March 25th 2010, <http://dx.doi.org/10.1080/00396331003764603>]

One potential explanation for the growth of global peace can be dismissed fairly quickly: US actions do not seem to have contributed much. The limited evidence suggests that there is little reason to believe in the stabilising power of the US hegemon, and that there is no relation between the relative level of American activism and international stability. During the 1990s, the United States cut back on its defence spending fairly substantially. By 1998, the United States was spending $100 billion less on defence in real terms than it had in 1990, a 25% reduction.29 To internationalists, defence hawks and other believers in hegemonic stability, this irresponsible ‘peace dividend’ endangered both national and global security. ‘No serious analyst of American military capabilities’, argued neo-conservatives William Kristol and Robert Kagan in 1996, ‘doubts that the defense budget has been cut much too far to meet America’s responsibilities to itself and to world peace’.30 And yet the verdict from the 1990s is fairly plain: the world grew more peaceful while the United States cut its forces. No state seemed to believe that its security was endangered by a less-capable US military, or at least none took any action that would suggest such a belief. No militaries were enhanced to address power vacuums; no security dilemmas drove insecurity or arms races; no regional balancing occurred once the stabilising presence of the US military was diminished. The rest of the world acted as if the threat of international war was not a pressing concern, despite the reduction in US military capabilities. Most of all, the United States was no less safe. The incidence and magnitude of global conflict declined while the United States cut its military spending under President Bill Clinton, and kept declining as the George W. Bush administration ramped the spending back up. Complex statistical analysis is unnecessary to reach the conclusion that world peace and US military expenditure are unrelated.

#### Multiple barriers mean bioterror is extremely unlikely

Schneidmiller, Global Security Newswire, 1-13-09 (Chris, “Experts Debate Threat of Nuclear, Biological Terrorism,” http://www.globalsecuritynewswire.org/gsn/nw\_20090113\_7105.php)

Panel moderator Benjamin Friedman, a research fellow at the Cato Institute, said academic and governmental discussions of acts of nuclear or biological terrorism have tended to focus on "worst-case assumptions about terrorists' ability to use these weapons to kill us." There is need for consideration for what is probable rather than simply what is possible, he said. Friedman took issue with the finding late last year of an experts' report that an act of WMD terrorism would "more likely than not" occur in the next half decade unless the international community takes greater action. "I would say that the report, if you read it, actually offers no analysis to justify that claim, which seems to have been made to change policy by generating alarm in headlines." One panel speaker offered a partial rebuttal to Mueller's presentation. Jim Walsh, principal research scientist for the Security Studies Program at the Massachusetts Institute of Technology, said he agreed that nations would almost certainly not give a nuclear weapon to a nonstate group, that most terrorist organizations have no interest in seeking out the bomb, and that it would be difficult to build a weapon or use one that has been stolen. However, he disputed Mueller's assertion that nations can be trusted to secure their atomic weapons and materials. "I don't think the historical record shows that at all," Walsh said. Black-market networks such as the organization once operated by former top Pakistani nuclear scientist Abdul Qadeer Khan remain a problem and should not be assumed to be easily defeated by international intelligence services, Walsh said (see GSN, Jan. 13). It is also reasonable to worry about extremists gaining access to nuclear blueprints or poorly secured stocks of highly enriched uranium, he said. "I worry about al-Qaeda 4.0, kids in Europe who go to good schools 20 years from now. Or types of terrorists we don't even imagine," Walsh said. Greater consideration must be given to exactly how much risk is tolerable and what actions must be taken to reduce the threat, he added. "For all the alarmism, we haven't done that much about the problem," Walsh said. "We've done a lot in the name of nuclear terrorism, the attack on Iraq, these other things, but we have moved ever so modestly to lock down nuclear materials." Biological Terrorism Another two analysts offered a similar debate on the potential for terrorists to carry out an attack using infectious disease material. Milton Leitenberg, a senior research scholar at the Center for International and Security Studies at the University of Maryland, played down the threat in comparison to other health risks. Bioterrorism has killed five U.S. citizens in the 21st century -- the victims of the 2001 anthrax attacks, he said. Meanwhile, at least 400,000 deaths are linked each year to obesity in this country. The United States has authorized $57 billion in spending since the anthrax mailings for biological prevention and defense activities, Leitenberg said. Much of the money would have been better used to prepare for pandemic flu, he argued. "Mistaken threat assessments make mistaken policy and make mistaken allocation of financial resources," Leitenberg said. The number of states with offensive biological weapons programs appears to have stabilized at six beginning in the mid-1970s, despite subsequent intelligence estimates that once indicated an increasing number of efforts, Leitenberg said. Caveats in present analyses of those states make it near-impossible to determine the extent to which their activities remain offensive in nature, he added. There has been minimal proliferation of biological expertise or technology to nations of concern in recent decades, Leitenberg said. He identified roughly 12 Russian scientists who ended up in Iran and shipments of technology and pathogen strains to Iraq from France, Germany, the former Soviet Union and the United States between 1980 and 1990. No evidence exists of state assistance to nonstate groups in this sector. Two prominent extremist organizations, al-Qaeda and Aum Shinrikyo in Japan, failed to produce pathogenic disease strains that could be used in an attack, according to Leitenberg. Terrorists would have to acquire the correct disease strain, handle it safely, correctly reproduce and store the material and then disperse it properly, Leitenberg said. He dismissed their ability to do so. "What we've found so far is that those people have been totally abysmally ignorant of how to read the technical, professional literature**,**" Leitenberg said. "What's on the jihadi Web sites comes from American poisoners' handbooks sold here at gun shows. Which can't make anything and what it would make is just garbage."

### 1NC Activism

#### No South China Sea dispute – China moderated

Fravel, Professor PolSci MIT, 3-22-’12 (Taylor- Member MIT Security Studies Program, “All Quiet in the South China Sea” Foreign Affairs)

In recent years, China became increasingly ready to assert and defend its territorial and maritime claims in the South China Sea, where six other nations have competing claims. Beijing publicly challenged the legality of foreign oil companies' investments in Vietnam's offshore energy industry, emphasized its own rights over islands and waters far from the Chinese mainland, detained hundreds of Vietnamese fishermen near the Chinese-held Paracel Islands, and harassed Vietnamese and Philippine vessels conducting seismic surveys in waters that Beijing claims. Many East Asian countries saw China's behavior as a sign of the country's new willingness to adopt a more unilateral and confrontational posture in the region. Little noticed, however, has been China's recent adoption of a new -- and much more moderate -- approach. The primary goals of the friendlier policy are to restore China's tarnished image in East Asia and to reduce the rationale for a more active U.S. role there. The first sign of China's new approach came last June, when Hanoi dispatched a special envoy to Beijing for talks about the countries' various maritime disputes. The visit paved the way for an agreement in July 2011 between China and the ten members of the Association of Southeast Asian Nations (ASEAN) to finally implement a declaration of a code of conduct they had originally drafted in 2002 after a series of incidents in the South China Sea. In that declaration, they agreed to "exercise self-restraint in the conduct of activities that would complicate or escalate disputes." Since the summer, senior Chinese officials, especially top political leaders such as President Hu Jintao and Premier Wen Jiabao, have repeatedly reaffirmed the late Deng Xiaoping's guidelines for dealing with China's maritime conflicts to focus on economic cooperation while delaying the final resolution of the underlying claims. In August 2011, for example, Hu echoed Deng's approach by stating that "the countries concerned may put aside the disputes and actively explore forms of common development in the relevant sea areas." Authoritative Chinese-language media, too, has begun to underscore the importance of cooperation. Since August, the international department of People's Daily (under the pen name Zhong Sheng) has published several columns stressing the need to be less confrontational in the South China Sea. In January 2012, for example, Zhong Sheng discussed the importance of "pragmatic cooperation" to achieve "concrete results." Since the People's Daily is the official paper of the Central Committee of the Chinese Communist Party, such articles should be interpreted as the party's attempts to explain its new policy to domestic readers, especially those working lower down in party and state bureaucracies. In terms of actually setting aside disputes, China has made progress. In addition to the July consensus with ASEAN, in October China reached an agreement with Vietnam on "basic principles guiding the settlement of maritime issues." The accord stressed following international law, especially the UN Convention on the Law of the Sea. Since then, China and Vietnam have begun to implement the agreement by establishing a working group to demarcate and develop the southern portion of the Gulf of Tonkin near the disputed Paracel Islands. China has also initiated or participated in several working-level meetings to address regional concerns about Beijing's assertiveness. Just before the East Asian Summit last November, China announced that it would establish a three billion yuan ($476 million) fund for China-ASEAN maritime cooperation on scientific research, environmental protection, freedom of navigation, search and rescue, and combating transnational crimes at sea. The following month, China convened several workshops on oceanography and freedom of navigation in the South China Sea, and in January it hosted a meeting with senior ASEAN officials to discuss implementing the 2002 code of conduct declaration. The breadth of proposed cooperative activities indicates that China's new approach is probably more than just a mere stalling tactic. Beyond China's new efforts to demonstrate that it is ready to pursue a more cooperative approach, the country has also halted many of the more assertive behaviors that had attracted attention between 2009 and 2011. For example, patrol ships from the Bureau of Fisheries Administration have rarely detained and held any Vietnamese fishermen since 2010. (Between 2005 and 2010, China detained 63 fishing boats and their crews, many of which were not released until a hefty fine was paid.) And Vietnamese and Philippine vessels have been able to conduct hydrocarbon exploration without interference from China. (Just last May, Chinese patrol ships cut the towed sonar cable of a Vietnamese ship to prevent it from completing a seismic survey.) More generally, China has not obstructed any recent exploration-related activities, such as Exxon's drilling in October of an exploratory well in waters claimed by both Vietnam and China. Given that China retains the capability to interfere with such activities, its failure to do so suggests a conscious choice to be a friendlier neighbor. The question, of course, is why did the Chinese shift to a more moderate approach? More than anything, Beijing has come to realize that its assertiveness was harming its broader foreign policy interests. One principle of China's current grand strategy is to maintain good ties with great powers, its immediate neighbors, and the developing world. Through its actions in the South China Sea, China had undermined this principle and tarnished the cordial image in Southeast Asia that it had worked to cultivate in the preceding decade. It had created a shared interest among countries there in countering China -- and an incentive for them to seek support from Washington. In so doing, China's actions provided a strong rationale for greater U.S. involvement in the region and inserted the South China Sea disputes into the U.S.-Chinese relationship. By last summer, China had simply recognized that it had overreached. Now, Beijing wants to project a more benign image in the region to prevent the formation of a group of Asian states allied against China, reduce Southeast Asian states' desire to further improve ties with the United States, and weaken the rationale for a greater U.S. role in these disputes and in the region. So far, Beijing's new approach seems to be working, especially with Vietnam. China and Vietnam have deepened their political relationship through frequent high-level exchanges. Visits by the Vietnamese Communist Party general secretary, Nguyen Phu Trong, to Beijing in October 2011 and by the Chinese heir apparent, Xi Jinping, to Hanoi in December 2011 were designed to soothe spirits and protect the broader bilateral relationship from the unresolved disputes over territory in the South China Sea. In October, the two also agreed to a five-year plan to increase their bilateral trade to $60 billion by 2015. And just last month, foreign ministers from both countries agreed to set up working groups on functional issues such as maritime search and rescue and establish a hotline between the two foreign ministries, in addition to starting talks over the demarcation of the Gulf of Tonkin. Even if it is smooth sailing now, there could be choppy waters ahead. Months of poor weather have held back fishermen and oil companies throughout the South China Sea. But when fishing and hydrocarbon exploration activities resume in the spring, incidents could increase. In addition, China's new approach has raised expectations that it must now meet -- for example, by negotiating a binding code of conduct to replace the 2002 declaration and continuing to refrain from unilateral actions. Nevertheless, because the new approach reflects a strategic logic, it might endure, signaling a more significant Chinese foreign policy shift. As the 18th Party Congress draws near, Chinese leaders want a stable external environment, lest an international crisis upset the arrangements for this year's leadership turnover. And even after new party heads are selected, they will likely try to avoid international crises while consolidating their power and focusing on China's domestic challenges. China's more moderate approach in the South China Sea provides further evidence that China will seek to avoid the type of confrontational policies that it had adopted toward the United States in 2010. When coupled with Xi's visit to Washington last month, it also suggests that the United States need not fear Beijing's reaction to its strategic pivot to Asia, which entails enhancing U.S. security relationships throughout the region. Instead, China is more likely to rely on conventional diplomatic and economic tools of statecraft than attempt a direct military response. Beijing is also unlikely to be more assertive if that sustains Southeast Asian countries' desires to further deepen ties with the United States. Whether the new approach sticks in the long run, it at least demonstrates that China, when it wants to, can recalibrate its foreign policy. That is good news for stability in the region.

#### Alt cause—Zifotofsky

Skinner 8/23, Professor of Law at Willamette

(13, Gwynne, Misunderstood, Misconstrued, and Now Clearly Dead: The 'Political Question Doctrine' in Cases Arising in the Context of Foreign Affairs, papers.ssrn.com/sol3/papers.cfm?abstract\_id=2315237)

In case there was any doubt, the Supreme Court in 2012 once and for sounded the death knell for the “political question doctrine” as a nonjusticiability doctrine - even in cases involving foreign policy – in Zivotofsky v. Clinton. In Zivotofsky, the Court adopted the analysis articulated in this article – finding that the question was justiciable, and that the proper analysis was whether Congress or the President acted within their powers. In an 8-1 decision, the Supreme Court in reversed the lower courts’ dismissal based on political question grounds of the Zivotofsky’s lawsuit requesting that because he was born in Jerusalem, Israel be listed as his place of birth on his passport. The Court found that the “political question doctrine” did not bar the lawsuit. In so finding, the Court called into question the continued existence of the “political question doctrine” as a nonjusticiability doctrine in individual rights claims, even in the area of foreign policy. Moreover, the case serves as a model for how courts should approach the “political question doctrine” in the future – deciding which branch of government has the authority and discretion to act under the Constitution in the area of contention. In 2002, Congress enacted a statute that part of the Foreign Relations Authorization Act of 2003 providing that “[f]or purposes of the registration of birth, certification of nationality, or issuance of a passport of a United States citizen born in the city of Jerusalem, the Secretary shall, upon the request of the citizen or the citizen’s legal guardian, record the place of birth as Israel.” 308 When President Bush signed the Act into law, he protested that § 214 “impermissibly interferes with the President's constitutional authority to conduct the Nation's foreign affairs and to supervise the unitary executive branch.” Zivotofsky was born shortly after that, and when his parents requested that Jerusalem, Israel be listed as his place of birth, the State Department, citing State Department long-standing policy that prohibits recording “Israel” as the place of birth for those born in Jerusalem, refused to do.310 The parents sued for declaratory judgment and a permanent injunction.311 The Secretary of State moved to dismiss the case, arguing that it presented a nonjusticiable political question.312 Both lower courts dismissed the case under the “political question doctrine”.313 The District Court explained that “[r]esolving [Zivotofsky's] claim on the merits would necessarily require the Court to decide the political status of Jerusalem.”314 Concluding that the claim therefore presented a political question, the District Court dismissed the case for lack of subject matter jurisdiction. 315 The D. C. Court of Appeals, also dismissing the case on political question grounds, reasoned that the Constitution gives the Executive the exclusive power to recognize foreign sovereigns, and that the exercise of that power cannot be reviewed by the courts.316 It rejected the argument that Congress’ attempt to take a position on the matter did not change the analysis.317 Judge Edwards, however, in a notable opinion concurring in judgment, found that the “political question doctrine” did not preclude determination of the case since it involved “commonplace issues of statutory and constitutional interpretation” plainly within the constitutional authority of the Judiciary to decide.”318 Judge Edwards then opined that the Act unconstitutionally infringed on the power of the President’s recognition power, and that the plaintiff had no viable cause of action.319 The Supreme Court rejected the argument that the case required it to define U.S. policy, and criticized the court of appeals for finding that because the executive had the exclusive authority over the issue, the claim presented a nonjusticiable judicial question.320 Rather, the Court found, the suit simply required that the Court adjudicate whether Zivotofsky “can vindicate his statutory right under § 214(d) to choose to have Israel recorded as his place of birth on his passport,” by determining whether the statute was constitutional.321 The Court noted that “this is a familiar judicial exercise,” and further noted that it is the province and duty of the Court to determine the constitutionality of a statute – the only real issue in the case – something the court has the province and duty to do. 322 The Court noted it cannot refrain from this simply because the determination has political implications. The Court reasoned that if the statute impermissibly intruded upon the President’s constitutional powers, then the claim would need to be dismissed for “failure to state a claim” – not as a nonjusticiable question or for lack of standing.324 If the statute is constitutional, then the Secretary of State must be ordered to comply with the statute and issue the passport with Israel listed.325 Either way, the Court noted that no political question is involved.326 The Court then remanded the case for determination on the Constitutional question. In reaching its decision, the Court framed the “political question doctrine” quite narrowly. First, it began its analysis by citing Cohens v. Virginia328 for the proposition that “the Judiciary has a responsibility to decide cases properly before it, even those it ‘would gladly avoid,’” and noting that the Court has created a “very narrow exception” to the “political question doctrine.”329 Interestingly, rather than reiterate the six factors outlined in Baker, it suggested a narrowing test, looking at two basic factors: whether there is ‘a textually demonstrable constitutional commitment of the issue to a coordinate political department; or a lack of judicially discoverable and manageable standards for resolving it.’330 The Court rejected the argument that there was a constitutional commitment of the question about recognition of governments to the Executive, finding instead that question was one of constitutional interpretation of a statute and, thus, belonged with the Court. 331 The Court noted that it was its role to determine the powers of Congress and the Executive under the Constitution. The Court also rejected the argument that it lacked judicially manageable standards in reaching any such decision by outlining all the various arguments and principals available in order for a court to adjudicate the matter. At the end of the day, Court’s opinion reaffirmed the judiciary’s role over certain foreign affairs issues. Thus, it is fair to say that this case indicates that the Court is signaling a serious retreat in the use of the “political question doctrine” to find that individual rights cases are off-limits to the judiciary, even where those cases affect national security or foreign policy.

#### 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.

# 2NC

## CP

### AT: Secrecy

#### Turn—secrecy impedes effective counterterrorism—leads to bad decision making and inhibits effective interagency communication

O’Neil 11 [Winter, 2011, Robin O'Neil, “THE PRICE OF PURITY: WEAKENING THE EXECUTIVE MODEL OF THE UNITED STATES' COUNTER-TERROR LEGAL SYSTEM”, 47 Hous. L. Rev. 1421]

Publicity is inherent to the legislative model of anti-terror legal systems, which is based exclusively on the enactment of public laws. n139 The executive model, on the other hand, does not always require public disclosure of its methods. n140 The less a legal [\*1443] system derives authority from publicly enacted laws, the greater the opportunity for it to operate in secret, out from under the public radar. n141 The pure form of the executive model derives authority exclusively from independent, nonlegislative sources, making this model most likely to function untouched by public scrutiny. n142 Secrecy is obviously necessary to protect national security in some circumstances. n143 An executive required to submit every possible strategy to public scrutiny would never defeat an enemy. However, excessive executive secrecy can actually impede efforts to combat and prevent terrorism. n144 Executive secrecy in the counter-terror context can prevent careful consideration of the consequences of a given course of action or possible alternatives. n145 It can inhibit the communication of vital information between and among executive agencies. n146 Further, secret executive action makes it difficult to determine who or what was responsible for failed strategies, to hold those parties accountable, and to prevent future errors. n147 Excessively used, secrecy can create an aura of suspicion and distrust even among those it is purportedly employed to protect. n148

#### Courts successfully protect classified information—statistical evidence proves

Vladeck et al 08

(Steven, A CRITIQUE OF “NATIONAL SECURITY COURTS”, A REPORT BY THE CONSTITUTION PROJECT’S LIBERTY AND SECURITY COMMITTEE & COALITION TO DEFEND CHECKS AND BALANCES, June 23,

http://www.constitutionproject.org/pdf/Critique\_of\_the\_National\_Security\_Courts.pdf)

Advocates of national security courts that would try terrorism suspects claim that traditional Article III courts are unequipped to handle these cases. This claim has not been substantiated, and is made in the face of a significant — and growing — body of evidence to the contrary. A recent report released by Human Rights First persuasively demonstrates that our existing federal courts are competent to try these cases. The report examines more than 120 international terrorism cases brought in the federal courts over the past fifteen years. It finds that established federal courts were able to try these cases without sacrificing either national security or the defendants’ rights to a fair trial.3 The report documents how federal courts have successfully dealt with classified evidence under the Classified Information Procedures Act (CIPA) without creating any security breaches. It further concludes that courts have been able to enforce the government’s Brady obligations to share exculpatory evidence with the accused, deal with Miranda warning issues, and provide means for the government to establish a chain of custody for physical evidence, all without jeopardizing national security.

## Leadership

### NSCs Suck

#### Illegitimate NSC detention trials turn the case because they will be seen as worse than the status quo:

#### b) No jury trial or adequate defense counsel

Rittgers 09, Attorney, decorated former Army Special Forces officer, and legal policy analyst at Cato

(David, National Security Court: Reinventing the Wheel, Poorly, www.cato.org/publications/commentary/national-security-court-reinventing-wheel-poorly)

In Sulmasy’s proposed “national security court,” suspected terrorists would be tried in front of a panel of three federal judges, violating their Sixth Amendment right to a jury trial. Defendants would be detained, tried, and imprisoned on military bases, a practice out of step with a federal statutory bar to the military’s direct participation in domestic law enforcement. The Bush administration kept its military commissions more palatable for the public by keeping American citizens and aliens detained in the United States out of Guantanamo. Sulmasy proposes that we bring Gitmo home and open its doors to citizens and non-citizens alike. Sulmasy does endeavor to solve one perceived problem with the military commissions that military lawyers have expressed to me: few courts-martial deal with contested felony charges, so most military lawyers have little courtroom experience. We are now entrusting them with the biggest trials of our time. Sulmasy proposes to fix this by using veteran federal prosecutors instead. The catch? The defense counsel would be those same military lawyers he says are not up to the task of prosecuting the case, unless the defendant could afford his own attorney with a high-level security clearance. Sulmasy also reduces the core protections of defendants by barring the use of the exclusionary rule, the doctrine that bars evidence collected illegally or otherwise in violation of the law. Without the prospect of excluding evidence collected in ways barred by federal courts, there is no incentive for law enforcement officers to follow any rules. Looking for terrorists? No warrant? No problem.

#### c) Judge selection – politicization means that they cannot access Knowles card

Cole 08, Professor of Law at Georgetown

(David, A CRITIQUE OF “NATIONAL SECURITY COURTS, www.constitutionproject.org/pdf/Critique\_of\_the\_National\_Security\_Courts.pdf)

In addition, these proposals are alarmingly short on details with respect to the selection of judges for these national security courts. Although there is a history of creating specialized federal courts to handle particular substantive areas of the law (e.g., taxation; patents), unlike tax and patent law, there is simply no highly specialized expertise that would form relevant selection criteria for the judges. Establishing a specialized court solely for prosecutions of alleged terrorists might also create a highly politicized process for nominating and confirming the judges, focusing solely on whether the nominee had sufficient “tough on terrorism” credentials — hardly a criterion that lends itself to the appearance of fairness and impartiality.

#### NSC’s will be viewed as unfair – undermines soft power

Shulman 09, Law Prof at Pace

(Mark, NATIONAL SECURITY COURTS: STAR CHAMBER OR SPECIALIZED JUSTICE?, ssrn.com/abstract=1328427)

The seventh and most complicated set of issues arises out of the complex relationship between the Bush Administration’s detention policies and actual national security. The Bush Administration consistently claimed that its policies were correctly designed and properly implemented in order to ensure security. Those detained were the worst of the worst, and their detention was both essential and effective. Conditions were appropriate. Methods of interrogation were both lawful and necessary. Any exceptions were aberrations attributable to a few bad apples. On the other hand, critics argued that the detentions and interrogations were in great part unlawful and that they undermined national security by inflaming tensions and alienating the United States in the world court of public opinion. Most experts who are not currently serving in the Bush Administration conclude that torture does not produce useful information. And while the federal courts have resolved many of the legal questions (at least for now), the security question may ultimately prove impossible to resolve. Justice Stewart’s view that public opinion plays a critical role in assessing the legality of national security measures can be extended to drawing conclusions about their effectiveness. Indeed, their effectiveness reinforces assessments of their legitimacy. However, Justice Stewart’s concurrence addressed the relatively specific question of prior censorship and writing in 1971; he could not reasonably take into account only the opinion of the American public. Today, the United States depends on global good will that in turn rests on its reputation for fairness. To the extent the United States is viewed as responsible for torture and other serious insults inflicted at Abu Ghraib and Guantánamo, it is alienating people and possibly fostering terrorism. If this political/strategic conclusion is correct, then the question of whether to create national security courts should be approached with great caution. If they appear unfair—ad hoc, less lawful, discriminatory, or hypocritical—they may diminish America’s soft power.

### Bioweps

#### Barriers to obtaining and use

#### No extinction – natural resistance and technology check a superbug

Easterbrook (Gregg, The New Republic Editor) 2003 [Wired, "We're All Gonna Die!" 11/7, http://www.wired.com/wired/archive/11.07/doomsday.html]

3. Germ warfare! Like chemical agents, biological weapons have never lived up to their billing in popular culture. Consider the 1995 medical thriller Outbreak, in which a highly contagious virus takes out entire towns. The reality is quite different. Weaponized smallpox escaped from a Soviet laboratory in Aralsk, Kazakhstan, in 1971; three people died, no epidemic followed. In 1979, weapons-grade anthrax got out of a Soviet facility in Sverdlovsk (now called Ekaterinburg); 68 died, no epidemic. The loss of life was tragic, but no greater than could have been caused by a single conventional bomb. In 1989, workers at a US government facility near Washington were accidentally exposed to Ebola virus. They walked around the community and hung out with family and friends for several days before the mistake was discovered. No one died. The fact is, evolution has spent millions of years conditioning mammals to resist germs. Consider the Black Plague. It was the worst known pathogen in history, loose in a Middle Ages society of poor public health, awful sanitation, and no antibiotics. Yet it didn't kill off humanity. Most people who were caught in the epidemic survived. Any superbug introduced into today's Western world would encounter top-notch public health, excellent sanitation, and an array of medicines specifically engineered to kill bioagents. Perhaps one day some aspiring Dr. Evil will invent a bug that bypasses the immune system. Because it is possible some novel superdisease could be invented, or that existing pathogens like smallpox could be genetically altered to make them more virulent (two-thirds of those who contract natural smallpox survive), biological agents are a legitimate concern. They may turn increasingly troublesome as time passes and knowledge of biotechnology becomes harder to control, allowing individuals or small groups to cook up nasty germs as readily as they can buy guns today. But no superplague has ever come close to wiping out humanity before, and it seems unlikely to happen in the future.

### China

#### China backpedaling from previous aggressive stance now

#### 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).

# 1NR

### 1NR DA O/V

#### The impact to the DA is fater—food price markets operate on a perception basis so the failure on farm bill will escalate prices and destabilize Russia within months—instablity escalates fast and ensures nuclear extinctoin

#### Outweigh on magnitude and probability—food shortages create volatile situations that make escalation likely

Wenyu et al in ‘6

(Xie, Prof. Phil. @ Shandong U., Zhihe Wang, Prof. @ School of Phil. And Soc. Sci. @ Beijing Normal U., and George E. Derfer, School of Philosophy and the Social Sciences, and George E. Derfer, Prof. Emeritus @ Cal. Poly. Pomona, “Whitehead and China: Relevance and Relationship”, p. 28, Google Print)

The threats posed by war, imperialism, nuclear weapons, and terrorism are, furthermore, not the only threats to the continued existence of civilization for which global anarchy is responsible. There are also the interconnected threats of pollution, overpopulation, and resource shortages. Although there has been serious discussion of the population explosion since the 1960s, very little has been done tos top it. China is one of the few countries to have introduced effective measures to bring a halt to runaway population growth. In most of the rest of the world, continuation of the population explosion means that already struggling societies will, in the coming decades, be trying to meet the needs of twice as many people with the same resources, or even fewer. Resource wars, meaning wars in which natural resources are the primary cause, will surely become increasingly prevalent. As absolute shortages in food, water, and oil emerge, furthermore, the relative shortages, produced by the world’s highly inequitable allocation of resources, will become even more intolerable to disadvantaged groups, providing additional motivation for terrorism aagainst rich countries. Global apartheid combined with growing resource shortages combined with hatred of imperialism combined with nuclearism makes for a very volatile mixture.

#### Studies prove you prefer our internal link to global stability—we’re more probable—food insecurity is a IMPACT MAGNIFIER

Messer et al in ‘1

(Ellen, Visiting Associate Prof. Nutrition Science and Policy @ Tufts, Marc Cohen, Special Assistant to the Director General @ International Food Policy Research Institute, and Thomas Marchione, Nutrition advisor at the Bureau for Humanitarian Response @ USAID, “Conflict: A Cause and Effect of Hunger”, http://wwics.si.edu/topics/pubs/ECSP7-featurearticles-1.pdf)

There is a high correlation between a country's involvement in conflict and its classification by FAO as a “low-income food deficit” country. Such countries have high proportions of food-insecure households. And, as already noted, conflict is also highly correlated with high rates of child mortality (see Figure 2), which is a common index for food insecurity. Nevertheless, a number of analysts have challenged the notion that food insecurity is a causal factor in conflict. Paarlberg, for instance, argues that environmental scarcities such as land shortage, land degradation, and rapid population growth—what he refers to as “eco-Malthusian emiseration”—are not generally a factor in African conflicts. Rather, Paarlberg notes, the level of conflict in Africa has been relatively stable since the end of the colonial era. In his view, “[a] far more convincing explanation for violent conflict in sub-Saharan Africa starts with the serious geographical mismatch, long noticed on the continent, between post-colonial national boundaries and ethnic boundaries.” (Paarlberg, 1999, page 1). More generally, Gleditsch (1998) has pointed out that most conflicts can be sufficiently explained as a result of political, economic, and cultural factors, without reference to environmental scarcities. In fact, neither viewpoint precludes a food-security connection. Even Homer-Dixon (1999), a leading figure in the environmental security field, concedes that environmental scarcity alone does not inevitably result in conflict. Instead, he stresses that resource constraints can have a profound influence on the social factors that eventually lead to conflict—as when elites monopolize control over scarce resources (such as water, cropland, or forests) and non-elites perceive themselves as unfairly deprived. As an example of how this works in practice, Uvin (1996b) argues persuasively that environmental factors in general—and food insecurity in particular—critically contributed to triggering the 1994 genocide in Rwanda. Per capita food production and availability had declined dramatically in Rwanda over the preceding decade. The collapse of the world price of coffee in 1985 greatly reduced local and national government revenues and sapped rural households' purchasing power, even as urban job opportunities grew scarce and food prices rose. Deteriorating living conditions made many Rwandans into a ready audience for government appeals to ethnic hatred.

#### Turns hegemony—

#### forces the US to get drawn into small scale conflicts globally which overstretches the military

#### Causes decline in cooperation because resource scarcity encourages nationalist economic policies—makes multilateral leadership impossible

#### Turns bioterrorism and terrorism

#### Instability creates a breeding ground for bioterrorist organizations to develop—small state who are facing resource wars will also rely on bioweapons because they don’t have a huge military

#### Turns south china sea—food crises would affect the vast majority of China’s populas and create instability escalating

### 2nc Uniqueness

#### Farm bill is Obama’s top priority --- he’s pushing and passage is likely. That’s Dreiling.

#### Obama’s involvement will be critical to broker a deal on the biggest sticking point which is food stamps --- that’s Hagstrom.

#### Momentum now --- can be concluded this year

Rogers, 11/14 (David, 11/14/2013, “Republicans more optimistic on farm bill,” [www.politico.com/story/2013/11/republicans-farm-bill-99889.html?hp=l5)](http://www.politico.com/story/2013/11/republicans-farm-bill-99889.html?hp=l5)))

House Republicans were more upbeat Thursday on getting a farm bill done this year, with Speaker John Boehner raising the subject and Agriculture Committee Chairman Frank Lucas saying he and his Senate counterparts are “getting to a common point on the commodity title.”

“I can say that all the face-to-face meetings that have gone on with the principals — in the last couple of weeks — have made progress,” Lucas told POLITICO. “We are getting to a common point on the commodity title.”

“There are still some big principles: choice vs. all inclusive, how you calculate the acres. But we are moving and staff on a variety of fronts are ironing out the differences.”

Talks between the Oklahoma Republican and Senate Agriculture Committee Chairwoman Debbie Stabenow (D-Mich.) are expected to continue late Thursday. And at his weekly news conference Thursday morning, Boehner included the farm bill as part of his year-end agenda.

“There are issues that can be resolved before the end of the year, including reforms to our farm programs, a bill to reauthorize important water projects around the country and hopefully a budget agreement so that we can stop lurching from one crisis to another,” the speaker told reporters. “We have got a chance to find common ground, and I am hopeful that we can make progress on all of these issues.”

#### Obama committed to getting it done this year --- branding it as a pro-economy bill

Hopkinson, 11/14 (Jenny, 11/14/2013, “ Tom Vilsack: More than agriculture at stake in farm bill,” <http://www.politico.com/story/2013/11/pro-agriculture-launch-99874.html>))

**\*\*\*Note --- Vilsack is Agriculture Secretary**

During his remarks, Vilsack reiterated the Obama administration’s commitment to finalizing the farm bill by the end of the year; both chambers are working in conference committee to reconcile their versions of the bill.

“It’s more than a farm bill,” Vilsack said. “It’s a jobs bill, it’s the opportunity for us to invest in business development in rural America to take advantage of our natural resources. … It’s an energy bill … it’s a trade bill, it’s a reform bill … and it will help to reduce the deficit.”

What’s more, he added, “I think there is a link to it getting done and the Congress getting to important work on the budget.”

But reaching an agreement will be difficult as lawmakers continue to tussle over contentious provisions, the biggest of which is language to cuts the Supplemental Nutrition Assistance Program. While the House bill would cut almost $40 billion from the food aid program over 10 years, the Senate version only calls for a $4 billion reduction over that period.

Vilsack declined to provide a dollar figure that the administration would be happy with, saying only, “There’s too much fascination and focus on numbers in this town, I think we need to focus on the policy.”

#### Can pass with solid bipartisan support [--- Obama is aggressively pushing]

Mishra, 11/6 (Saran --- City Editor, 11/6/2013, “Failure to pass farm bill could have tremendous impact on local farmers,” http://www.purdueexponent.org/city\_state/article\_a61af535-5c39-5d10-9df9-9c85fb1bfd1b.html))

Since September, America has been lacking a proper farm bill and consequently a proper federal agricultural and food policy.

President Barack Obama identified three main priorities he would like resolutions for by the end of the year following the government shutdown in October: Immigration reform, a budget agreement and a new farm bill. The farm bill would be passed for a five-year period.

The bill once again will be divided into two components: a nutrition program and an agricultural element. The two components have caused controversy, with House Republicans wanting to tighten eligibility rules for those receiving nutrition assistance and the administration threatening to cut “direct payment” subsidies to farmers and cut back federal subsidies for crop insurance.

“That’s one of the issues that will come up in conference,” said Christopher Hurt, a professor in the College of Agriculture. “Do we need two bills? One a farm bill and the other a nutrition bill.”

Hurt said the agriculture part of the farm bill is so small that it barely gets any recognition in Congress.

“It could be the death of any kind of major support for the agricultural sector,” Hurt said. He identified the few areas that need to be covered by the new farm bill — safety nets for farmers, price supports for goods and land conservation compliance linked with the direct payments to farmers.

“The farming sector has wide swings in their financial well beings ... if you remember last year, in Indiana, there were terrible droughts and families who have spent multiple generations on a farm can lose huge amounts of equity in a year,” he added.

However, farmers in the local area remain divided on a bill being passed.

Pat Boyd, a small local farmer who vends his produce at the Purdue Farmer’s Market and owns around 25 acres, said he doesn’t want any governmental assistance.

“If I can’t do it on my own, I’ll go do something else,” he said. “ I don’t believe in the welfare system.”

However, Janet Glover, the head farmer at the organic Lone Balsam Farm in Russiaville, Ind. said a reformed farm bill should target the disparities between direct payment subsidies for large and small farms

“If the small farms, the organic or local farmers got the same subsidies ... then organic would be cheaper because the inputs into organic agriculture is especially expensive,” Glover said.

Though direct payments may go away, the money from those payments will be added to the safety net or the crop insurance and price supports according to Hurt. He identified a major talking point as being conservation of farm land.

“Will Congress tie getting subsidies on crop insurance to ‘you must meet conservation standards’? From a taxpayer’s standpoint, that sounds pretty reasonable to me,” Hurt said. He believes that the bill could pass with a solid amount of bipartisanship.

Obama has demanded that Republicans come to the table on the issue. “If House Republicans have ideas that they think would improve the farm bill, let’s see them. Let’s negotiate. What are we waiting for? Let’s get this done.”

### 2NC AT Healthcare Thumper

#### Health care diversion actually helping Obama put positive spin on farm bill to help get it passed

Green, 11/13 (Emma, 11/13/2013, Atlantic.com, “How to Pass the Farm Bill: Make It About Anything but Farm Subsidies,” Factiva))

Few people are paying attention to the farm bill currently making its way through Congress. Between the government shutdown, the technical flaws of Healthcare.gov, and the never-ending budget negotiations, Washington has plenty of political drama to divert its attention. As the House and Senate try to reconcile their views on the 1,000-page piece of legislation over the coming weeks, it seems that the Obama administration is taking advantage of this distraction to put some good, old-fashioned spin on the controversial topic of farm subsidies.

In an interview at the Washington Ideas Forum on Wednesday, Secretary of Agriculture Tom Vilsack described a bill that's about pretty much everything but the money the federal government gives to American farmers. People need to "understand the extraordinary opportunity this bill presents to grow the economy, to stabilize our energy security, to rebuild the infrastructure that's important to rebuild in rural areas," he said.

When described in that way, the bill sounds bipartisan and non-controversial. But Vilsack's interviewer, Ruth Marcus, pointed out that political division that has perennially haunted this kind of legislation. "You've got two disparate interests: food stamps, now SNAP [the Supplemental Nutrition Assistance Program], that are essential to one constituency, and you've got a House bill that's talking about cutting them by an astonishing amount," Marcus said. And "you've got equally entrenched on the other side … ‘wasteful farm subsidies' that you are trying to work with."

When asked for his thoughts on reconciliation, Vilsack demurred. "The problem with what happens in Washington is that people get fixated on numbers," he said. He went on to reframe the question to make it about jobs, arguing that everyone can support efforts to help people on food stamps get better employment. This was his approach throughout the interview—although he didn't talk about subsidies much, he pointed to a laundry list of potential long-term benefits from the bill, including the growth of alternative energy, more durable infrastructure, improved nutrition habits, and economic growth.

When he did briefly address farm subsidies, he framed it in terms of the fight over food stamps: Programs like SNAPface deep cuts in the legislation passed by House Republicans. "There is not a separation between the nutrition programs and the farm support programs," Vilsack said. "The nutrition programs are as much about the farm safety net as they are about helping struggling families, because they provide an opportunity for people to buy more at the grocery store, which helps to stabilize prices."

In other words, the administration sees food stamps as a subtle subsidy for farmers: If poor people have more money to buy food, farmers will be able to sell more food. Considering the bad reputation farm subsidies have gotten over the past two decades, perhaps this seems like the most palatable way to talk about subsidies—and sidestep all of the political controversy they involve.

### 2NC AT Detention fights now

#### Obama won’t get into fights over the NDAA—priveleging other agenda issues—only the plan rearranges his agenda

Waxman, 13 --- law professor at Columbia

(7/30/2013, Matthew, “Closing Guantanamo Would Still Leave Some Toughest Decisions for the Next President,” <http://www.lawfareblog.com/2013/07/closing-guantanamo-would-still-leave-some-toughest-decisions-for-the-next-president/)>)

Advocates inside and outside the government of closing Guantanamo will be emphasizing in coming months that the second-term Obama is willing to take upon himself political accountability for transfer or release decisions, and that Obama does not want to leave this issue for the next president. Especially with so much to do in so little time, that’s probably impossible.

### 2NC Losers Lose Link

#### 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.

#### Congressional restrictions destroy his agenda—outweighs the turns

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.