**Offcase**

**1NC**

**Interpretation – A restriction 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

**War power is the power to conduct war successfully**

**HIRABAYASHI** **v.** **U**NITED **S**TATES - SUPREME COURT - June 21, **1943**, Decided, 320 U.S. 81; 63 S. Ct. 1375; 87 L. Ed. 1774; 1943 U.S. LEXIS 1109

**The war power of the national government is "the power to wage war successfully."** See Charles Evans Hughes, War Powers Under the Constitution, 42 A. B. A. Rep. 232, 238.**It extends to every matter and activity so related to war as substantially to affect its conduct and progress**. The power is not restricted to the winning of victories in the field and the repulse of enemy forces. It embraces every phase of the national defense, including the protection of war materials and the members of the armed forces from injury and from the dangers which attend the rise, prosecution and progress of war. Prize Cases, supra; Miller v. United States, 11 Wall. 268, 303-14; Stewart v. Kahn, 11 Wall. 493, 506-07; Selective Draft Law Cases, 245 U.S. 366; McKinley v. United States, 249 U.S. 397; United States v. Macintosh, 283 U.S. 605, 622-23. HN4Go to this Headnote in the case.Since the Constitution commits to the Executive and to Congress the exercise of the war power in all the vicissitudes and conditions of warfare, it has necessarily given them wide scope for the exercise of judgment and discretion in determining the nature and extent of the threatened injury or danger and in the selection of the means for resisting it. Ex parte Quirin, supra, 28-29; cf. Prize Cases, supra, 670; Martin v. Mott, 12 Wheat. 19, 29. Where, as they did here, the conditions call for the exercise of judgment and discretion and for the choice of means by those branches of the Government on which the Constitution has placed the responsibility of war-making, it is not for any court to sit in review of the wisdom of their action or substitute its judgment for theirs.

**Authority is the power to act**

**COURT OF APPEALS OF TENNESSEE**, EASTERN SECTION - October 31, **1925**, Decided, RACY CREAM COMPANY v. MARY BELLE WALDEN., 1 Tenn. App. 653; 1925 Tenn. App. LEXIS 85

While the circumstances in and of themselves do not necessarily show that the driver was the agent, employee or servant of the owner at the time of the accident, and if so that he was engaged in the master's business when the injury was effected, yet good reasons are shown justifying the purposes of the Legislature, if such justification was necessary, as to why these two essential facts should be presumed. The driver fled immediately after the accident, so that his name or identity was not known, and the difficulty of proving the same is therefore manifest, together with the necessity of indulging some such presumption, or else justice will be defeated in an ever increasing number of similar incidents. On the other hand, if in any case the presumption should be ill founded, it would be an easy matter to furnish facts to controvert [\*\*33] it, which are, or would be, more easily within the knowledge of the defendants, or at least much less difficult for them to establish, and thus the ends of justice be subserved. Besides, as it appears from the facts of this case, the proposition has attractions of original merit. When evidence has been furnished as to the negligent injury by one driving the defendants' truck, presumably from the name Racy Cream Company on the truck, engaged in the sale, distribution or transportation of cream or its products, and at a time of day, nine o'clock in the forenoon, in a city where such business might reasonably be pursued, and where just such an outfit so manned might reasonably have been employed, with a woman almost dead in the street from having been wantonly mowed down by its rapid and illegal operation, it furnishes a combination of facts and circumstances from which, it could be more reasonably inferred that the driver was the owner's servant rather than a thief, and that he was engaged in the owners business rather than his own, or that of someone else in which the truck was borrowed or hired. At least these first conceptions are less involved and more direct than the latter, and [\*\*34] are the most natural and legitimate to which the mind first gravitates, and why not indulge them? These first-hand legitimate inferences call for explanation rather than to be combatted by other circumstances neither ordinary nor proximate. It is not a case of draft without reason, but a case of the accusing finger pointing naturally sought to a conclusion which the Legislature in the act just mentioned sought to mature as a prima-facie case. Has the body of the act in the use of the terms employed sufficiently effectuated the purposes expressed in the title? Considered without reference to the amendment, we think it has. It is conceded that while under our constitution [\*669] the body of an act cannot be broader than the restrictions of the title, it may be less pretentious, and thus fall short of the purpose expressed; and in this case authority for the prima-facie case claimed to justify any personal judgment against the defendants must be found in the use of the word "authority," as the other words ("knowledge and consent") used express nothing more than the permissive authority necessary to effect a lien against the machine, if the negligence consists in willful violation [\*\*35] of the statute. It is true that in a certain sense the word "authority" has a meaning synonimous with the other terms, "knowledge and consent," but used as it is in the act, and in connection with the other terms mentioned, it may have another meaning implying direction or supervision, signifying control of subordinate agency. As expressed in 6th. Volume of C. J., page 864, **with reference to the term "authority," in defining same it is said:** "In another sense power delegated by a principal to his agent or attorney. . . . **Power to act, whether originally or delegated.** Control over. Jurisdiction. The word is generally used to express a derivative power."

**Violation – the aff does not place a restriction on the ability of the President to conduct war — they just release information publicly available**

**Vote Neg**

1. **Predictable limits – there are an infinite number of information requirements like distributing detention or banning the use of redactos for drones**
2. **Ground – “Presidential flexibility bad” is core negative ground – post-hoc transparency requirements leave every presidential power on the table**

**1NC**

**The Executive branch of the United States federal government should give a speech explaining the rationale for targeted killings by drones after drone strikes.**

**This empirically solves transparency**

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

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

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

**1NC**

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

**Posner 9/3**, Law Prof at University of Chicago

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

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

Statutory restriction of Presidential War Powers makes warfighting impossible

**Yoo 12 – prof of law @ UC Berkeley**

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

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

**This is particularly true with the plan because drones are key to warfighting – they are the future of combat**

**Bruntstetter 12**, Political Science Professor at UC Irvine

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

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

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

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

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

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

**1NC**

**Obama has the upper hand in the debt ceiling fight --- pol cap is key**

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

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

House **Republicans are taming members’ expectations ahead of the debt limit showdown, signaling that they may not be able to extract significant concessions from Democrats.**

**A** Friday **memo to GOP members by** Majority Leader Eric **Cantor** (R-VA) **says “the House will act to prevent a default on our obligations before” the mid-October deadline the Obama administration has established**. “House Republicans,” he says, “will demand fiscal reforms and pro-growth policies which put us on a path to balance in ten years in exchange for another increase in the debt limit.”

The language is vague — intentionally so, in order to maintain wiggle room for Republicans to avert a disastrous debt default. President Barack **Obama has vowed not to pay a ransom to ensure the U.S. can meet its obligations**.

**If and when they do cave, Republicans will be hard-pressed to show their base they got something in return for raising the debt ceiling.** In January, they got Senate Democrats to agree to pass a non-binding budget resolution. This time around, the possibilities for symbolic concessions range from a doomed Senate vote to delay or defund Obamacare or instructions to initiate the process of tax reform.

**There are a number of demands rank-and-file Republicans have urged leaders to make which could genuinely complicate the battle**, such as dollar-for-dollar spending cuts or unwinding Obamacare. Cantor’s memo mentioned neither. GOP members have also called on leadership not to bring up any debt limit bill that lacks the support of half the conference. Boehner hasn’t committed to this and Cantor didn’t mention it in his memo.

There are several reasons **Republicans will have a hard time extracting concessions. Back in January, when Obama held firm and refused to negotiate on the debt limit, Republicans folded and agreed to suspend the debt ceiling without substantial concessions** but rather symbolic ones. And due to deep divisions within the conference, House Republicans will face enormous challenges in rounding up 218 votes to pass any conceivable debt limit hike.

The party’s top priority is to cut safety-net programs like Social Security and Medicare. But there’s no internal consensus on what to cut. And Republicans, whose constituents are disproportionately older, have generally refused to vote on entitlement cuts without bipartisan cover from Democrats. In this case Democrats are highly unlikely to give it to them, which complicates their task of passing a debt limit bill.

**The Cantor memo makes it all but official that Republicans won’t seek to defund Obamacare in the fiscal battles.** The strategy, pushed by conservative activists, to withhold support for keeping the government running after Sept. 30 unless Democrats agree to defund Obamacare. Instead it vows to “hold a series of strategic votes throughout the fall to dismantle, defund, and delay Obamacare.” The memo says Republicans “will continue to pursue the strategy of systematically derailing this train wreck and replacing it with a patient-centered system.”

The GOP’s big stand in the fiscal battles will be to force Obama to accept the lower spending levels ordered by sequestration — automatic spending cuts enacted in 2011 — in a measure to keep the government funded. Here Republicans will refuse to cede and the White House has not suggested it’ll veto a bill that maintains sequester spending levels, although Obama wants to cut a deal to replace the sequester.

“In signing a CR at sequester levels,” Cantor writes, “the President would be endorsing a level of spending that wipes away all the increases he and Congressional Democrats made while they were in charge and returns us to a pre-2008 level of discretionary spending.”

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

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

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

**While congressional support leaves the president’s reserve of political capital intact, congressional criticism saps energy from other initiatives on the home front by forcing the president to expend energy and effort defending his international agenda. Political capital spent shoring up support for a president’s foreign policies is capital that is unavailable for his future policy initiatives**. Moreover, any weakening in the president’s political clout may have immediate ramifications for his reelection prospects, as well as indirect consequences for congressional races.59 Indeed, Democratic efforts to tie congressional Republican incumbents to President George W. Bush and his war policies paid immediate political dividends in the 2006 midterms, particularly in states, districts, and counties that had suffered the highest casualty rates in the Iraq War. 60

**In addition to boding ill for the president’s perceived political capital and reputation, such partisan losses in Congress only further imperil his programmatic agenda, both international and domestic.** Scholars have long noted that President Lyndon **Johnson’s dream of a Great Society also perished in the rice paddies of Vietnam. Lacking** the requisite funds in a war-depleted treasury and **the political capital needed to sustain his legislative vision, Johnson gradually let his domestic goals slip away** as he hunkered down in an effort first to win and then to end the Vietnam War. In the same way, **many of** President **Bush’s highest second-term domestic proprieties, such as Social Security and immigration reform, failed perhaps in large part because the administration had to expend so much energy and effort waging a rear-guard action against congressional critics of the war in Iraq.**61

**When making their cost-benefit calculations, presidents surely consider these wider political costs of congressional opposition to their military policies.** If congressional opposition in the military arena stands to derail other elements of his agenda, all else being equal, the president will be more likely to judge the benefits of military action insufficient to its costs than if Congress stood behind him in the international arena.

**Political capital is finite --- the plan would tradeoff with domestic economic priorities**

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

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

Before President Obama speaks to the nation about Syria tonight, take a look at what this fall will look like inside America.

There are 49 million people in the country who suffered inadequate access to food in 2012, leaving the percentage of "food-insecure" Americans at about one-sixth of the US population. At the same time, Congress refused to pass food-stamp legislation this summer, pushing it off again and threatening draconian cuts.

**The country will crash into the debt ceiling in mid-October, which would be an economic disaster, especially with a government shutdown looming at the same time. These are deadlines that Congress already learned two years ago not to toy with, but memories appear to be preciously short.**

The Federal Reserve needs a new chief in three months, someone who will help the country confront its raging unemployment crisis that has left 12 million people without jobs. The president has promised to choose a warm body within the next three weeks, despite the fact that his top pick, Larry Summers, would likely spark an ugly confirmation battle – the "fight of the century," according to some – with a Congress already unwilling to do the President's bidding.

Congress was supposed to pass a farm bill this summer, but declined to do so even though the task is already two years late. As a result, the country has no farm bill, leaving agricultural subsidies up in the air, farmers uncertain about what their financial picture looks like, and a potential food crisis on the horizon.

The two main housing agencies, Fannie Mae and Freddie Mac, have been in limbo for four years and are desperately in need of reform that should start this fall, but there is scant attention to the problem.

These are the problems going unattended by the Obama administration while his aides and cabinet members have been wasting the nation's time making the rounds on television and Capitol Hill stumping for a profoundly unpopular war. The fact that all this chest-beating was for naught, and an easy solution seems on the horizon, belies the single-minded intensity that the Obama White House brought to its insistence on bombing Syria.

More than one wag has suggested, with the utmost reason, that if Obama had brought this kind of passion to domestic initiatives, the country would be in better condition right now. As it is, public policy is embarrassingly in shambles at home while the administration throws all of its resources and political capital behind a widely hated plan to get involved in a civil war overseas.

The upshot for the president may be that it's easier to wage war with a foreign power than go head-to-head with the US Congress, even as America suffers from neglect.

This is the paradox that President Obama is facing this fall, as he appears to turn his back on a number of crucial and urgent domestic initiatives in order to spend all of his meager political capital on striking Syria.

Syria does present a significant humanitarian crisis, which has been true for the past two years that the Obama administration has completely ignored the atrocities of Bashar al-Assad.

Two years is also roughly the same amount of time that key domestic initiatives have also gone ignored as Obama and Congress engage in petty battles for dominance and leave the country to run itself on a starvation diet imposed by sequestration cuts. Leon Panetta tells the story of how he tried to lobby against sequestration only to be told:

Leon, you don't understand. The Congress is resigned to failure.

Similarly, those on Wall Street, the Federal Reserve, those working at government agencies, and voters themselves have become all too practiced at ignoring the determined incompetence of those in Washington.

**Political capital – the ability to horse-trade and win political favors from a receptive audience – is a finite resource in Washington. Pursuing misguided policies takes up time, but it also eats up credibility in asking for the next favor.** It's fair to say that **congressional Republicans**, particularly in the House, **have no love for Obama and are likely to oppose anything he supports. That's exactly the reason the White House should stop proposing policies as if it is scattering buckshot and focus with intensity on the domestic tasks it wants to accomplish, one at a time.**

The president is scheduled to speak six times this week, mostly about Syria. That includes evening news interviews, an address to the nation, and numerous other speeches. Behind the scenes, he is calling members of Congress to get them to fall into line. Secretary of State John Kerry is omnipresent, so ubiquitous on TV that it may be easier just to get him his own talk show called Syria Today.

It would be a treat to see White House aides lobbying as aggressively – and on as many talk shows – for a better food stamp bill, an end to the debt-ceiling drama, or a solution to the senseless sequestration cuts, as it is on what is clearly a useless boondoggle in Syria.

**There's no reason to believe that Congress can have an all-consuming debate about Syria and then, somehow refreshed, return to a domestic agenda** that has been as chaotic and urgent as any in recent memory. The President should have judged his options better. As it is, he should now judge his actions better.

**This will destroy the U.S. and global economy**

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

This is the definition of a deficit, and it illustrates why the government needs to borrow money almost every day to pay its bills. Of course, all that daily borrowing adds up, and we are rapidly approaching what is called the X-Date — the day, somewhere in the next six weeks, when the government, by law, cannot borrow another penny. **Congress** has imposed a strict limit on how much debt the federal government can accumulate, but **for nearly 90 years**, it **has raised the ceiling well before it was reached**. But **since a large number of Tea Party**-aligned **Republicans entered the House** of Representatives, in 2011, **raising that debt ceiling has become a matter of fierce debate**. This summer, House **Republicans have promised**, in Speaker John Boehner’s words, **“a whale of a fight” before they raise the debt ceiling — if they even raise it at all.**

**If the debt ceiling isn’t lifted** again this fall, **some serious financial decisions will have to be made**. Perhaps the government can skimp on its foreign aid or furlough all of NASA, but eventually the big-ticket items, like Social Security and Medicare, will have to be cut. At some point, **the government won’t be able to pay interest on its bonds and will enter what’s known as sovereign default, the ultimate national financial disaster** achieved by countries like Zimbabwe, Ecuador and Argentina (and now Greece). In the case of the United States, though, **it won’t be an isolated national crisis**. If the American government can’t stand behind the dollar, the world’s benchmark currency, **then the global financial system will very likely enter a new era in which there is much less trade and much less economic growth. It would be**, by most accounts, **the largest self-imposed financial disaster in history**.

Nearly everyone involved predicts that someone will blink before this disaster occurs. Yet a small number of House Republicans (one political analyst told me it’s no more than 20) appear willing to see what happens if the debt ceiling isn’t raised — at least for a bit. This could be used as leverage to force Democrats to drastically cut government spending and eliminate President Obama’s signature health-care-reform plan. In fact, Representative Tom Price, a Georgia Republican, told me that the whole problem could be avoided if the president agreed to drastically cut spending and lower taxes. Still, it is hard to put this act of game theory into historic context. Plenty of countries — and some cities, like Detroit — have defaulted on their financial obligations, but only because their governments ran out of money to pay their bills. **No wealthy country has ever voluntarily decided — in the middle of an economic recovery, no less — to default**. And there’s certainly no record of that happening to the country that controls the global reserve currency.

Like many, I assumed a self-imposed U.S. debt crisis might unfold like most involuntary ones. **If the debt ceiling isn’t raised by X-Day, I figured, the world’s investors would begin to see America as an unstable investment and rush to sell their Treasury bonds. The U.S. government, desperate to hold on to investment, would then raise interest rates far higher**, hurtling up rates on credit cards, student loans, mortgages and corporate borrowing — **which would effectively put a clamp on all trade and spending. The U.S. economy would collapse far worse than anything we’ve seen in the past several years**.

Instead, Robert **Auwaerter, head of bond investing for Vanguard, the world’s largest mutual-fund company, told me that the collapse might be more insidious**. “You know what happens when the market gets upset?” he said. “There’s a flight to quality. Investors buy Treasury bonds. It’s a bit perverse.” In other words, **if the U.S. comes within shouting distance of a default (which Auwaerter is confident won’t happen), the world’s investors — absent a safer alternative, given the recent fates of the euro and the yen — might actually buy even more Treasury bonds. Indeed, interest rates would fall and the bond markets would soar.**

**While this possibility might not sound so bad, it’s really far more damaging than the apocalyptic one I imagined.** Rather than resulting in a sudden crisis, failure to raise the debt ceiling would lead to a slow bleed. Scott Mather, head of the global portfolio at Pimco, the world’s largest private bond fund, explained that while governments and institutions might go on a U.S.-bond buying frenzy in the wake of a debt-ceiling panic, they would eventually recognize that the U.S. government was not going through an odd, temporary bit of insanity. They would eventually conclude that it had become permanently less reliable. **Mather imagines institutional investors and governments turning to a basket of currencies, putting their savings in a mix of U.S., European, Canadian, Australian and Japanese bonds. Over the course of decades, the U.S. would lose its unique role in the global economy.**

**The U.S. benefits enormously from its status as global reserve currency and safe haven**. Our interest and mortgage rates are lower; companies are able to borrow money to finance their new products more cheaply. As a result, there is much more economic activity and more wealth in America than there would be otherwise. If **that status erodes, the U.S. economy’s peaks will be lower and recessions deeper**; future generations will have fewer job opportunities and suffer more when the economy falters. And, Mather points out, **no other country would benefit from America’s diminished status**. When you make the base risk-free asset more risky, the entire global economy becomes riskier and costlier.

**Nuclear war**

**Friedberg and Schoenfeld 8**

[Aaron, Prof. Politics. And IR @ Princeton’s Woodrow Wilson School and Visiting Scholar @ Witherspoon Institute, and Gabriel, Senior Editor of Commentary and Wall Street Journal, “The Dangers of a Diminished America”, 10-28, <http://online.wsj.com/article/SB122455074012352571.html>]

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

**1NC**

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,** **M**artin **L**uther **K**ing**, and many contemporary philosophers**—supported by peace and civil rights movements—**counter** the paralyzing **fear with hope and offer a realistic alternative: a rational approach to the** solutions to the **problems**, encouraging people to be the masters of their own destiny.¶ **Fortunately, the memory of the tragedies of war and the growing realization of this new existential situation of humanity has awakened the global conscience and generated protest movements demanding necessary changes. During the four decades of the Cold War,** which polarized the world, **power politics was challenged by the** common perspective of humanity, of the supreme value of human life, and **the ethics of peace.** Thus, in Europe, which suffered from both world wars and totalitarianism, spiritual-**intellectual efforts to find solutions to these problems generated ideas of** "new thinking," aiming for **peace, freedom, and democracy.** **Today, philosophers, intellectuals, progressive political leaders, and peace-movement activists continue to promote a peaceful alternative.** In the asymmetry of power, despite being frustrated by war-prone politics, **peaceful projects emerge** each time, like a phoenix arising from the ashes, **as the only viable alternative for the survival of humanity.** **The** new **thinking** in philosophy **affirms the supreme value of** human and nonhuman **life, freedom, justice, and the future of human civilization. It asserts that the** transcendental task of the **survival of humankind and the rest of the biotic community must have an unquestionable primacy in comparison to particular interests** of nations, social classes, and so forth. In applying these principles to the nuclear age, **it considers a just and lasting peace as a categorical imperative for the survival of humankind, and thus proposes a world free from nuclear weapons** and from **war and organized violence.**44 In tune with the Charter of the United Nations, **it calls for** the **democratization** of international relations and for **dialogue and cooperation in order to secure peace, human rights, and solutions to global problems.** It further calls for the transition toward a cosmopolitan order.¶ **The escalating global problems are symptoms of** what might be termed **a** contemporary **civilizational disease**, developed over the course of centuries, in which techno-economic progress is achieved at the cost of depersonalization and dehumanization. Therefore, **the possibility of an effective "treatment" today depends on** whether or not **humankind** will be able to regain its humanity, thus establishing new relations of the individual with himself or herself, with others, and with nature. **Hence the need for** a new philosophy of humanity and **an ethics of nonviolence** and planetary co-responsibility **to help us make sense** not only of our past historical events, but also **of the** extent, **quality**, **and urgency of our present choices.**

**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.**

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

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

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

**While congressional support leaves the president’s reserve of political capital intact, congressional criticism saps energy from other initiatives on the home front by forcing the president to expend energy and effort defending his international agenda. Political capital spent shoring up support for a president’s foreign policies is capital that is unavailable for his future policy initiatives**. Moreover, any weakening in the president’s political clout may have immediate ramifications for his reelection prospects, as well as indirect consequences for congressional races.59 Indeed, Democratic efforts to tie congressional Republican incumbents to President George W. Bush and his war policies paid immediate political dividends in the 2006 midterms, particularly in states, districts, and counties that had suffered the highest casualty rates in the Iraq War. 60

**In addition to boding ill for the president’s perceived political capital and reputation, such partisan losses in Congress only further imperil his programmatic agenda, both international and domestic.** Scholars have long noted that President Lyndon **Johnson’s dream of a Great Society also perished in the rice paddies of Vietnam. Lacking** the requisite funds in a war-depleted treasury and **the political capital needed to sustain his legislative vision, Johnson gradually let his domestic goals slip away** as he hunkered down in an effort first to win and then to end the Vietnam War. In the same way, **many of** President **Bush’s highest second-term domestic proprieties, such as Social Security and immigration reform, failed perhaps in large part because the administration had to expend so much energy and effort waging a rear-guard action against congressional critics of the war in Iraq.**61

**When making their cost-benefit calculations, presidents surely consider these wider political costs of congressional opposition to their military policies.** If congressional opposition in the military arena stands to derail other elements of his agenda, all else being equal, the president will be more likely to judge the benefits of military action insufficient to its costs than if Congress stood behind him in the international arena.

**Case**

**AT: Drone Prolif [Top Level]**

**No impact —aggressors don’t have the intel or experience to be capable of attack**

Admiral Dennis **Blair**, Former Director of National Intelligence, “U.S. Drone Strike Policies: Speakers: Admiral Dennis Blair, Former Director of National Intelligence, and Micah Zenko, Douglas Dillon Fellow,” Conversation at CFR, January 22, **2013**.

OPERATOR: Our next question comes from KT McFarland with Fox News.¶ QUESTIONER: Hi. Thank you very much for doing this.¶ Has anybody, either you or others, given thought to what happens next? I mean, the United States owns the drone wars now, but technology tends to only trump temporarily. What happens down the road five years from now when other countries get drones, other countries have the ability to target American diplomats traveling around in cars in rural Yemen? Are we -- are we -- have we really thought through what kind of a world it's going to be when we have proliferating drone powers?¶ BLAIR: I think that --¶ MASTERS: (Micah, you want ?) --¶ BLAIR: This is Dennis Blair again.¶ QUESTIONER: Hi, Dennis.¶ BLAIR: I think we've partly thought that -- thought that through, but this is a -- this is a familiar syndrome in the sort of military technology cycle. When a new weapons program comes in, it's often introduced by the more advanced countries, the high-tech ones, and -- who take full advantage of that while they can and don't worry too much about what happens when others -- when others get it.¶ When you -- when you think about it, there are a couple of things that make me believe that this -- **when drones do proliferate, they will not be** as **effective weapons against us as we are able to use them against others right now.**¶ One is that they are -- that **they are very dependent** on a -- **on an intelligence system which is incredibly worldwide, complicated and expensive**. It uses the entire U.S. global intelligence system. **No other country can afford that**. It's not just the -- **it's not just the money; it's the years of practice** it takes to do that.¶ The second one is that -- what I do fear the most, though, is that a terrorist -- and let me say **I don't fear** too much **other nation- states that gain this capability**. It's very -- you know if another country has it and is using it against you and then you can use the full -- the full array of both **defensive systems and** of **retaliation** to keep it **from being used** against you **effectively**.¶ I do fear that -- and **if al-Qaida can develop a drone, its first thought will be to use it to kill** our president, **senior officials**, senior military officers. **And it's possible, without a great deal of intelligence, to be able to do something with a drone that you can't** do **with a** -- with a high-speed -- with a high-powered **rifle o**r with -- driving a **car full of explosives** or the other ways that terrorists now use to try to kill senior officials¶ And I think that there are ways to deal with that that -- but it -- and I also think that **whether we use them or not -- the way in which we use them or not won't affect the zeal of terrorists groups to be able to get them and to be able to kill senior officials** for all of the reasons that we are familiar with.¶ So I think **this is not opening up a huge Pandora's box** which will make us wish that we'd never invented the drone, but **it will cause us to have to take some more defensive measures in the future.**

**No prolif – no major prolif over next 10 years**

Micah **Zenko**, Douglas Dillon fellow in the Center for Preventive Action (CPA) at the Council on Foreign Relations (CFR). “Reforming U.S. Drone Strike Policies,” CPA at CFR, Council Special Report No. 65, January **2013**.

Based on current trends, **it is unlikely that most states will have, within ten years, the complete system architecture required to carry out** distant **drone strikes** that would be **harmful to U.S. national interests**. However, **those candidates** able to obtain this technology **will most likely be states with the financial resources to purchase** or the industrial base to manufacture tactical short-range armed drones with **limited firepower that lack** the **precision** of U.S. laser-guided munitions; the intelligence collection and military command-and-control capabilities needed to deploy drones via line-of-sight communications; and cross- border adversaries who currently face attacks or the threat of attacks by manned aircraft, such as Israel into Lebanon, Egypt, or Syria; Russia into Georgia or Azerbaijan; Turkey into Iraq; and Saudi Arabia into Yemen. When compared to distant U.S. drone strikes, these contingen- cies do not require system-wide infrastructure and host-state support. **Given** the **costs** to conduct manned-aircraft strikes with minimal threat to pilots, **it is questionable whether states will undertake the significant investment required for armed drones in the near term**.

**Can’t blow up like a bomb**

Richard **Muller** – physics prof Cal Berkeley – **2010**, Physics and Technology for Future Presidents

**Can a Reactor Explode Like an Atomic Bomb? An atomic bomb requires fast neutrons (not moderated) in order to have the entire 80 generations over with before the bomb blows itself apart. After 80 generations, the temperature reaches many millions of degrees. The only reason the bomb doesn’t blow apart at that point is that there isn’t enough time.** With moderated neutrons, the chain reaction is much slower, since the neutrons are slower. This is an important fact: **Commercial nuclear reactors depend on using slow neutrons.** The reason this is important is that **if the nuclear reactor begins to “run away”**—i.e., if the operator makes a mistake and the chain reaction begins to grow exponentially (doubling)—**then the slowness of the neutrons limits the size of the explosion**. **Once the temperature rises to a few thousand degrees K, the atoms arc moving faster than the neutrons, and so the neutrons can’t catch up to them them; the chain reaction stops**. The energy released will blow up the reactor, but that energy will he about the same that you would get from TNT. **It’s an explosion, but it is a million times smaller than a nuclear** **bomb.** **A chain reaction that depends on slow neutrons cannot give rise to a nuclear explosion**. For that reason**, a commercial nuclear reactor cannot blow up like** **a nuclear bomb.** It is important to know this and to be able to explain the logic to the public, since this fact is not widely known. There are real dangers from nuclear reactors (see the section The China Syndrome,” later in this chapter). Blowing up like a nuclear bomb is not one of them.

**Empirics prove no impact to meltdowns**

**Riedl 11** (Jonathon, assistant editor at The Blaze, quoting Jay Lehr, science director at the Heartland Institute, “‘THIS PANIC HAS BEEN HORRIBLY OVERBLOWN’: SCIENTIST DECRIES NUKE ‘FEAR MONGERING’” <http://www.theblaze.com/stories/this-panic-has-been-horribly-overblown-scientist-decries-nuke-fear-mongering/>]  
Jay Lehr, science director at the [Heartland Institute](http://heartland.org/), has some advice for doomsayers wondering if radiation from the crippled Japanese nuke plants could mean massive local deaths and even cross the Pacific and reach America: calm down. In an interview on Fox News today, Lehr told host Bill Hemmer that not only is the U.S. not at risk of experiencing nuclear fallout, but he also drew stark differences between atomic bombs and nuclear reactors. “We only have to look at the worst nuclear disaster in history, that was Chernobyl, where there was no containment structure,” he said. “10 years later when all the facts were in there were less than 10 fatalities from that explosion — only people right near the plant were affected by the radiation, 1,000 people got leukemia, 998 were cured … . It was predicted that tens of thousands of people would get cancer … [but] this never happened. This is not an atomic bomb and people don’t understand a nuclear reactor is something very different than an atomic bomb.”

**Radiation isn’t high enough**

**McGregor, 1** (Douglas, director of the Semiconductor Materials and Radiological Technologies Laboratory at the University of Michigan, 4/23/01 [The New American, “Rethinking Nuclear Power,” http://www.thenewamerican.com/tna/2001/04-23-2001/vo17no09\_nuclear\_print.htm)

Radiation: The amount of radiation that is emitted by nuclear power plants, as already indicated, is minuscule. According to EPA guidelines, the annual whole body dose to the public is limited to 25 millirems for uranium fuel cycle operations (see 40 CFR part 190.10). But before anyone panics at such a generous regulatory allotment, let’s put into proper focus how much radiation a millirem is. According to information from the NEI, the National Council on Radiation Protection and Measurements (NCRP), and the Environmental Protection Agency (EPA), natural background radiation from the Earth’s crust ranges from 23 millirems per year at the Atlantic Coast to 90 millirems per year on the Colorado Plateau. Radiation inside the body is approximately 40 millirems per year from the food and water we consume and up to 200 millirems per year from natural levels of radon in the air we breathe. The annual radiation dose reaching us from outer space ranges from 26 millirems at sea level to 53 millirems at elevations between 7,000-8,000 feet. The radiation dose from a simple medical X-ray is approximately 20 millirems, and the average radiation dose from a 1,000-mile airline flight is about 1 millirem — meaning that a traveler who flies across the country and back will accumulate about 5 millirems. We also receive 1-2 millirems annually from watching television and would receive another 7 millirems annually from living in a brick building. Now consider this: We would receive .03 millirem annually by living within a 50-mile radius of a coal-fired power plant, but only .009 millirem by living within a 50-mile radius of a nuclear power plant! Incredible as it may seem, we would have to live near a nuclear power plant for more than 2,000 years in order to receive the same amount of radiation that we would get from a single diagnostic medical X-ray. Anti-nuclear propaganda notwithstanding, there is nothing unnatural about radioactivity, radioactive elements, or even nuclear reactors. In fact, all three have existed in nature without any help from man and continue to exist today. At least 14 naturally occurring fission reactors have been documented in the Oklo-Okélobondo natural geological uranium formation in Gabon, a country on the west coast of Africa. These "fossil reactors" contained sufficient concentrations of U-235 for the chain reactions to occur, and those reactions were not regulated by control rods or any other form of human intervention. The discovery of these natural reactors clearly discredits the anti-nuclear, alarmist claim that man is somehow tampering with nature by building nuclear power plants.

**Norms don’t solve — Azerbaijan’s set on drones — your article**

**Global Post 12**, “Drone violence along Armenian-Azerbaijani border could lead to war,” Global Post, Oct 23rd, 2012, <http://www.globalpost.com/dispatch/news/regions/europe/121022/drone-violence-along-armenian-azerbaijani-border-could-lead-war?page=0>,1

Richard Giragosian, director of the Regional Studies Center in Yerevan, said in a briefing that **attacks this summer show**ed that **Azerbaijan is eager to “play with** its **new toys**” and its forces showed “impressive tactical and operational improvement.”

The **I**nternational **C**risis **G**roup **warned** that **as the tit-for-tat incidents become more deadly, “there is a growing risk** that the increasing frontline **tensions** could **lead to** an accidental **war**.”

**All empirics go neg**

**Drum 7**, Kevin Drum September 9 2007 The Washington Monthly, “The Chaos Hawks”

Needless to say, this is nonsense. Israel has fought war after war in the Middle East. Result: no regional conflagration. Iran and Iraq fought one of the bloodiest wars of the second half the 20th century. Result: no regional conflagration. The Soviets fought in Afghanistan and then withdrew. No regional conflagration. The U.S. fought the Gulf War and then left. No regional conflagration

. Algeria fought an internal civil war for a decade. No regional conflagration.

**Hegemony**

**Alt causes to lack of trust in the US**

**Tomei 2012** (September 17, Lizzy, “Anti-US protests and Arab public opinion: Q&A” <http://www.globalpost.com/dispatch/news/regions/middle-east/120917/anti-us-protests-and-public-sentiment-qa>)

**Surveys have shown** than **Muslims abroad believe that Americans do not respect Muslims or Islamic traditions.** Several polls have found this pattern, including Gallup polls across the Muslim world. The video played right into this way of thinking. **The protests may also reflect dissatisfaction with US/western foreign policies**. Various **survey research has shown that anti-American sentiment is usually based primarily on anger at US foreign policy** rather than a clash of cultures or values, **including**: Muslims’ **longstanding perceptions of a pro-Israel bias in the Palestinian-Israeli conflict, opposition to the US invasion of Iraq, the US handling of the war in Afghanistan**, and actions the US has taken to combat terrorism, including drone strikes. A recent Pew survey found that about nine in ten in Egypt and Jordan, eight in ten in Turkey and seven in ten in Tunisia oppose the use of drone strikes (as do majorities in several non-Muslim countries).

**No impact on alliances – allies help us with our strikes**

**Ditz 2013** (January 31, Jason, “US Allies Aid Drone Strikes, But Hope to Ditch Legal Responsibility” <http://news.antiwar.com/2013/01/31/us-allies-aid-drone-strikes-but-hope-to-ditch-legal-responsibility/>)

So far **US officials have ditched responsibility purely on the president insisting whoever he kills must be legal**, but as killings grow, **various US allies the world over are finding themselves increasingly culpable** **by way of intelligence sharing**, and fearing lawsuits.

**No war from heg decline – international liberal order**

**Ikenberry, 11** – (May/June issue of Foreign Affairs, G. John, PhD, Albert G. Milbank Professor of Politics and International Affairs at Princeton University in the Department of Politics and the Woodrow Wilson School of Public and International Affairs, “The Future of the Liberal World Order,” http://www.foreignaffairs.com/

articles/67730/g-john-ikenberry/the-future-of-the-liberal-world-order?page=show DH)

For all these reasons, many observers have concluded that world politics is experiencing not just a changing of the guard but also a transition in the ideas and principles that underlie the global order. The journalist Gideon Rachman, for example, says that a cluster of liberal internationalist ideas -- such as faith in democratization, confidence in free markets, and the acceptability of U.S. military power -- are all being called into question. According to this worldview, the future of international order will be shaped above all by China, which will use its growing power and wealth to push world politics in an illiberal direction. Pointing out that China and other non-Western states have weathered the recent financial crisis better than their Western counterparts, pessimists argue that an authoritarian capitalist alternative to Western neoliberal ideas has already emerged. According to the scholar Stefan Halper, emerging-market states "are learning to combine market economics with traditional autocratic or semiautocratic politics in a process that signals an intellectual rejection of the Western economic model." Today's international order is not really American or Western--even if it initially appeared that way. But this panicked narrative misses a deeper reality: although the United States' position in the global system is changing, the liberal international order is alive and well. The struggle over international order todayis not about fundamental principles. China and other emerging great powers do not want to contest the basic rules and principles of the liberal international order; they wish to gain more authority and leadership within it. Indeed, today's power transition represents not the defeat of the liberal order but its ultimate ascendance. Brazil, China, and India have all become more prosperous and capable by operating inside the existing international order -- benefiting from its rules, practices, and institutions, including the World Trade Organization (WTO) and the newly organized G-20. Their economicsuccess and growing influence are tied to the liberal internationalist organization of world politics, and they have deep interests in preserving that system. In the meantime, alternatives to an open and rule-based order have yet to crystallize. Even though the last decade has brought remarkable upheavals in the global system -- the emergence of new powers, bitter disputes among Western allies over the United States' unipolar ambitions, and a global financial crisis and recession -- the liberal international order has no competitors. On the contrary, the rise of non-Western powers and the growth of economic and security interdependence are creating new constituencies for it. To be sure, as wealth and power become less concentrated in the United States' hands, the country will be less able to shape world politics. But the underlying foundations of the liberal international order will survive and thrive.Indeed, now may be the best time for the United States and its democratic partners to update the liberal order for a new era, ensuring that it continues to provide the benefits of security and prosperity that it has provided since the middle of the twentieth century.

**Terrorism**

**They renounced large-scale attacks**

**Mueller 6**, John Mueller, Professor of Political Science @ Ohio State University, 2006, Foreign Affairs, Sep/Oct, p. lexis

One reason al Qaeda and "al Qaeda types" seem not to be trying very hard to repeat 9/11 may be that that dramatic act of destruction itself proved counterproductive by massively heightening concerns about terrorism around the world. No matter how much they might disagree on other issues (most notably on the war in Iraq), there is a compelling incentive for states -- even ones such as Iran, Libya, Sudan, and Syria -- to cooperate in cracking down on al Qaeda, because they know that they could easily be among its victims. The FBI may not have uncovered much of anything within the United States since 9/11, but thousands of apparent terrorists have been rounded, or rolled, up overseas with U.S. aid and encouragement. Although some Arabs and Muslims took pleasure in the suffering inflicted on 9/11 -- Schadenfreude in German, shamateh in Arabic -- the most common response among jihadists and religious nationalists was a vehement rejection of al Qaeda's strategy and methods.

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

**Etzioni 13**, Professor of International Relations @ George Washington University

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

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

**Drones aren’t a recruitment tool – Al Qaeda uses money to recruit and anti-drone propaganda is elitist hype.**

**Axe 13**

(David Axe, quoting Christopher Swift, fellow at the University of Virginia’s Center for National Security Law,“Expert: No Drone Backlash in Yemen”, http://christopher-swift.com/th\_gallery/expert-no-drone-backlash-in-yemen)

**Lethal strikes by armed drones are America’s best and less obtrusive method of killing Islamic militants and dismantling their terror networks while minimizing civilian casualties. Or they’re a misguided and counter-productive attempt at sterilizing the dirty work of counter-terrorism — one that serves as a rallying cry for terrorist recruiters and ends up creating more militants than it eliminates.¶ Those are the opposing views in one of the most urgent debates in military, policy and humanitarian circles today. Now a new, ground-level investigation by a daring American researcher adds a fresh wrinkle to the controversy. Chris Swift, a fellow at the University of Virginia’s Center for National Security Law, spent a week in late May interviewing around 40 tribal leaders in southern Yemen, one of the major drone battlegrounds.¶ What he found might disappoint activists and embolden counter-terrorism officials. “Nobody in my cohort [of interview subjects] drew a causal link between drones on one hand and [militant] recruiting on other,” Swift says.¶ Tweets, blog posts and news reporting from Yemen seem to contradict Swift’s conclusion. Drone strikes in Yemen have gone up, way up, from around 10 in 2011 to some two dozen so far this year. No fewer than 329 people have died in the Yemen drone campaign, at least 58 of whom were innocent civilians, according to a count by the British Bureau of Investigative Journalism.¶ But some Yemenis believe the civilian body count is much higher. “For every headline you read regarding ‘militants’ killed by drones in #Yemen, think of the civilians killed that are not reported,” NGO consultant Atiaf Al Wazir Tweeted.¶ Another Yemeni Twitter user drew the link between the drone war’s innocent victims in a Tweet directed at top U.S. counterterrorism adviser John Brennan. “Brennan do you hear us?!!! We say #NoDrones #NoDrones #NoDrones. You are killing innocent people and creating more enemies in #Yemen.”¶ Reporters have run with the claim that drone strikes breed terrorists. “Drones have replaced Guantánamo as the recruiting tool of choice for militants,” Jo Becker and Scott Shane wrote in The New York Times.¶ “Across the vast, rugged terrain of southern Yemen, an escalating campaign of U.S. drone strikes is stirring increasing sympathy for Al Qaeda-linked militants and driving tribesmen to join a network linked to terrorist plots against the United States,” The Washington Post‘s Sudarsan Raghavan reported.¶ But the narrative embraced by Yemeni Tweeters the Times and the Post originated in, and is sustained by, a comparatively wealthy, educated and English-speaking community based in Yemen’s capital city Sana’a, Swift explains. He calls them the “Gucci jean-wearing crowd.” But cosmopolitan Sana’a isn’t breeding many terrorists, and popular opinions in the city don’t necessarily reflect the reality in Yemen’s embattled south.¶ To get to the sources that really mattered, Swift sensed he had to “get out of the Sana’a political elite,” he says. He teamed up with an experienced fixer — a combined guide, translator and protector — and slipped into heavily-armed Aden in Yemen’s south in the back of pickup trucks. “I always expected that my next checkpoint was going to be my last,” Swift says.¶ Swift survived some close calls and brought back what is arguably the freshest and most relevant data on militant recruiting in southern Yemen. He has since written articles for Foreign Affairs and the Sentinel counterterrorism journal. In southern Yemen “nobody really gets excited about drones,” he explains. He says his sources were “overwhelming saying that Al Qaeda is recruiting through economic inducement.” In other words, for the most part the terror group pays people to join.¶ Which isn’t to say Yemen’s militants don’t fear the American killer robots. In fact, they’re “terrified of drones,” Swift says. “They make a big deal of surviving drones in their propaganda videos.”¶ The militants’ fear of drones perhaps underscores the robots’ effectiveness. It does not argue for widespread resentment among everyday people in southern Yemen that compels them to join the terrorists’ ranks. At least, that’s what Swift believes.**

# 2NC

**Hegemony**

**Indefinite detention is an alt cause**

**CFR 13**, Council on Foreign Relations

[June 19, 2013, Council on Foreign Relations, “The Global Regime for Terrorism”, Issue Brief, http://www.cfr.org/asia-and-pacific/global-regime-terrorism/p25729]

**Promoting and protecting human rights while pursuing counterterrorism** efforts **continues to be a significant challenge**. **The international community has made** some **strides in reconsidering some controversial approaches enacted during the U.S.-led global war on terror**, **but concerns remain over how to protect populations and pursue terrorist suspects yet respect civil liberties**. Early after the September 11 attacks, counterterrorism efforts in the United Nations were undertaken primarily by the UN Security Council, with limited consultation of the wider UN membership, human rights bodies, and norms—including the established corpus of human rights and humanitarian law. The primary framework, UNSCR 1373, obliges countries to implement legal measures to combat terrorism, yet fails to establish limits on what these new laws should entail. Human rights were not mentioned in UNSCR 1373 beyond a reference regarding refugee status. Responding in part to the requirements of that resolution and pressure from the United States, a number of states reacted by introducing new or special counterterrorism legislation—often very quickly and with limited legislative or public debate. Critics contend that **the U**nited **S**tates **and its allies adopted counterterrorism measures that not only contravened but also undercut and weakened the standing of international human rights law**. **The list of resulting human rights irregularities highlighted by such critics**, as well as the UN special rapporteur **on issues of human rights and counterterrorism, includes enhanced interrogation and torture, extraordinary rendition, "ghost prisons," deviance from the normal judicial system and due process, and**—**at the forefront—indefinite detention** at the U.S. facility at Guantanamo Bay, Cuba. Furthermore, **some governments took the mandate** of UNSCR 1373 **as an opportunity to squash internal dissent**. **Under the alleged auspices of counterterrorism**, **China brutally repressed Uighur Muslims**, **Russia cracked down on Chechen separatists**, **and the Uzbek government targeted** [PDF] **its political opposition**. A recent report [PDF] compiled by the UN Counterterrorism Committee—tasked with overseeing implementation of UNSCR 1373—noted that with regard to human rights, "in virtually all regions **there remain significant concerns that the counter-terrorism measures… do not comply with those states' obligations under international law."** The report went on to address continuing concerns of torture, detention practices, misuse of emergency laws, and extrajudicial executions. Some, however, argue that these pursuits of UNSCR 1373 were essential to freedom from fear, ensuring the safety of populations from an impending terrorist attack purposefully and indiscriminately targeting civilians. Because of the nature of the threat, information elicited in "enhanced interrogation" or permanent detention of potentially dangerous individuals could be justified by the "necessity of thwarting the next attack, particularly when such a threat might be imminent." Supporters add that the legislative role of UNSCR 1373 is necessary to tackle the global scope and transnational nature of the terrorist threats. Another UN counterterrorist tool, UNSCR 1267, and its committee—responsible for enforcing sanctions on individuals associated with the Taliban and al-Qaeda—drew criticism for lacking adequate due process provisions. Some individuals were mistakenly listed and discovered their assets frozen and travel barred. Many also found that there was no UN mechanism to reevaluate their case. In response to this criticism, the UN passed a resolution expanding the role of the committee's ombudsperson, whose office now has the power to independently recommend delisting of individuals or groups. But, beginning in 2003, some corrective action began to ensure that human rights considerations were included in counterterrorism efforts. UNSCR 1456 affirmed that "states must ensure that any measure taken to combat terrorism comply with all their obligations under international law… in particular international human rights, refugee, and humanitarian law." Such language has since been included in all UNSC counterterror resolutions, creating a legal buffer against human rights abuses. The UN General Assembly's Global Counterterrorism Strategy, adopted in 2006, went further by establishing "measures to ensure respect for human rights" as one of its four main pillars—recognizing the protection of human rights and promotion of counterterrorism as complementary pursuits. The strategy promotes an unprecedented but much-needed common approach, striving to develop cohesion across all relevant UN bodies—particularly the CTC and CTED—as well as among the entirety of member states. The UN General Assembly has since spearheaded efforts for greater integration. In support of the GCT, the Counterterrorism Implementation Task Force operates a working group on protecting human rights. Although in practice more a counterweight than a vehicle for an integrated approach, the Human Rights Council (HRC) and Office of the High Commission for Human Rights regularly promote awareness of civil liberties issues in counterterror pursuits, supporting a special rapporteur on human rights and counterterror as well as addressing such issues in the HRC's universal periodic review process. The UN Security Council has also begin to make small adjustments, including steps to overhaul the much maligned 1267 Committee—improving its due process procedures and appointing an ombudsperson to facilitate delisting requests. In June 2011, the ombudsperson was granted the right to recommend removal from the list, and UNSC members would have to vote unanimously to overrule their removal. Also, the key mechanisms for fostering implementation of UNSC Resolution 1373—the Counterterrorism Committee and the Counterterrorism Executive Directorate (CTED)—have begun to address human rights on an ad hoc [PDF] basis, including information exchange between CTED and UN human rights bodies and appointment of a human rights expert to the CTED. Yet, on an institutional level, much more needs to be done. The role of the UN General Assembly is limited by its inability to pass binding resolutions. **Comprehensive recognition and integration of human rights concerns by the Security Council continues to be a limited priority**. **Although certain UN mechanisms exist** to monitor member state adherence to human rights standards, **they are selective and lack enforcement capabilities.** More remains to be done to more fully integrate human rights considerations into the UN's counterterrorism-related efforts as well as to reverse the legacy of their initial omission. A report released by the special rapporteur on human rights and counterterrorism in 2010, recommended scrapping the foundational Security Council counterterror resolutions—1373 and 1624—and starting over with a comprehensive version that better integrates human rights. **The reluctance of some states to incorporate the human rights agenda overshadows the emerging consensus among UN member states that human rights are a fundamental part of counterterrorism**. The European Union's counterterrorism strategy, released in 2005, highlights such concerns in its mission statement—to "combat terrorism globally while respecting human rights." Likewise, the 2011 U.S. National Strategy for Counterterrorism included respect for human rights as a "U.S. core value" and listed adherence to it as the first of four core principles guiding U.S. counterterrorism efforts. **Many of the critics of policies implemented during the War on Terror have noted that they may have assisted the recruitment and propaganda of terrorist groups**. Reflecting this, the United States has closed its ghost prisons and outlawed torture practices. But, **with the continued operation of Guantanamo Bay and other controversial measures, the U.S. and its allies have yet to emerge from the lingering fallout of post-September 11 constructs. For** example, the United States passed a law [PDF] in December 2011, which gave the U.S. military jurisdiction over the investigation and prosecution of terror suspects, and codified indefinite detention for suspected terrorists.

**Also non-uniques terrorism**

**Reeves 10, Professor of International and Operational Law at West Point**

[04/27/10, Shane R. Reeves, Professor, International and Operational Law Department at the The Judge Advocate General’s Legal Center and School 2008-2011 at West Point, “Time for International Cooperation in Terror Justice”, <http://hir.harvard.edu/time-for-international-cooperation-in-terror-justice?page=0,1>]

**The international community continues to struggle to address the proliferation of transnational terrorism**. Ideologically driven, non-state affiliated **terrorist organizations**, the most well-known being Al-Qaeda, **have successfully exploited chasms within international law** resulting in a fractured and inconsistent global response to their violent actions. In particular, **states are unclear and divided as to the due process requirements to be used when a transnational terrorist is captured**. Questions concerning confinement, trials, and punishment abound and remain unanswered. **The United States’ extreme difficulties with the Guantanamo detention facility is a stark example of the uncertainty that permeates through targeted nations** that capture transnational terrorists. **Second-guessing and scathing criticism plague every decision**, whether concerning alternative confinement locations, the viability of military commissions, indefinite detention, possible domestic trial venues, or future punishment. Unable to appease all interested groups or to determine an internationally acceptable end-state for detainees, **U.S. efforts to shut down the facility have stalled amid internal government squabbling**. **The inability to construct an internationally acceptable model for the handling of captured transnational terrorists is by no means a problem unique to the United States**. Various other **terrorist-affected nations have failed to craft suitable approaches following the detention of a terror suspect**. For example, **Israel, the U**nited **K**ingdom, **Egypt, and Malaysia rely upon domestic law to allow indefinite detention of terrorist suspects, but are routinely accused of violating international law**. **Spain and India have treated the Madrid bombings and the Mumbai attacks,** respectively, **as domestic crimes but are relentlessly questioned as to how they can administer justice in a fair and impartial manner**, given their victimization in these events. Still others, such as **China** in their dealings with the alleged international terrorists in the Uygur region, do **not provide captured individuals any legal protections and consequently face universal denouncement for human rights violations**. **The challenges posed by Guantanamo** and the problems confronting other state detention regimes **demonstrate the likelihood that a nation**, upon capture of a transnational terrorist, **will face widespread criticism for its detention policies.** **These nations are therefore caught in the predicament of choosing between ineffectual policies with potentially dangerous consequences or enduring international condemnations** for their treatment of captured suspects. Forced to decide, terrorist-affected nations will most likely deem self-preservation as paramount and consistently place greater emphasis on security rather than appeasing critics. As a result, **these nations will continue handling detainees as they see fit and perpetually dismiss international calls for detention reform as impractical.** However, the belief that states can solve this dilemma by simply prioritizing state safety over international criticism is misguided and dangerous. The **rising tide of disapproval for these policies places terrorist-affected nations at significant risk of losing their moral authority when detaining transnational terrorists. This erosion of credibility allows transnational terrorist groups to grow in both stature and ability as global polarization intensifies and populist anger swells**. Given the opportunity to divert attention away from their own violent actions and toward the treatment of captured suspects, **non-state terrorist groups will continue to find endless recruits, fresh financial support, and sympathetic media outlets**. Thus, **the decision to overlook international criticism and proceed with current detention practices, though attractive in the short-term, actually poses the greatest long-term threat to the national security of terrorist-affected nations** and emphasizes the true difficulty in addressing the on-going terrorist threat.

**rivals aren’t threatening enough to destabilize the world**

**Ikenberry, 11** – (May/June issue of Foreign Affairs, G. John, PhD, Albert G. Milbank Professor of Politics and International Affairs at Princeton University in the Department of Politics and the Woodrow Wilson School of Public and International Affairs, “The Future of the Liberal World Order,” http://www.foreignaffairs.com/

articles/67730/g-john-ikenberry/the-future-of-the-liberal-world-order?page=show DH)

Pronouncements of American decline miss the real transformation under way today. What is occurring is not American decline but a dynamic process in which other states are catching up and growing more connected. In an open and rule-based international order, this is what happens. If the architects of the postwar liberal order were alive to see today's system, they would think that their vision had succeeded beyond their wildest dreams. Markets and democracy have spread. Societies outside the West are trading and growing. The UnitedStates has more alliance partners today than it did during the Cold War. Rival hegemonic states with revisionist and illiberal agendas have been pushed off the global stage. It is difficult to read these world-historical developments as a story of American decline and liberal unraveling. In a way, however, the liberal international order has sown the seeds of its own discontent, since, paradoxically, the challenges facing it now -- the rise of non-Western states and new transnational threats -- are artifacts of its success. But the solutions to these problems -- integrating rising powers and tackling problems cooperatively -- will lead the order's old guardians and new stakeholders to an agenda of renewal. The coming divide in world politics will not be between the United States (and the West) and the non-Western rising states. Rather, the struggle will be between those who want to renew and expand today's system of multilateral governance arrangements and those who want to move to a less cooperative order built on spheres of influence. These fault lines do not map onto geography, nor do they split the West and the non-West. There are passionate champions of the UN, the WTO, and a rule-based international order in Asia, and there are isolationist, protectionist, and anti-internationalist factions in the West. The liberal international order has succeeded over the decades because its rules and institutions have not just enshrined open trade and free markets but also provided tools for governments to manage economic and security interdependence. The agenda for the renewal of the liberal international order should be driven by this same imperative: to reinforce the capacities of national governments to govern and achieve their economic and security goals. As the hegemonic organization of the liberal international order slowly gives way, more states will have authority and status. Butthis will still be a world that the United States wants to inhabit. A wider array of states will share the burdens of global economic and political governance, and with its worldwide system of alliances, the United States will remain at the center of the global system. Rising states do not just grow more powerful on the global stage; they grow more powerful within their regions, and this creates its own set of worries and insecurities -- which is why states will continue to look to Washington for security and partnership. In this new age of international order, the United States will not be able to rule. But it can still

**There are 20 barriers to a successful attack—their probability is one in three and a half billion.**

**GSN ‘9** (Global Security Newswire, “Experts Debate Threat of Nuclear, Biological Terrorism,” http://www.globalsecuritynewswire.org/gsn/nw\_20090113\_7105.php)

In even the most likely scenario of nuclear terrorism, there are 20 barriers between extremists and a successful nuclear strike on a major city, said John Mueller, a political science professor at Ohio State University / The process itself is seemingly straightforward but exceedingly difficult -- buy or steal highly enriched uranium, manufacture a weapon, take the bomb to the target site and blow it up. Meanwhile, variables strewn across the path to an attack would increase the complexity of the effort, Mueller argued / Terrorists would have to bribe officials in a state nuclear program to acquire the material, while avoiding a sting by authorities or a scam by the sellers. The material itself could also turn out to be bad / "Once the purloined material is purloined, [police are] going to be chasing after you. They are also going to put on a high reward, extremely high reward, on getting the weapon back or getting the fissile material back," Mueller said during a panel discussion at a two-day Cato Institute conference on counterterrorism issues facing the incoming Obama administration / Smuggling the material out of a country would mean relying on criminals who "are very good at extortion" and might have to be killed to avoid a double-cross, Mueller said. The terrorists would then have to find scientists and engineers willing to give up their normal lives to manufacture a bomb, which would require an expensive and sophisticated machine shop / Finally, further technological expertise would be needed to sneak the weapon across national borders to its destination point and conduct a successful detonation, Mueller said / Every obstacle is "difficult but not impossible" to overcome, Mueller said, putting the chance of success at no less than one in three for each. The likelihood of successfully passing through each obstacle, in sequence, would be roughly one in 3 1/2 billion, he said, but for argument's sake dropped it to 3 1/2 million / "It's a total gamble. This is a very expensive and difficult thing to do," said Mueller, who addresses the issue at greater length in an upcoming book, Atomic Obsession. "So unlike buying a ticket to the lottery ... you're basically putting everything, including your life, at stake for a gamble that's maybe one in 3 1/2 million or 3 1/2 billion." / Other scenarios are even less probable, Mueller said / A nuclear-armed state is "exceedingly unlikely" to hand a weapon to a terrorist group, he argued: "States just simply won't give it to somebody they can't control." / Terrorists are also not likely to be able to steal a whole weapon, Mueller asserted, dismissing the idea of "loose nukes." Even Pakistan, which today is perhaps the nation of greatest concern regarding nuclear security, keeps its bombs in two segments that are stored at different locations, he said (see GSN, Jan. 12) / Fear of an "extremely improbable event" such as nuclear terrorism produces support for a wide range of homeland security activities, Mueller said. He argued that there has been a major and costly overreaction to the terrorism threat -- noting that the Sept. 11 attacks helped to precipitate the invasion of Iraq, which has led to far more deaths than the original event / 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.

**Drones have the least civilian casualties – other numbers are inflated.**

**Byman 13** Professor in Security Studies @ Georgetown

(Daniel Byman, , Senior Fellow in Middle East Policy at the Brookings Institution, Foreign Affairs Vol. 92 Iss. 4, “Why Drones Work”, EBSCO, acc. 6/26/13)

**Despite the obvious benefits of using drones and the problems associated with the alternatives, numerous critics argue that drones still have too many disadvantages. First among them is an unacceptably high level of civilian casualties. Admittedly, drones have killed innocents. But the real debate is over how many and whether alternative approaches are any better. The Bureau of Investigative Journalism reports that in 2011 alone, nearly 900 noncombatants, including almost 200 children, were killed by U.S. drone strikes. Columbia Law School's Human Rights Clinic also cites high numbers of civilian deaths, as does the Pakistani organization Pakistan Body Count. Peter Bergen of the New America Foundation oversees a database of drone casualties culled from U.S. sources and international media reports. He estimates that between 150 and 500 civilians have been killed by drones during Obama's administration. U.S. officials, meanwhile, maintain that drone strikes have killed almost no civilians. In June 2011, John Brennan, then Obama's top counterterrorism adviser, even contended that U.S. drone strikes had killed no civilians in the previous year. But these claims are based on the fact that the U.S. government assumes that all military-age males in the blast area of a drone strike are combatants -- unless it can determine after the fact that they were innocent (and such intelligence gathering is not a priority).¶ The United States has recently taken to launching "signature strikes," which target not specific individuals but instead groups engaged in suspicious activities. This approach makes it even more difficult to distinguish between combatants and civilians and verify body counts of each. Still, as one U.S. official told The New York Times last year, "Al Qaeda is an insular, paranoid organization -- innocent neighbors don't hitchhike rides in the back of trucks headed for the border with guns and bombs." Of course, not everyone accepts this reasoning. Zeeshan-ul-hassan Usmani, who runs Pakistan Body Count, says that "neither [the United States] nor Pakistan releases any detailed information about the victims … so [although the United States] likes to call everybody Taliban, I call everybody civilians."¶ The truth is that all the public numbers are unreliable. Who constitutes a civilian is often unclear; when trying to kill the Pakistani Taliban leader Baitullah Mehsud, for example, the United States also killed his doctor. The doctor was not targeting U.S. or allied forces, but he was aiding a known terrorist leader. In addition, most strikes are carried out in such remote locations that it is nearly impossible for independent sources to verify who was killed. In Pakistan, for example, the overwhelming majority of drone killings occur in tribal areas that lie outside the government's control and are prohibitively dangerous for Westerners and independent local journalists to enter.¶ Thus, although the New America Foundation has come under fire for relying heavily on unverifiable information provided by anonymous U.S. officials, reports from local Pakistani organizations, and the Western organizations that rely on them, are no better: their numbers are frequently doctored by the Pakistani government or by militant groups. After a strike in Pakistan, militants often cordon off the area, remove their dead, and admit only local reporters sympathetic to their cause or decide on a body count themselves. The U.S. media often then draw on such faulty reporting to give the illusion of having used multiple sources. As a result, statistics on civilians killed by drones are often inflated. One of the few truly independent on-the-ground reporting efforts, conducted by the Associated Press last year, concluded that the strikes "are killing far fewer civilians than many in [Pakistan] are led to believe."¶ But even the most unfavorable estimates of drone casualties reveal that the ratio of civilian to militant deaths -- about one to three, according to the Bureau of Investigative Journalism -- is lower than it would be for other forms of strikes. Bombings by F-16s or Tomahawk cruise missile salvos, for example, pack a much more deadly payload. In December 2009, the United States fired Tomahawks at a suspected terrorist training camp in Yemen, and over 30 people were killed in the blast, most of them women and children. At the time, the Yemeni regime refused to allow the use of drones, but had this not been the case, a drone's real-time surveillance would probably have spotted the large number of women and children, and the attack would have been aborted. Even if the strike had gone forward for some reason, the drone's far smaller warhead would have killed fewer innocents. Civilian deaths are tragic and pose political problems. But the data show that drones are more discriminate than other types of force.**

**Exec DA**

**Turns Case**

**Executive use of war powers in the topic areas can win the War on Terror, but we need to keep our commitment strong**

**Zuckerman et al 12 – research associate @ Heritage**

(Jessica, with Michaela Bendikova – research assistant @ Douglas Center for Foreign Policy Studies, Lisa Curtis – Senior Research Fellow @ Asian Studies Center, Eleven Years Later: U.S. Should Not Lose Momentum in the War on Terrorism, http://www.heritage.org/research/reports/2012/09/counterterrorism-strategy-us-should-not-lose-momentum-in-war-on-terrorism)

**Last year**, in the run-up to the 10th anniversary of 9/11, **the Obama Administration released its new National Strategy for Counterterrorism**.[1] **Under the new strategy, the Administration seeks** to treat terrorism under (1) a law enforcement paradigm that failed to protect Americans from terrorism when it was adopted by the Clinton Administration before 9/11 and (2) **a “small footprint” policy for overseas operations. Following this strategy threatens to cede momentum in the war on terrorism and augment the terrorist threat against the U.S.**¶ One year later, **the** U.S. counterterrorism **strategy remains flawed. The U.S. needs to name its enemies, maintain** the nation’s **commitments** abroad, **fully fund the military, reach out to allies, and truly defend the home front.**[2]¶ Terrorist Safe Havens and Commitments Abroad¶ **In April, the U.S. and Afghanistan concluded a landmark** Strategic Partnership Agreement (**SPA**) **laying a broad framework for relations** between the two nations after the U.S. and NATO withdraw combat troops by the close of 2014. While **the SPA** does not specify future U.S. funding amounts or troop levels, it **does offer a broad U.S. commitment to support Afghanistan** financially and bolster democratic institutions and civil society through 2024. **It** also **provides a framework for the U.S. to maintain a residual presence to** train Afghan forces and **conduct counterterrorism missions.**¶ While the SPA helps to demonstrate a continued diplomatic and financial commitment to Afghanistan, **racing to remove combat troops from the country before the mission is accomplished could precipitate a civil war and lead to conditions that allow al-Qaeda to re-establish its base there**.¶ The U.S. needs to clarify its goals in Afghanistan and be more consistent in its messaging to Pakistan. **Pakistan**, for its part, **continues to serve as a safe haven for terrorist groups** such as Lashkar-e-Taiba, the Taliban, and the Haqqani network, threatening to jeopardize everything the U.S. has fought for in Afghanistan since 9/11. The U.S. should put forward terms for the U.S.–Pakistan relationship and make it clear that Pakistani failure to cooperate with the U.S.-led strategy in Afghanistan and to take action against terrorist sanctuaries within its borders will result in decreased U.S. military aid and diplomatic engagement. The Administration’s recent decision to declare the Haqqani network a foreign terrorist organization is a step in the right direction.¶ **The U.S. should** also **continue to use drone strikes as necessary. The Administration’s stepped-up drone campaign in Pakistan’s tribal border areas**, for example, **has helped to disrupt al-Qaeda operations and planning. Drones are a highly effective counterterrorism tool, but they should be part of a broader strategy that includes** uprooting extremist ideologies that support terrorism, **collecting information from captured terrorists**, and convincing the Pakistanis to conduct joint operations that deal with the threat.¶ The State of the Military and U.S. Missile Defense¶ A year later, sequestration looms nearer. If Congress does not act, on January 2, 2013, across-the-board cuts will go into place. For the defense budget, this means additional half-trillion-dollar cuts on top of the large defense reductions that have already taken place. The Department of Defense has absorbed a $400 billion cut (called “efficiencies”) under former Secretary of Defense Robert Gates. Current Secretary Leon Panetta has had to cut over $400 billion pursuant to the Budget Control Act of 2011.¶ The defense budget has already absorbed about half of all spending cuts even though it represents less than a fifth of the federal budget. If the Obama Administration continues to weaken U.S. forces, the country will be unable to maintain its superpower status.¶ As the U.S. withdraws from Iraq and Afghanistan, the world is not becoming a safer place. **Iran and North Korea continue to invest in capabilities designed to kill Americans and their allies. Syria is wracked by civil war and has the potential to destabilize the entire Middle East. The world order relies on the U.S. being able to project its stabilizing presence.** Yet President Obama’s current policies are undermining the very capabilities that make power projection possible.¶ **The U.S. should adopt a “protect and defend” strategy with a mix of offensive** (conventional and nuclear) **and defensive** (active and passive) **forces.** Despite the increasing spread of ballistic missile technologies, the Administration has proposed a woefully inadequate missile defense budget and has canceled some of the most promising missile defense programs, including the Multiple Kill Vehicle, Airborne Laser, and Energy Kinetic Interceptor.¶ The U.S. remains the only nuclear-armed country without a substantive nuclear weapons modernization program. President Obama’s policy is preventing the U.S. from developing a nuclear arsenal capable of threatening what state sponsors of terrorism value: their own survival and means of threatening their neighbors and oppressing their citizens.¶ Protecting the Homeland¶ **In the past year, at least six Islamist-inspired terrorist plots aimed at the U.S. have been thwarted**, bringing the total number of terrorist plots foiled since 9/11 to at least 51.[3] **The fact that the U.S. has not seen a large-scale successful attack since 9/11 truly speaks to the successes of the nation’s** law enforcement and **counterterrorism enterprise. More, however, can be done to strengthen these efforts**.¶ Despite the persistent threat of terrorism, the Administration continues to treat it under a law enforcement paradigm that focuses on reactive policies and prosecuting terrorists rather than proactive efforts to enhance intelligence tools and thwart terrorist attempts long before the public is in danger. This strategy fails to recognize the true nature of the threat posed by terrorist groups (such as al-Qaeda and al-Shabaab) and state-sponsored terrorism.¶ **U.S. leadership should** also **recognize that thwarting terrorist** travel and **financing remains the most effective way to protect the homeland.** On the one hand, this means expanding programs such as Secure Flight and the Visa Waiver Program, which allow citizens of member countries to travel to the U.S. for up to 90 days without a visa and also help to prevent terrorists and other dangerous travelers from entering the U.S. by pre-screening passengers and requiring greater information sharing between the U.S. and member countries.¶ At the same time, **the U.S. should** also **create a** lawful **detainment framework for the incapacitation and lawful interrogation of terrorists to ensure that valuable and necessary intelligence can be obtained.** This should be coupled with efforts to preserve existing counterterrorism and intelligence tools, such as the PATRIOT Act. Ensuring that U.S. counterterrorism and law enforcement officials have **vital intelligence is essential to thwarting terrorist plots**.¶ The Future of America’s Counterterrorism Strategy¶ It has been 11 years since the tragedy of 9/11. **While the U.S. has made great strides, the threat of terrorism has not yet abated. Both at home and abroad, America needs an enduring and sustainable counterterrorism enterprise capable of responding to future emerging threats.**

**2NC Congress Link Block**

**We’ll isolate several links to statutory restriction:**

**1) Flexibility – legislation ties the President’s had and ensures military ineffectiveness**

**Scowcroft 93**

(Brent, Arnold, National Security Adviser Under Bush I and Ford, Undersecretary of State for Political Affairs in Bush I, The Washington Post, “Foreign Policy Straightjacket”, 10/20/1993, p. lexis)

**Maneuvering in the complex environment of** a Somalia -- or of a Haiti, Bosnia or the other **crises** that loom on and just over the horizon -- **requires the agility of a ballet dancer, not the Mack truck of legislation. In a world that increasingly places a premium on a rapidly adaptable foreign policy, codifying highly detailed requirements in a public law is a recipe for ineffectiveness.** **It undermines the president's ability to threaten, cajole and pressure our adversaries by publicizing the costs we will and won't pay and by broadcasting the conditions and constraints under which our forces will operate. At the same time, it leaves our friends and allies**, whose cooperation we seek, **to wonder whether Congress will permit the president to follow through on his promises and commitments.** **Finally, it stays on the books, continuing to tie the president's hands as circumstances change and Congress's attention shifts to other priorities. Now more than ever, trying to legislate foreign policy is simply a bad idea.**

**2) Delay – Increased congressional involvement bogs down warfighting**

**Boylan & Phelps 1 – asst prof of poli sci @ Winthrop U & prof of poli sci @ Northern Arizona University**

(Timothy & Glenn, Parameters Spring 2001, The War Powers Resolution: A Rationale for Congressional Inaction)

The **House and Senate debates** of 10-12 January 1991 **concerned the question of congressional authorization** versus continued sanctions. One side argued that extending the deadline meant that Saddam Hussein and the Iraqis could improve their defenses and become better entrenched in Kuwait. **If military action took place at a later date, this delay would translate into increased American casualties.**[18] The opposing side did not rule out the use of force, but believed that continued sanctions would weaken Iraq's hand. A longer wait, it was thought, would better prepare coalition forces for warfare in the desert. Underlying this debate was a disquiet about the legitimacy and applicability of sending US military troops into battle by order of the United Nations.[19] **But few members challenged the legitimacy of Congress in delaying this** great **debate until the last hour.** **One exception was** Representative **Bill Green, who concluded:**¶ **By inserting ourselves into the process at this late date, our ability to participate in a meaningful way is severely limited and could severely cripple** the recently begun process of providing for **collective security** through the United Nations . . . .¶ The 101st Congress, in its waning days, did not lack opportunities to affect this process. By the time we had adjourned on October 28, 1990, we had approved a defense authorization and appropriations bill that provided funds for the stationing of troops in the Persian Gulf. Since that deployment had been in accordance with article 51 of the UN Charter and UN Resolution 655 concerning the naval and maritime blockade, our vote plainly endorsed that deployment.¶ I supported those efforts, joining over 400 of my colleagues in approving an additional $978 million for Persian Gulf related operations.¶ . . . **[B]y waiting until this later hour, we have rendered ourselves extraneous to any positive policy role**, unless we are prepared to try to force a change in the position taken by the United Nations.[20]¶ This admission highlights Congress's odd treatment of the War Powers Resolution. The weeks of late summer and early autumn of 1990 showed Congress wrangling over reporting and timing procedure, and delaying debate on the tough substantive issues surrounding the invasion of Kuwait. **Rather than promoting consultation, the War Powers Resolution helped to delay and inhibit debate and decision.** Perhaps Congress might have found a way to push a final decision to January without recourse to the War Powers Resolution. But **the ability to find some** other **strategy of delay does not excuse the current one.** This episode illustrates the larger theme--the history of the War Powers Resolution has not been just one of surprises or consequences unintended by its framers. **Congress has purposely used the resolution to offer the show of debate and deliberation, while avoiding engagement with substantive policy.** This is not simply a question of political adaptation. It is a clear demonstration of constitutional abdication.

3) Confusion – congressional involvement creates murky lines of authority – undermines warfighting

**Wall 12 – senior official @ Alston & Bird**

**(Andru,** Demystifying the Title 10-Title 50 Debate: Distinguishing Military Operations, Intelligence Activities & Covert Action, Harvard National Security Journal)

**Congress’s** failure to provide necessary interagency authorities and budget **authorizations threatens our ability to** prevent and **wage warfare. Congress’s stubborn insistence that military and intelligence activities inhabit separate worlds** **casts a pall of illegitimacy over interagency support, as well as unconventional and cyber warfare.** The U.S. military and intelligence agencies work together more closely than perhaps at any time in American history, yet **Congressional oversight and statutory authorities** sadly **remain mired in an obsolete paradigm.** After ten years of war, Congress still has not adopted critical recommendations made by the 9/11 Commission regarding congressional oversight of intelligence activities. **Congress’s stovepiped oversight sows confusion over statutory authorities and causes Executive Branch attorneys to waste countless hours distinguishing** distinct lines of **authority and funding. Our military and intelligence operatives work tirelessly to coordinate, synchronize, and integrate their efforts; they deserve** interagency authorities and **Congressional oversight that encourages and supports such integration.**

**4) Perception– Congressional interference sends the signal to our enemies that we don’t have the political will for warfighting**

**Newton 12 – prof of law @ Vanderbilt**

(Michael, CASE WESTERN RESERVE JOURNAL OF INTERNATIONAL LAW·VOL. 45, Inadvertent Implications of the War Powers Resolution)

The corollary to this modern reality, and the second of three inadvertent implications of the Resolution, is that **our enemies now focus on American political will as the Achilles heel of our vast capabilities**. Prior to the War Powers Resolution, President Eisenhower understood that it was necessary to “seek the cooperation of the Congress. Only with that can we give the reassurance needed to deter aggression.”62 President Clinton understood the importance of clear communication with the Congress and the American people in order to sustain the political legitimacy that is a vital element of modern military operations. Justifying his bombing of targets in Sudan, he argued that the “risks from inaction, to America and the world, would be far greater than action, for that would embolden our enemies, leaving their ability and their willingness to strike us intact.”63 In his letter to Congress “consistent with the War Powers Resolution,” the president reported that the strikes “were a necessary and proportionate response to the imminent threat of further terrorist attacks against U.S. personnel and facilities” and “were intended to prevent and deter additional attacks by a clearly identified terrorist threat.”64 The following day, in a radio address to the nation, the president explained his decision to take military action, stating, “Our goals were to disrupt bin Laden’s terrorist network and destroy elements of its infrastructure in Afghanistan and Sudan. And our goal was to destroy, in Sudan, the factory with which bin Laden’s network is associated, which was producing an ingredient essential for nerve gas.”65 Citing “compelling evidence that the bin Laden network was poised to strike at us again” and was seeking to acquire chemical weapons, the president declared that we simply could not ignore the threat posed, and hence ordered the strikes.66 Similarly, President Clinton understood that intervention in Bosnia could not be successful absent some national consensus, which had been slow to form during the long Bosnian civil war.67 Secretary of State George Schultz provided perhaps the most poignant and pointed example of this truism in his testimony to Congress regarding the deployment of US Marines into Lebanon to separate the warring factions in 1982. On September 21, 1983, he testified before the Senate Foreign Relations Committee and provided a chilling premonition of the bombing that would come only one month later and kill 241 Americans, which was the bloodiest day in the Marine Corps since the battle of Iwo Jima.68 Seeking to bolster legislative support and to better explain the strategic objectives, he explained that: It is not the mission of our marines or of the [Multinational Force in Lebanon] as a whole to maintain the military balance in Lebanon by themselves. Nevertheless, their presence remains one crucial pillar of the structure of stability. They are an important deterrent, a symbol of the international backing behind the legitimate Government of Lebanon, and an important weight in the scales. To remove the marines would put both the Government and what we are trying to achieve in jeopardy. This is why our domestic controversy over the war powers has been so disturbing. **Uncertainty about the American commitment can only weaken our effectiveness. Doubts about our staying power** can only **cause political aggressors to discount our presence or to intensify their attacks in hopes of hastening our departure.** An accommodation between the President and Congress to resolve this dispute will help dispel those doubts about our staying power and strengthen our political hand.69 Following the spectacularly successful terrorist attack on the Marine barracks in Beirut, President Reagan withdrew the Marines. Osama bin Laden later cited this as an example of American weakness that could not withstand the jihadist fury he sought.70 The legal battles over the scope and effect of the War Powers Resolution have highlighted the focus on national political will as the fulcrum of successful military operations by requiring assurances that military operations are limited in nature, duration, and scope, and therefore well within the president’s constitutional authority as Commander-in-Chief and chief executive. President Obama’s report to Congress in the context of the Libya operations in 2011 cited precedent from air strikes in Bosnia that took just over two weeks and involved more than 2,300 US sorties and the deployment of US forces in Somalia in 1992 and Haiti in 1993.71 The White House released a memorandum from the OLC, similar to previous interventions, explaining how the authorization to use such force was constitutional on the basis that “‘war’ within the meaning of the [Constitution’s] Declaration of War Clause” does not encompass all military engagements, but only those that are “prolonged and substantial . . . typically involving exposure of U.S. military personnel to significant risk over a substantial period.”72 President Obama consistently maintained that the US role in Libya was limited, unlikely to expose any US persons to attack (especially given the role of missiles and drones and the utter inability of Qaddafi’s forces to strike back with conventional means), and likely to end expeditiously.73 By that logic, it did not require authorization from Congress. The administration ultimately adopted a legal analysis that the US military’s activities fell short of “hostilities,” and thus, the president needed no permission from Congress to continue the mission after the expiration of the sixty-day reporting window specified in the War Powers Resolution.74 The president’s reasoning rested on previous OLC opinions that what counts as war depends on “a fact- specific assessment of the ‘anticipated nature, scope, and duration’ of the planned military operations.”75 Present justifications for bypassing the War Powers Resolution hinge on interpretations that it requires “prolonged and substantial military engagements, typically involving exposure of U.S. military personnel to significant risk over a substantial period.”76 The OLC engaged in similar reasoning in the Bosnia intervention in 1995, explaining that in deciding whether the proposed deployment into Bosnia amounted to a “‘war’ in the constitutional sense, considerable weight was given to the consensual nature and protective purposes of the operation.”77 That deployment was similarly intended to be a limited mission but that mission, in contrast to the present one, was in support of an agreement that the warring parties had reached and it was at the invitation of the parties that led to the belief that little or no resistance to the deployment would occur. Though some scholars argued that the Libya OLC Memorandum defended its reasoning for why the operation did not amount to “war,” it did not address whether the administration believed that it will have to stop operations upon expiration of the sixty-ninety-day clock under the War Powers Resolution.78 The deadline passed with little fanfare. The memorandum also relied upon quite distinguishable precedent to serve as a guiding point in this intervention. Professor Goldsmith argued the opinion broke “new ground . . . in its extension of the ‘no war’ precedents beyond the Bosnia and Haiti situations—which involved consensual peacekeeping-like introductions of ground troops but no significant uses of force—to cover two weeks of non-consensual aerial bombardments.”79 Thus, even as it incentivizes short term, limited deployments, **the War Powers Resolution embeds an inevitable constitutional collision between the coordinate branches.** **Our enemies can rely upon constitutional carping from Congress, and in fact can adapt tactics and statements that seek to undermine political will in the US Congress and among the American people from the first days of an operation. The Resolution helps to ensure that such debates over the national political will take center stage sooner rather than later, and an asymmetric enemy can in theory erode our political will even before it solidifies.**

**5) Politicization** – **kills morale and destroys war-fighting ability**

**Newton 12 – prof of law @ Vanderbilt**

(Michael, CASE WESTERN RESERVE JOURNAL OF INTERNATIONAL LAW·VOL. 45, Inadvertent Implications of the War Powers Resolution)

Finally, **the W**ar **P**owers **R**esolution **has the pernicious effect of incentivizing commanders to adopt a form of reverse engineering in the planning and conduct of operations.** The effort to limit casualties and designed to create minimal risk relies on previous OLC reasoning that such operations would comply with the statutory mandate.80 As noted above, **commanders-in-chief must ensure that there is a tight nexus between the strategic reason for ordering deployments** of US forces **and** the **optimal conduct of hostilities to secure** those **objectives quickly** and with the least possible expenditure in terms of blood and treasure. **As Private Eddie DiFranco stood guard in front of the Marine Barracks** that October morning in Beirut in 1983, **he was under strict Rules of Engagement that prohibited him from chambering a live round in his weapon.**81 The Sergeant of the Guard, Stephen **Russell**, **remembers the yellow Mercedes truck that sped by on its way to kill 241 Americans.**82 **He recalls that the driver smiled at him as he drove past the guard who was too slow to react.**83 Even as crews cleared the rubble from the bombing, marines posted a chilling cartoon on a bulletin board. **The cartoon** undoubtedly captures the view some soldiers have of ROE in the era of the War Powers Resolution—it **showed a Marine rifleman in a** prone **firing position behind a barricade** in Lebanon.84 **The president** of the United States **is** shown **whispering in his ear, “Before you fire, I want you to consider the nuances of the War Powers Act.”**85 To be sure, the War Powers Resolution coincided with a set of revolutionary changes in the nature of warfare, the abolition of the national draft, and the transition to an all-volunteer force, and epochal changes in the nature of conflict as new non-state actors became the norm. It is also historically clear that the micro- management of conflict did predate the War Powers Resolution in some circumstances. One need only remember President Johnson helping to select targets in Vietnam for instance.86 It is difficult to pinpoint a causal linkage between the Resolution and the dramatically more restrictive conduct of modern operations. However, the passage of **the War Powers Resolution** most definitely **injected an entirely unhealthy degree of politicization into the war-making function.** Though it was intended to reinforce the parallel authorities of the co- equal branches of the federal government, **it** actually **embedded great incentives for commanders to issue restrictive rules of engagement in an** overall **effort to limit** casualties, as well as **the scope of the conflict. This domestic political restriction created controversy** for example during the Kosovo air campaign between the United States and its NATO allies. Of more fundamental concern to the war-fighters and the lawyers that advise them, **artificial rules** that go well beyond the normal bounds of the laws and customs of warfare logically **lead to increased American casualties as they erode the morale of the force. To the extent that the War Powers Resolution helped to inject political sensitivity into the conduct of operations, it has led to constrained rules that may not be** the **optimal** pathway **for achieving US strategic objectives. Constrained rules** in turn actually **make missions longer and more costly.** This is not at all of course to imply that there are inherent limits on the commander-in-chief’s war-making authority, but **to the extent that the Resolution embeds artificial barriers to the accomplishment of US military objectives, it artificially impedes US success** in ways that its drafters would certainly not have foreseen or sought.

**There are currently no judicial or statutory restrictions on drone use – maintaining that freedom is key to the president’s ability to wage war**

**Druck 12** – JD Candidate @ Cornell

(Judah, Cornell Law Review, 98 Cornell L. Rev. 209, NOTE: DRONING ON: THE WAR POWERS RESOLUTION AND THE NUMBING EFFECT OF TECHNOLOGY-DRIVEN WARFARE)

On March 19, 2011, American forces began attacking various targets controlled by Muammar el-Qaddafi as part of NATO's support for the Libyan antigovernment resistance. n1 Promising that no ground [\*210] troops would be used during these operations, n2 President Barack **Obama ordered strikes on Qaddafi** forces using Tomahawk missiles and bombings from warplanes. n3 **This** order **would** later **include the** **use of** unmanned Predator **drones**, signaling a shift toward a supporting role for NATO. n4 Fighting lasted for months, ultimately culminating in the ousting of Qaddafi by rebel forces. n5¶ **Despite the limited nature of the U.S. intervention, questions concerning the legality of the President's actions quickly arose**. n6 Under the 1973 War Powers Resolution (WPR), n7 which was enacted in the wake of protests during the Vietnam War, the President is required to cease any use of military forces in "hostilities" within sixty days of the conflict's beginning unless he receives congressional authorization to the contrary. n8 Having acted without any support from Congress in the first sixty days, the President had seemingly presented a clear example of a WPR violation. Yet President **Obama and** State Department legal adviser Harold **Koh rejected this** view **by arguing that the use of force in Libya had not involved the type of "hostilities" covered by the WPR.** n9 **Emphasizing the absence of U.S. casualties and lack of exposure to "exchanges of fire with hostile forces," the President stood firmly behind his decision to intervene in Libya without consulting Congress.** n10¶ [\*211] Legislators, pundits, and academics alike broadly criticized this legal analysis. n11 Yet aside from these particularized complaints, **the President ultimately faced no** discernible **repercussions (judicial, legislative, or social challenges) for his actions.** n12 From a historical perspective, the absence of substantial backlash is unsurprising: since its inception, the WPR has generally failed to prevent presidents from using military action in an arguably illegal manner. n13 In those situations, **courts**, n14 **legislators**, n15 and social movements n16 **have failed to challenge this sort of presidential action**, setting the stage for President Obama's similar neglect of the WPR.¶ But perhaps we can examine the apathetic treatment of President Obama's actions in Libya in a different light, one that focuses on the changing nature and conception of warfare itself. **Contrary to** larger-scale conflicts like the **Vietnam** War, **where public** (and political) **outrage set the stage for Congress's assertion of war-making power** through the WPR, n17 **the recent U.S. intervention did not involve a draft**, nor a change in domestic industry (requiring, for example, civilians [\*212] to ration food), **and**, perhaps **most importantly, did not result in any American casualties.** n18 **Consequently, most analyses of the Libyan campaign focused on** its **monetary costs** and other economic harms to American taxpayers. n19 **This** type of input **seems too nebulous to cause any major controversy**, especially when contrasted with the concurrent costs associated with the wars in Iraq and Afghanistan. n20 **In a sense, less is at stake when drones, not human lives, are on the front lines, limiting the** potential **motivation of a legislator, judge**, or antiwar activist **to check presidential action.** n21 **As a result, the level of nonexecutive involvement in foreign military affairs has decreased**.¶ The implications are unsettling: by ameliorating many of the concerns often associated with large-scale wars, **technology-driven warfare has effectively removed** the public's social and political **limitations that previously discouraged a President from using** potentially illegal **military force.** As President Obama's conduct illustrates, **removing these barriers has opened the door to an unfettered use of unilateral executive action** in the face of domestic law. n22 Consequently, as war becomes more and more attenuated from the American psyche, **a President's power to use unilateral force without repercussions will likely continue to grow.**

**2NC Impact Scenario – Pakistan**

**Effective use of drones key to prevent militant rise in Pakistan – no blowback**

**Nadim 12** visiting scholar at the Woodrow Wilson Center

(Hussain, How Drones Changed the Game in Pakistan, nationalinterest.org/how-drones-changed-the-game-pakistan-7290)

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

**Militant rise in Pakistan causes nuclear war**

**Pitt 09**, a New York Times and internationally bestselling author

(William, Unstable Pakistan Threatens the World, www.arabamericannews.com/news/index.php?mod=article&cat=commentary&article=2183)

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But a suicide bomber in Pakistan rammed a car packed with explosives into a jeep filled with troops today, killing five and wounding as many as 21, including several children who were waiting for a ride to school. Residents of the region where the attack took place are fleeing in terror as gunfire rings out around them, and government forces have been unable to quell the violence. Two regional government officials were beheaded by militants in retaliation for the killing of other militants by government forces. As familiar as this sounds, it did not take place where we have come to expect such terrible events. This, unfortunately, is a whole new ballgame. It is part of another conflict that is brewing, one which puts what is happening in Iraq and Afghanistan in deep shade, and which represents a grave and growing threat to us all. **Pakistan is now trembling on the edge of violent chaos, and is doing so with nuclear weapons in its hip pocket, right in the middle of one of the most dangerous neighborhoods in the world.** The situation in brief: Pakistan for years has been a nation in turmoil, run by a shaky government supported by a corrupted system, dominated by a blatantly criminal security service, and threatened by a large fundamentalist Islamic population with deep ties to the Taliban in Afghanistan. All this is piled atop an ongoing standoff with neighboring India that has been the center of political gravity in the region for more than half a century. **The fact that Pakistan, and India, and Russia, and China all possess nuclear weapons and share the same space means any ongoing or escalating violence over there has the real potential to crack open the very gates of Hell itself**. Recently, the Taliban made a military push into the northwest Pakistani region around the Swat Valley. According to a recent Reuters report: The (Pakistani) army deployed troops in Swat in October 2007 and used artillery and gunship helicopters to reassert control. But insecurity mounted after a civilian government came to power last year and tried to reach a negotiated settlement. A peace accord fell apart in May 2008. After that, hundreds — including soldiers, militants and civilians — died in battles. **Militants unleashed a reign of terror, killing and beheading politicians, singers, soldiers and opponents**. They banned female education and destroyed nearly 200 girls' schools. About 1,200 people were killed since late 2007 and 250,000 to 500,000 fled, leaving the militants in virtual control. Pakistan offered on February 16 to introduce Islamic law in the Swat valley and neighboring areas in a bid to take the steam out of the insurgency. The militants announced an indefinite cease-fire after the army said it was halting operations in the region. President Asif Ali Zardari signed a regulation imposing sharia in the area last month. But the Taliban refused to give up their guns and pushed into Buner and another district adjacent to Swat, intent on spreading their rule. The United States, already embroiled in a war against Taliban forces in Afghanistan, must now face the possibility that **Pakistan could collapse under the mounting threat of Taliban forces** there. Military and diplomatic advisers to President Obama, uncertain how best to proceed, now face one of the great nightmare scenarios of our time. "**Recent militant gains in Pakistan**," reported The New York Times on Monday, "**have so alarmed the White House that the national security adviser**, Gen. James L. Jones, **described the situation as 'one of the very most serious problems we face**.'" "Security was deteriorating rapidly," reported The Washington Post on Monday, "particularly in the mountains along the Afghan border that harbor al-Qaeda and the Taliban, intelligence chiefs reported, and there were signs that those groups were working with indigenous extremists in Pakistan's populous Punjabi heartland. The Pakistani government was mired in political bickering. The army, still fixated on its historical adversary India, remained ill-equipped and unwilling to throw its full weight into the counterinsurgency fight. But despite the threat the intelligence conveyed, Obama has only limited options for dealing with it. Anti-American feeling in Pakistan is high, and a U.S. combat presence is prohibited. The United States is fighting Pakistan-based extremists by proxy, through an army over which it has little control, in alliance with a government in which it has little confidence." It is believed Pakistan is currently in possession of between 60 and 100 nuclear weapons. Because Pakistan's stability is threatened by the wide swath of its population that shares ethnic, cultural and religious connections to the fundamentalist Islamic populace of Afghanistan, fears over what could happen to those nuclear weapons if the Pakistani government collapses are very real. "As the insurgency of the Taliban and Al Qaeda spreads in Pakistan," reported the Times last week, "senior American **officials say they are increasingly concerned about new vulnerabilities for Pakistan's nuclear arsenal, including the potential for militants to snatch a weapon** in transport or to insert sympathizers into laboratories or fuel-production facilities. In public, the administration has only hinted at those concerns, repeating the formulation that the Bush administration used: that it has faith in the Pakistani Army. But that cooperation, according to officials who would not speak for attribution because of the sensitivity surrounding the exchanges between Washington and Islamabad, has been sharply limited when the subject has turned to the vulnerabilities in the Pakistani nuclear infrastructure." "**The prospect of turmoil in Pakistan sends shivers up the spines of those U.S. officials charged with keeping tabs on foreign nuclear weapons**," reported Time Magazine last month. "Pakistan is thought to possess about 100 — the U.S. isn't sure of the total, and may not know where all of them are. Still, if Pakistan collapses, the U.S. military is primed to enter the country and secure as many of those weapons as it can, according to U.S. officials. Pakistani officials insist their personnel safeguards are stringent, but a sleeper cell could cause big trouble, U.S. officials say." In other words**, a shaky Pakistan spells trouble for everyone**, especially if America loses the footrace to secure those weapons in the event of the worst-case scenario. **If** Pakistani **militants** ever **succeed in toppling the government, several very dangerous events could happen at once. Nuclear-armed India could be galvanized into military action of some kind, as could nuclear-armed China or nuclear-armed Russia**. If the Pakistani government does fall, and all those Pakistani nukes are not immediately accounted for and secured, the specter (or reality) of **loose nukes falling into the hands of terrorist organizations could place the entire world on a collision course with unimaginable disaster**. We have all been paying a great deal of attention to Iraq and Afghanistan, and rightly so. The developing situation in Pakistan, however, needs to be placed immediately on the front burner. The Obama administration appears to be gravely

**AT: Link Turn – Aff Makes Warfighting Better**

**The status quo is the perfect middle ground because it preserves congressional involvement without threatening flexibility – the plan kills that balance**

**Scowcroft & Kanter 3**, National Security Adviser under Presidents Bush and Ford, undersecretary of state for political affairs in the Bush administration

(Brent Scowcroft and Arnold Kanter, The Washington Post, “Foreign Policy Straightjacket,” 10-20-1993, p.A29)

**The alternative is not for Congress to give the president a blank check and abdicate its** constitutional **responsibilities in foreign policy. Congress is a valuable sounding board and source of** wise **counsel.** It can offer invaluable assistance in rallying public opinion behind the president and is uniquely positioned to run political sanity checks on the president's proposed policies and actions, offering its distinctive insights into the mood of the country and how best to take the voters' concerns into account. Nor is **Congress** without leverage in helping presidents remember this essential lesson. It **can hold the president accountable** for his actions **before** the bar of **public opinion** -- **and ultimately the ballot box** -- by calling hearings and requiring the administration to send reports detailing the progress, problems and prognosis of particular issues. **If all else fails**, of course, **it can resort to the power of the purse** to enforce its will. **The president too must do his job.** First, **he must exercise** the **foreign policy leadership** that is his unique responsibility, **or Congress surely will** be tempted -- or **feel obliged** -- **to cross the constitutional line and fill the vacuum**. Second, he must build and sustain public and congressional confidence in that leadership by means of frequent, serious consultations with the Hill and clear explanations to the American people about our purposes and stakes. The recent congressional actions on Somalia and the current debate about Haiti can be read as evidence of what happens when the president does not accomplish both these tasks. All presidents know -- or learn -- that their foreign policy cannot succeed and their tough foreign policy decisions will not be sustained without bipartisan support borne of clear, honest dialogue between the two branches of government. But **Congress cannot exercise foreign policy leadership**, and the president must not acquiesce in its ill-considered efforts to do so. **Congress cannot conduct a successful foreign policy; only the president can. Likewise, Congress cannot formulate and execute an effective political-military strategy to accomplish foreign policy objectives; only the president can**. Put simply, our country can ill-afford 535 secretaries of state, and still less 535 commanders in chief. **Congress**, for its part, **must participate in the** grand **debate about** the scope and nature of **American engagement** in the new world order, **but it** also **must resist the temptation to legislate our foreign policy and** how **military forces** will be used to support it. For his part, **the president should** encourage and **benefit from Congress's legitimate participation, but** he also must **stand ready to veto any legislation that undermines his ability to fulfill his foreign policy responsibilities.**

**Syria**

**Obama’s Syria move increased Presidential war powers because it maintained ultimate control with the executive**

**Balkin 9/3, Law Prof at Yale**

(Jack, What Congressional Approval Won't Do: Trim Obama's Power or Make War Legal, www.theatlantic.com/politics/archive/2013/09/what-congressional-approval-wont-do-trim-obamas-power-or-make-war-legal/279298/)

**One of the most misleading metaphors in the discussion of President Obama’s Syria policy is that the president has “boxed himself in” or has “painted himself into a corner.” These metaphors treat a president’s available actions as if they were physical spaces and limits on action as if they were physical walls. Such metaphors would make sense only if we also stipulated that Obama has the power to snap his fingers and create a door or window wherever he likes. The Syria crisis has not created a new precedent for limiting presidential power. To the contrary, it has offered multiple opportunities for increasing it. If Congress says no to Obama, it will not significantly restrain future presidents from using military force. At best, it will preserve current understandings about presidential power. If Congress says yes, it may bestow significant new powers on future presidents** -- and it will also commit the United States to violating international law. For Obama plans to violate the United Nations Charter, and he wants Congress to give him its blessing. **People who believe Obama has painted himself into a corner or boxed himself in might not remember that the president always has the option to ask Congress to authorize any military action he proposes**, thus sharing the responsibility for decision if the enterprise goes sour. If Congress refuses, Obama can easily back away from any threats he has made against Syria, pointing to the fact that Congress would not go along. There is no corner. There is no box. Wouldn’t congressional refusal make the United States look weak, as critics including Senator John McCain warn loudly? Hardly. The next dictator who acts rashly will face a different situation and a different calculus. The UN Security Council or NATO may feel differently about the need to act. There may be a new threat to American interests that lets Obama or the next president offer a different justification for acting. It just won’t matter very much what Obama said about red lines in the past. World leaders say provocative things all the time and then ignore them. Their motto is: That was then, and this is now. If Congress turns him down, won’t Obama be undermined at home, as other critics claim? In what sense? It is hard to see how the Republicans could be less cooperative than they already are. And it’s not in the interest of Democrats to fault a president of their own party for acceding to what Congress wants instead of acting unilaterally. **Some commentators argue** (or hope) t**hat whatever happens, Obama’s request for military authorization will be an important precedent that will begin to restore the constitutional balance between the president and Congress in the area of war powers. Don’t bet on it. By asking for congressional authorization in this case, Obama has not ceded any authority that he ­or any other president ­has previously asserted in war powers.** Syria presents a case in which previous precedents did not apply. There is no direct threat to American security, American personnel, or American interests. There is no Security Council resolution to enforce. And there is no claim that America needs to shore up the credibility of NATO or another important security alliance. Nor does Obama have even the feeble justification that the Clinton Administration offered in Kosovo­: that congressional appropriations midway through the operation offered tacit and retroactive approval for the bombings. **It is naive to think that the next time a president wants to send forces abroad without congressional approval, he or she will be deterred by the fact that Barack Obama once sought congressional permission to bomb Syria**. If a president can plausibly assert that any of the previous justifications apply -- ­including those offered in the Libya intervention -- the case of Syria is easily distinguishable.

**Warfighting Impact – China**

**Maintaining warfighting capabilities key to deter Chinese invasion of the South China Seas**

**Glaser 12**, CSIS Freeman Chair in China Studies

(Bonnie, Pivot to Asia: Prepare for Unintended Consequences, http://csis.org/files/publication/120413\_gf\_glaser.pdf)

Under the current administration, **the pendulum in U.S. policy toward China has swung from attempting to cooperate** with China on global problems **to pushing back against Chinese assertiveness** and challenges to international laws and norms. **Getting tougher with Beijing was necessary, but** it has also **created unintended consequences** that the next administration, either a second Obama team or a Republican lineup, will have to contend with. The Obama administration’s initial policy in 2009 raised fears in many Asian capitals of a G2 condominium that would make decisions over the heads of others. Those concerns were unwarranted and short lived. Beijing interpreted the **U.S.** approach as **weakness**, which, along with China’s economic success and America’s struggles, **led to a year of Chinese hubris that manifested itself in a series of intimidating actions in China’s neighborhood**. Subsequent entreaties by regional states to counterbalance China increased U.S. attention to the Asia-Pacific region. Now**, the U.S. Asia “pivot” has prompted Chinese anxiety** about U.S. containment and heightened regional worries about intensified U.S.-China strategic competition. In the run-up to the leadership transition that will take place at China’s 18th Party Congress this fall, Beijing is inwardly focused and unlikely to act on its fears. However, **2013 could see a shift in Chinese foreign policy based on the new leadership’s judgment that it must respond** to a U.S. strategy that seeks to prevent China’s reemergence as a great power. **Signs of a potential harsh reaction are** already **detectable**. **The** U.S. Asia **pivot** has **triggered an outpouring of anti-American sentiment in China that will increase pressure on China’s** incoming **leadership to stand up to the U**nited **S**tates. **Nationalistic voices are calling for military countermeasures** to the bolstering of America’s military posture in the region and the new U.S. defense strategic guidelines. For example, an article published in China’s Global Times, a jingoistic newspaper owned by the Communist Party mouthpiece People’s Daily, called for China to strengthen its long-range strike capabilities. **Deng** Xiaoping**’s guideline to keep a low profile in the international arena**, designed more than two decades ago to cope with uncertainty produced by the collapse of the Soviet bloc**, is increasingly seen by China’s elite and public as irrelevant and** even **harmful** to the task of defending Chinese ever-expanding “core interests.” **Some** voices **are calling for closer alignment with Moscow** **and** promoting **the BRICS** grouping (Brazil, Russia, India, and China) as a new “pole” in the international arena to strengthen the emerging powers against the West. **Xi** Jinping, who will assume the helm as China’s new leader later this year, **will be under pressure** from many domestic constituencies **to** more **forcefully defend Chinese interests** in the international arena. **Seeking to quickly consolidate his power** and enhance the legitimacy of the Communist Party, Xi and **his newly installed** **Politburo** Standing Committee colleagues **may be more willing** than their predecessors **to test drive a policy that is more confrontational**. **The U.S. response to a more muscular Chinese** foreign and military **policy**, should it appear, **will have to be carefully calibrated**. **Ignoring greater Chinese assertiveness would fuel** the **belief**—already emerging in China and elsewhere— **that the U**nited **S**tates **is in** inexorable **decline**. **History shows that when great powers falter, China does not hesitate to seize the opportunity to advance its interests, especially in the S**outh **C**hina **S**ea. As American forces withdrew from Vietnam in the mid-1970s, the Chinese grabbed the Paracel Islands from Saigon. Similarly, when the Soviet Union withdrew from Vietnam’s Cam Ranh Bay and the United States terminated its base agreement with the Philippines, China quietly occupied Mischief Reef to the dismay of Manila. Yet a hostile and overbearing U.S. response would confirm Chinese suspicions that the United States seeks to contain its rise, which could cement the emergence of a U.S.-China Cold War. In addition, it would further alarm regional states who seek at all costs to avoid having to choose between the United States and China. **U.S. policy will need to combine firmness with subtlety**. A strategy will need to be shaped that protects regional stability and reassures China’s neighbors, but also avoids greater U.S.- China strategic competition and the classic security dilemma, wherein each side believes that growing capabilities reflect hostile intent and responds by producing that reality. **Sustained attention and commitment** of sufficient resources to the Asia- Pacific region **will be key to assuaging the doubts of regional friends and allies about U.S. staying power**. **The U**nited **S**tates also **will need to maintain** the **military capabilities necessary to deter Chinese aggression**.

**South China Sea conflict causes nuclear extinction**

**Wittner 11, Professor of History at SUNY Albany**

(Is a Nuclear War With China Possible?, [www.huntingtonnews.net/14446](http://www.huntingtonnews.net/14446))

**While nuclear weapons exist, there remains a danger that they will be used**. After all, **for centuries national conflicts have led to wars, with nations employing their deadliest weapons. The current deterioration of U.S. relations with China might end up providing us with yet another example of this phenomenon.** **The gathering tension between the United States and China is clear** enough. Disturbed by China’s growing economic and military strength, **the U.S. government recently challenged China’s claims in the South China Sea, increased** the U.S. **military presence** in Australia, **and deepened U.S. military ties with other nations in the Pacific region**. According to Secretary of State Hillary Clinton, the United States was “asserting our own position as a Pacific power.” But **need this lead to nuclear war? Not necessarily**. And **yet**, **there are signs that it could.** After all, **both the United States and China possess large numbers of nuclear weapons. The U.S. government threatened to attack China with nuclear weapons during the Korean War and, later, during the conflict over the future of China’s offshore islands, Quemoy and Matsu**. In the midst of the latter confrontation, President Dwight Eisenhower declared publicly, and chillingly, that U.S. nuclear weapons would “be used just exactly as you would use a bullet or anything else.” Of course, China didn’t have nuclear weapons then. Now that it does, perhaps the behavior of national leaders will be more temperate. But the loose nuclear threats of U.S. and Soviet government officials during the Cold War, when both nations had vast nuclear arsenals, should convince us that, even as the military ante is raised, nuclear saber-rattling persists. **Some pundits argue that nuclear weapons prevent wars between nuclear-armed nations**; and, admittedly, there haven’t been very many—at least not yet. **But the Kargil War** of 1999, **between** nuclear-armed **India and** nuclear-armed **Pakistan**, **should convince us that such wars can occur**. Indeed, **in that case, the conflict almost slipped into a nuclear war.** Pakistan’s foreign secretary threatened that, if the war escalated, his country felt free to use “any weapon” in its arsenal. During the conflict, Pakistan did move nuclear weapons toward its border, while India, it is claimed, readied its own nuclear missiles for an attack on Pakistan. At the least, though, **don’t nuclear weapons deter a nuclear attack**? Do they? **Obviously**, **NATO leaders didn’t feel deterred**, for, **throughout the Cold War, NATO’s strategy was to respond to a Soviet conventional military attack on Western Europe by launching a Western nuclear attack on the nuclear-armed Soviet Union**. Furthermore, **if U.S. government officials really believed that nuclear deterrence worked, they would not have resorted to championing “Star Wars**” and its modern variant, national missile defense. **Why are these vastly expensive**—and probably unworkable—**military defense systems needed if other nuclear powers are deterred from attacking by U.S. nuclear might**? Of course, **the bottom line for those Americans convinced that nuclear weapons safeguard them from a Chinese nuclear attack might be that the U.S. nuclear arsenal is far greater than its Chinese counterpart.** Today, it is estimated that the U.S. government possesses over five thousand nuclear warheads, while the Chinese government has a total inventory of roughly three hundred. Moreover, only about forty of these Chinese nuclear weapons can reach the United States. Surely the United States would “win” any nuclear war with China. But what would that “victory” entail? **A nuclear attack by China would immediately slaughter at least 10 million Americans** in a great storm of blast and fire, while leaving many more dying horribly of sickness and radiation poisoning. **The Chinese death toll in a nuclear war would be far higher. Both nations would be reduced to smoldering, radioactive wastelands**. Also, **radioactive debris sent aloft by the nuclear explosions would blot out the sun and bring on a “nuclear winter” around the globe—destroying agriculture, creating worldwide famine, and generating chaos and destruction.** Moreover, in another decade the extent of this catastrophe would be far worse. **The Chinese government is currently expanding its nuclear arsenal, and by the year 2020 it is expected to more than double its number of nuclear weapons that can hit the United States.** **The U.S.** government, in turn, **has plans to spend hundreds of billions of dollars “modernizing” its nuclear weapons** and nuclear production facilities over the next decade. **To avert the enormous disaster of a U.S.-China nuclear war**, there are two obvious actions that can be taken. The first is to get rid of nuclear weapons, as the nuclear powers have agreed to do but thus far have resisted doing. The second, conducted while the nuclear disarmament process is occurring, is to **improve U.S.-China relations. If the American and Chinese people are interested in ensuring their survival and that of the world, they should be working to encourage these policies.**

**Warfighting Impact – Arctic**

**Credible warfighting key to deter Russia**

**Dowd, 11, Senior Fellow of the Fraser Institute**

(The Big Chill: Energy Needs Fueling Tensions in the Arctic,” https://www.fraserinstitute.org/research-news/news/display.aspx?id=2147483979)

**One reason a military presence will be necessary is the possibility of accidents caused by drilling** and shipping. In addition, competition for Arctic resources could lead to confrontation. Adm. James Stavridis, who serves as NATO’s military commander, concedes that **the Arctic could become “a zone of conflict**” (UPI). To brace for that possibility and thwart Russia’s Arctic fait accompli, **the United States**, Canada, Denmark and Norway—all NATO members and Arctic nations—**should** follow the Cold War playbook: build up the assets needed to **defend their interests**, use those assets **to deter aggression, and deal with Moscow from a posture of strength** and unity. The challenge is to remain open to cooperation while bracing for worst-case scenarios. After all, Russia is not the Soviet Union. Even as Putin and his puppets make mischief, Moscow is open to making deals. Russia and Norway, for instance, recently resolved a long-running boundary dispute, paving the way for development in 67,000 square-miles of the Arctic. Moreover, the U.S., Russia, Canada, Denmark and Norway have agreed on Arctic search-and-rescue responsibilities (Cummins). In a world of increasingly integrated markets, we know there is much to gain from Arctic cooperation and much to lose from protracted military standoff. But we also know that dealing naively with Moscow carries a heavy cost—and that integration is a two-way street. “Russian leaders today yearn not for integration,” the Brookings Institution’s Robert Kagan concludes, “but for a return to a special Russian greatness.” In short, Russia is more interested in recreating the autarky of some bygone era than in the shared benefits of globalization. Framework for Partnership **Dealing with Russia is about power**. As Churchill once said of his Russian counterparts, “**There is nothing they admire so much as strength**, and there is nothing for which they have less respect than for weakness.” **When the message is** clear—or “**hard** and consistent,” to use Putin’s language—**Russia will take a cooperative posture**. When the message is unclear, Russia will take what it can get.

**Arctic conflict goes nuclear**

**Wallace 10,** Professor Emeritus at the University of British Columbia

(Ridding the Arctic of Nuclear Weapons A Task Long Overdue”, http://www.arcticsecurity.org/docs/arctic-nuclear-report-web.pdf)

The fact is, **the Arctic is** becoming **a zone of increased military competition**. Russian President Medvedev has announced the creation of a special military force to defend Arctic claims. Last year Russian General Vladimir Shamanov declared that Russian troops would step up training for Arctic combat, and that Russia’s submarine fleet would increase its “operational radius.” Recently, two Russian attack submarines were spotted off the U.S. east coast for the first time in 15 years. In January 2009, on the eve of Obama’s inauguration, President Bush issued a National Security Presidential Directive on Arctic Regional Policy. It affirmed as a priority the preservation of U.S. military vessel and aircraft mobility and transit throughout the Arctic, including the Northwest Passage, and foresaw greater capabilities to protect U.S. borders in the Arctic. The Bush administration’s disastrous eight years in office, particularly its decision to withdraw from the ABM treaty and deploy missile defence interceptors and a radar station in Eastern Europe, have greatly contributed to the instability we are seeing today, even though the Obama administration has scaled back the planned deployments. The Arctic has figured in this renewed interest in Cold War weapons systems, particularly the upgrading of the Thule Ballistic Missile Early Warning System radar in Northern Greenland for ballistic missile defence. The Canadian government, as well, has put forward new military capabilities to protect Canadian sovereignty claims in the Arctic, including proposed ice-capable ships, a northern military training base and a deep-water port. Earlier this year Denmark released an all-party defence position paper that suggests the country should create a dedicated Arctic military contingent that draws on army, navy and air force assets with shipbased helicopters able to drop troops anywhere. Danish fighter planes would be tasked to patrol Greenlandic airspace. Last year Norway chose to buy 48 Lockheed Martin F-35 fighter jets, partly because of their suitability for Arctic patrols. In March, that country held a major Arctic military practice involving 7,000 soldiers from 13 countries in which a fictional country called Northland seized offshore oil rigs. The manoeuvres prompted a protest from Russia – which objected again in June after Sweden held its largest northern military exercise since the end of the Second World War. About 12,000 troops, 50 aircraft and several warships were involved. Jayantha Dhanapala, President of Pugwash and former UN under-secretary for disarmament affairs, summarized the situation bluntly: “From those in the international peace and security sector, deep concerns are being expressed over the fact that **two nuclear weapon states** – the United States and the Russian Federation, **which** together **own 95 per cent of the** nuclear **weapons in the world – converge on the Arctic** and have competing claims. These claims, together **with** those of other **allied NATO countries** – Canada, Denmark, Iceland, and Norway – **could**, if unresolved, **lead to conflict escalating into the** threat or **use of nuclear weapons**.” Many will no doubt argue that this is excessively alarmist, but **no circumstance in which nuclear powers find themselves in military confrontation can be taken lightly**. The current geo-political threat level is nebulous and low – for now, according to Rob Huebert of the University of Calgary, **“[the] issue is** the **uncertainty** as Arctic states and non-Arctic states begin to recognize the geo-political/economic significance of the Arctic because of climate change.”

**XO CP**

**Plank**

**The executive branch of the United States federal government should issue an executive order that publishes clear guidelines for targeting to be carried out by nonpoliticians and make assassination truly a last resort,**

**Obama himself decides drone targeting --- publishing guidelines creates transparency**

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

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

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

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

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

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

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

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

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

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

**Obama directive to consolidate authority in the DOD will create transparency**

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

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

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

**AT: Self-Binding**

**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.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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#### they aren’t a functional restriction

Philip Alston - John Norton Pomeroy Professor of Law, New York University School of Law – 2011, Harvard National Security Journal, ARTICLE: The CIA and Targeted Killings Beyond Borders, 2 Harv. Nat'l Sec. J. 283

The Gang of Eight procedure has been strongly criticized for being overused, providing too little information, generating no significant records, providing members with no real opportunity for input, and amounting to a formality. A member of the House Committee complained that such notifications are not conducive to effective oversight because members [\*389] "cannot take notes, seek the advice of their counsel, or even discuss the issues raised with their committee colleagues." n376 Indeed, the most extraordinary fact about the congressional notification procedures is how little is known, even by those very close to, but not actually engaged in the process. Thus in a 2011 report, the Congressional Research Service highlighted just how little is known about the extent to which the executive has complied with the relevant legal provisions. The questions they identified and to which they claim no answers are known include the criteria actually applied by the executive in determining whether and how to notify Congress, whether explanations have been furnished, as required by law, to congressional leaders in cases where a restrictive (Gang of Eight) notification approach has been adopted, whether the executive has ever briefed the intelligence committees after the event in relation to actions that were not notified to the Gang of Eight, whether the latter has ever determined that it should alert the intelligence committees to a matter of which it has been informed by the executive, and whether the committees have ever sought to develop procedures for dealing with the many issues that arise in this grey zone. n377

#### Rozoff is also NOT ABOUT war powers — refers to presidential authority — that’s an independent limits da — allowing any constitutionally numerated power vaguely related to war means they allow treaties and federalism affs which EXPLODE THE TOPIC

**The Constitution**

he president's duties, as outlined by Article II, Section 2, of the U.S. Constitution:

**The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States**, when called into the actual Service of the United States; he may require the Opinion, in [writing](http://www.answers.com/topic/constitutional-duties-of-the-president), of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and **he shall have Power to grant Reprieves and Pardons for Offences against the U**nited **S**tates, except in Cases of Impeachment.

He shall have [Power](http://www.answers.com/topic/constitutional-duties-of-the-president), by and with the Advice and Consent of the Senate, **to make Treaties**, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall **appoint Ambassadors**, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have Power to fill up all [Vacancies](http://www.answers.com/topic/constitutional-duties-of-the-president) that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

<http://www.answers.com/topic/constitutional-duties-of-the-president#ixzz2f198ZnSC>

**Also allows communications, deliberation, and law enforcement investigation affs — your card**

**Rozell 12**, Mark (Professor of Public Policy, George Mason University) “The Constitution and Executive Privilege,” Library of Law and Liberty, 7/12/12, <http://www.libertylawsite.org/2012/07/12/the-constitution-and-executive-privilege/>

Executive privilege is the constitutional principle that permits the president and high-level executive branch officers to withhold information from Congress, the courts, and ultimately the public. This presidential power is controversial because it is nowhere mentioned in the U.S. Constitution. That fact has led some scholars (Berger 1974; Prakash, 1999) to suggest that executive privilege does not exist and that the congressional power of inquiry is absolute. There is no doubt that presidents and their staffs have secrecy needs and that these decision makers must be able to deliberate in private without fear that every utterance may be made public. But many observers question whether presidents have the right to withhold documents and testimony in the face of congressional investigations or judicial proceedings.

Executive privilege is an implied presidential power that is recognized by the courts, most famously in the U.S. v. Nixon (1974) Supreme Court case. There are generally four areas that an executive branch claim of privilege is based: 1) **presidential communications privilege; 2) deliberative process privilege**; 3) national security, foreign relations or military affairs, and 4) **an ongoing law enforcement investigation**. In the current controversy over congressional access to Department of Justice documents pertaining to the Fast & Furious scandal investigation, the president and Attorney General Eric Holder are relying on the deliberative process privilege and also the ongoing law enforcement investigation defense.

#### Your Fisher evidence agrees with this — using the AUMF is overly broad

Louis **Fisher**, Specialist in Constitutional Law with a Ph.D. who worked in the Law Library at the Library of Congress, “Congressional Access to National Security Information,” 20**08**, http://digitalcommons.law.wne.edu/cgi/viewcontent.cgi?article=1006&context=facschol

The Bush administration supported this pragmatic argument with the ¶ theory that the President is authorized, without disclosure of the program ¶ to Congress or the public, by the Authorization to Use Military Force ¶ (AUMF) to ¶ use all necessary and appropriate force against those nations, ¶ organizations, or persons he determines planned, authorized, com­¶ mitted, or aided the terrorist attacks that occurred on September 11, ¶ 2001, or harbored such organizations or persons, in order to prevent ¶ any future acts of international terrorism against the United States by ¶ such nations, organizations or persons.196 **The administration has argued that whatever obligation it had to ¶ share information** with Congress relating to the development of legal ¶ policy, whether under previous Justice Department norms or the ¶ information-sharing rubric of the National Security Act of 1974,197 **was ¶ obviated by the passage of the AUMF**.198 **The view that the AUMF ¶ provides a blanket justification for whatever action the administration ¶ deems necessary** as part of the war on terror was squarely rejected by the ¶ Supreme Court in Hamdi v. Rumsfeld.199 Despite the reclassification and release in April 2008 of the Yoo ¶ Memorandum, numerous OLC opinions remained secret for many years, ¶ supposedly for reasons of national security—the same reason offered for ¶ the initial nondisclosure of the Yoo Memorandum, which was eventually ¶ declassified in response to a FOIA request.