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#### Obama singularly focused on the fiscal crisis—his political capital will resolve it before shutdown and default

Jonathan Allen, Politico, 9/19/13, GOP battles boost President Obama, dyn.politico.com/printstory.cfm?uuid=17961849-5BE5-43CA-B1BC-ED8A12A534EB

There’s a simple reason President Barack Obama is using his bully pulpit to focus the nation’s attention on the battle over the budget: In this fight, he’s watching Republicans take swings at each other.

And that GOP fight is a lifeline for an administration that had been scrambling to gain control its message after battling congressional Democrats on the potential use of military force in Syria and the possible nomination of Larry Summers to run the Federal Reserve.

If House Republicans and Obama can’t cut even a short-term deal for a continuing resolution, the government’s authority to spend money will run out on Oct. 1. Within weeks, the nation will default on its debt if an agreement isn’t reached to raise the federal debt limit.

For some Republicans, those deadlines represent a leverage point that can be used to force Obama to slash his health care law. For others, they’re a zero hour at which the party will implode if it doesn’t cut a deal.

Meanwhile, “on the looming fiscal issues, Democrats — both liberal and conservative, executive and congressional — are virtually 100 percent united,” said Sen. Charles Schumer (D-N.Y.).

Just a few days ago, all that Obama and his aides could talk about were Syria and Summers. Now, they’re bringing their party together and shining a white hot light on Republican disunity over whether to shut down the government and plunge the nation into default in a vain effort to stop Obamacare from going into effect.

The squabbling among Republicans has gotten so vicious that a Twitter hashtag — #GOPvsGOPugliness — has become a thick virtual data file for tracking the intraparty insults. Moderates, and even some conservatives, are slamming Texas Sen. Ted Cruz, a tea party favorite, for ramping up grassroots expectations that the GOP will shut down the government if it can’t win concessions from the president to “defund” his signature health care law.

“I didn’t go to Harvard or Princeton, but I can count,” Sen. Bob Corker (R-Tenn.) tweeted, subtly mocking Cruz’s Ivy League education. “The defunding box canyon is a tactic that will fail and weaken our position.”

While it is well-timed for the White House to interrupt a bad slide, Obama’s singular focus on the budget battle is hardly a last-minute shift. Instead, it is a return to the narrative arc that the White House was working to build before the Syria crisis intervened.

And it’s so important to the president’s strategy that White House officials didn’t consider postponing Monday’s rollout of the most partisan and high-stakes phase even when a shooter murdered a dozen people at Washington’s Navy Yard that morning.

The basic storyline, well under way over the summer, was to have the president point to parts of his agenda, including reducing the costs of college and housing, designed to strengthen the middle class; use them to make the case that he not only saved the country from economic disaster but is fighting to bolster the nation’s finances on both the macro and household level; and then argue that Republicans’ desire to lock in the sequester and leverage a debt-ceiling increase for Obamacare cuts would reverse progress made.

The president is on firm ground, White House officials say, because he stands with the public in believing that the government shouldn’t shut down and that the country should pay its bills.

#### The plan causes an inter-branch fight that derails Obama’s agenda

Douglas Kriner, Assistant Profess of Political Science at Boston University, 2010, After the Rubicon: Congress, Presidents, and the Politics of Waging War, p. 67-69

Raising or Lowering Political Costs by Affecting Presidential Political Capital

Shaping both real and anticipated public opinion are two important ways in which Congress can raise or lower the political costs of a military action for the president. However, focusing exclusively on opinion dynamics threatens to obscure the much broader political consequences of domestic reaction—particularly congressional opposition—to presidential foreign policies. At least since Richard Neustadt's seminal work Presidential Power, presidency scholars have warned that costly political battles in one policy arena frequently have significant ramifications for presidential power in other realms. Indeed, two of Neustadt's three "cases of command"—Truman's seizure of the steel mills and firing of General Douglas MacArthur—explicitly discussed the broader political consequences of stiff domestic resistance to presidential assertions of commander-in-chief powers. In both cases, Truman emerged victorious in the case at hand—yet, Neustadt argues, each victory cost Truman dearly in terms of his future power prospects and leeway in other policy areas, many of which were more important to the president than achieving unconditional victory over North Korea."

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." 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.6°

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 both 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 priorities, such as Social Security and immigration reform, failedperhaps 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.

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

#### That spills-over to government shutdown and US default—that kills the economy and US credibility

Norm Ornstein, resident scholar at the American Enterprise Institute, 9/1/13, Showdowns and Shutdowns, www.foreignpolicy.com/articles/2013/09/01/showdowns\_and\_shutdowns\_syria\_congress\_obama

Then there is the overload of business on the congressional agenda when the two houses return on Sept. 9 -with only nine legislative days scheduled for action in the month. We have serious confrontations ahead on spending bills and the debt limit, as the new fiscal year begins on Oct. 1 and the debt ceiling approaches just a week or two thereafter. Before the news that we would drop everything for an intense debate on whether to strike militarily in Syria, Congress-watchers were wondering how we could possibly deal with the intense bargaining required to avoid one or more government shutdowns and/or a real breach of the debt ceiling, with devastating consequences for American credibility and the international economy.

Beyond the deep policy and political divisions, Republican congressional leaders will likely use both a shutdown and the debt ceiling as hostages to force the president to cave on their demands for deeper spending cuts. Avoiding this end-game bargaining will require the unwavering attention of the same top leaders in the executive and legislative branches who will be deeply enmeshed in the Syria debate. The possibility -even probability -of disruptions caused by partial shutdowns could complicate any military actions. The possibility is also great that the rancor that will accompany the showdowns over fiscal policy will bleed over into the debate about America and Syria.

**Nuclear war**

**Harris and Burrows ‘9**

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

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

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“Targeted killing” is the premeditated, state-sanctioned killing of specific individuals

Silva, LL.M. from the University of Montreal, 2003

(Jose Sebastian, “Death for Life: A Study of Targeted Killing by States In International Law,” https://papyrus.bib.umontreal.ca/xmlui/handle/1866/2372)

As defined by Steven R. David, targeted killing is the "intentional slaying of a specific individual or group of individuals undertaken with explicit governmental approval.,,25 Though concise, the problem with this definition is that it fails to specify the intended targets and ignores the context in which they are carried out. **By failing to define targeted killings as measures of counter-terrorism**, **killings of all types may indiscriminately fall under its mantle with devastating consequences**. As such, the killing of political leaders in peacetime, which amounts to assassination, can fall within its scope. The same can be said about the killing of specific enemy combatants in armed conflict, which amounts to targeted military strikes, and the intentional slaying of common criminals, dissidents, or opposition leaders. Actions carried-out by governments within their jurisdictions can also be interpreted as targeted killings. Although the killing of terrorists abroad may constitute lawful and proportionate self-defense in response to armed attacks, the use of such measures by states for an unspecified number of reasons renders shady their very suggestion. David's definition is **essentially correct** **but over-inclusive**. As discussed in the following chapters, targeted killing will refer to lethal action taken by states against wanted individuals on foreign soil that have, or are preparing, to attack it. They must also not be equated with killings that occur during armed conflicts between states nor in the context of occupation or civil war. For the purpose of this study, **targeted killing will be defined as the *premeditated killing by states of specific individuals on foreign soil outside the context of armed conflict to prevent acts of international terrorism***. This definition covers almost any use of lethal force by states on foreign soil whose purpose is the prevention of international terrorism, provided that it is *not* carried-out in the context of an armed conflict as understood by the Geneva Conventions. Generally, this implies any military confrontation between "two or more of the High Contracting Parties, even if the state of war is not recognized by one of them,,,26 as well as armed conflicts not of an international character occurring in the territory of one of the High Contracting Parties. The limitation imposed by the proposed definition is that an armed conflict not already exist against the sanctuary-state or an armed group within it, as it would automatically render lawful the use of proportionate military force, including targeted killing. The purpose of the absence of armed conflict qualification is to remove from the analysis any possibility that targeted killings will be *automatically* justified as the killing combatants.

The aff restricts strikes against unidentified individuals --- that’s bad

1 --- precision ---- guides predictable reseach over targeted killing policy

2 --- limits --- enables affs that change merely change the legal architecture or targeted killing against states

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**The affirmative re-inscribes the primacy of liberal legalism as a method of restraint—that paradoxically collapses resistance to Executive excesses.**

**Margulies ‘11**

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In an observation more often repeated than defended, we are told that the attacks of September 11 “changed everything.” Whatever merit there is in this notion, it is certainly true that 9/11—and in particular the legal response set in motion by the administration of President George W. Bush—left its mark on the academy. Nine years after 9/11, it is time to step back and assess these developments and to offer thoughts on their meaning. In Part II of this essay, we analyze the post-9/11 scholarship produced by this “emergency” framing. We argue that legal scholars writing in the aftermath of 9/11 generally fell into one of three groups: unilateralists, interventionists, and proceduralists. Unilateralists argued in favor of tilting the allocation of government power toward the executive because the state’s interest in survival is superior to any individual liberty interest, and because the executive is best able to understand and address threats to the state. Interventionists, by contrast, argued in favor of restraining the executive (principally through the judiciary) precisely to prevent the erosion of civil liberties. Proceduralists took a middle road, informed by what they perceived as a central lesson of American history.1 Because at least some overreaction by the state is an inevitable feature of a national crisis, the most one can reasonably hope for is to build in structural and procedural protections to preserve the essential U.S. constitutional framework, and, perhaps, to minimize the damage done to American legal and moral traditions. Despite profound differences between and within these groups, legal scholars in **all three camps** (as well as litigants and clinicians, including the authors) shared a common perspective—viz., that repressive legal policies adopted by wartime governments are **temporary departures** from hypothesized peacetime norms. In this narrative, metaphors of bewilderment, wandering, and confusion predominate. The country “loses its bearings” and “goes astray.” Bad things happen until at last the nation “finds itself” or “comes to its senses,” recovers its “values,” and fixes the problem. **Internment ends, habeas is restored, prisoners are pardoned, repression passes**. In a show of regret, we change direction, “get back on course,” and vow it will never happen again. **Until the next time, when it does**. This view, popularized in treatments like All the Laws but One, by the late Chief Justice Rehnquist,2 or the more thoughtful and thorough discussion in Perilous Times by Chicago’s Geoffrey Stone,3 quickly became the dominant narrative in American society and the legal academy. **This narrative also figured heavily in the many challenges to Bush-era policies,** including by the authors. The narrative permitted litigators and legal scholars to draw upon what elsewhere has been referred to as America’s “civic religion”4 and to **cast the courts in the role of hero-judges**5 **whom we hoped would restore legal order.**6 But by framing the Bush Administration’s response as the latest in a series of regrettable but temporary deviations from a hypothesized liberal norm, the legal academy ignored the more persistent, and decidedly illiberal, authoritarian tendency in American thought to demonize communal “others” during moments of perceived threat. Viewed in this light, what the dominant narrative identified as a brief departure caused by a military crisis is more accurately seen as part of a recurring process of intense stigmatization tied to periods of social upheaval, of which war and its accompanying repressions are simply representative (and particularly acute) illustrations. It is worth recalling, for instance, that the heyday of the Ku Klux Klan in this country, when the organization could claim upwards of 3 million members, was the early-1920s, and that the period of greatest Klan expansion began in the summer of 1920, almost immediately after the nation had “recovered” from the Red Scare of 1919–20.7 Klan activity during this period, unlike its earlier and later iterations, focused mainly on the scourge of the immigrant Jew and Catholic, and flowed effortlessly from the anti-alien, anti-radical hysteria of the Red Scare. Yet this period is almost entirely unaccounted for in the dominant post-9/11 narrative of deviation and redemption, which in most versions glides seamlessly from the madness of the Red Scare to the internment of the Japanese during World War II.8 And because we were studying the elephant with the wrong end of the telescope, **we came to a flawed understanding of the beast**. In Part IV, we argue that the interventionists and unilateralists came to an incomplete understanding by focusing almost exclusively on what Stuart Scheingold called “the myth of rights”—the belief that if we can identify, elaborate, and secure judicial recognition of the legal “right,” **political structures and policies will adapt their behavior to the requirements of the law** and change will follow more or less automatically.9 Scholars struggled to define the relationship between law and security primarily through exploration of structural10 and procedural questions, and, to a lesser extent, to substantive rights. And they examined the almost limitless number of subsidiary questions clustered within these issues. Questions about the right to habeas review, for instance, generated a great deal of scholarship about the handful of World War II-era cases that the Bush Administration relied upon, including most prominently Johnson v. Eisentrager and Ex Parte Quirin. 11 Regardless of political viewpoint, a common notion among most unilateralist and interventionist scholars was that when law legitimized or delegitimized a particular policy, **this would have a direct and observable effect on actual behavior**. The premise of this scholarship, in other words, was that policies “struck down” by the courts, or credibly condemned as lawless by the academy, would inevitably be changed—**and that this should be the focus of reform efforts.** Even when disagreement existed about the substance of rights or even which branch should decide their parameters, it reflected shared acceptance of the **primacy** of law, **often to the exclusion of underlying social or political dynamics**. Eric Posner and Adrian Vermeule, for instance, may have thought, unlike the great majority of their colleagues, that the torture memo was “standard fare.”12 But their position nonetheless accepted the notion that if the prisoners had a legal right to be treated otherwise, then the torture memo authorized illegal behavior and must be given no effect.13 Recent developments, however, cast doubt on two grounding ideas of interventionist and unilateralist scholarship—viz., that post-9/11 policies were best explained as responses to a national crisis (and therefore limited in time and scope), and that the problem was essentially legal (and therefore responsive to condemnation by the judiciary and legal academy). One might have reasonably predicted that in the wake of a string of Supreme Court decisions limiting executive power, apparently widespread and bipartisan support for the closure of Guantánamo during the 2008 presidential campaign, and the election of President Barack Obama, which itself heralded a series of executive orders that attempted to dismantle many Bush-era policies, the nation would be “returning” to a period of respect for individual rights and the rule of law. Yet the period following Obama’s election has been marked by an increasingly retributive and venomous narrative surrounding Islam and national security. **Precisely when the dominant narrative would have predicted change** and redemption, **we have seen retreat and retrenchment.** This conundrum is not adequately addressed by dominant strands of post-9/11 legal scholarship. In retrospect, it is surprising that much post-9/11 scholarship appears to have set aside critical lessons from previous decades as to the relationship among law, society and politics.14 Many scholars have long argued in other contexts that rights—or at least the experience of rights—are subject to political and social constraints, particularly for groups subject to historic marginalization. Rather than self-executing, rights are better viewed as contingent political resources, capable of mobilizing public sentiment and generating social expectations.15 From that view, a victory in Rasul or Boumediene no more guaranteed that prisoners at Guantánamo would enjoy the right to habeas corpus than a victory in Brown v. Board16 guaranteed that schools in the South would be desegregated.17 Rasul and Boumediene, therefore, should be seen as part (and probably only a small part) of a varied and complex collection of events, including the fiasco in Iraq, the scandal at the Abu Ghraib prison, and the use of warrantless wiretaps, as well as seemingly unrelated episodes like the official response to Hurricane Katrina. These and other events during the Bush years merged to give rise to a powerful social narrative critiquing an administration committed to lawlessness, content with incompetence, and engaged in behavior that was contrary to perceived “American values.”18 Yet the very success of this narrative, culminating in the election of Barack Obama in 2008, produced quiescence on the Left, even as it stimulated massive opposition on the Right. The result has been the emergence of a counter-narrative about national security that has produced a vigorous social backlash such that most of the Bush-era policies will continue largely unchanged, at least for the foreseeable future.19 Just as we see a widening gap between judicial **recognition** of rights in the abstract and the **observation** of those rights as a matter of fact, there appears to be an emerging dominance of proceduralist approaches, which take as a given that rights dissolve under political pressure, and, thus, are best protected by basic procedural measures. But that stance falls short in its seeming readiness to trade away rights in the face of political tension. First, it accepts the tropes du jour surrounding radical Islam—namely, that it is a unique, and uniquely apocalyptic, threat to U.S. security. In this, proceduralists do not pay adequate heed to the lessons of American history and sociology. And second, it endorses too easily the idea that procedural and structural protections will protect against substantive injustice in the face of popular and/or political demands for an outcome-determinative system that cannot tolerate acquittals. Procedures only provide protection, however, if there is sufficient **political support** for the underlying right. Since the premise of the proceduralist scholarship is that such support does not exist, **it is folly to expect the political branches to create meaningful and robust protections**. In short, a witch hunt does not become less a mockery of justice when the accused is given the right to confront witnesses. And a separate system (especially when designed for demonized “others,” such as Muslims) cannot, by definition, be equal. In the end, we urge a fuller embrace of what Scheingold called “the politics of rights,” which recognizes the contingent character of rights in American society. We agree with Mari Matsuda, who observed more than two decades ago that rights are a necessary but not sufficient resource for marginalized people with little political capital.20 To be effective, therefore, we must look **beyond the courts** and grapple with the hard work of long-term change with, through and, perhaps, **in spite of law**. These are by no means new dilemmas, but the post-9/11 context raises difficult and perplexing questions that deserve study and careful thought as our nation settles into what appears to be a permanent emergency.

**Legalism underpins the violence of empire and creates the conditions of possibility for liberal violence.**

**Dossa ‘99**

Shiraz, Department of Political Science, St. Francis Xavier University, Antigonish, Nova Scotia, “Liberal Legalism: Law, Culture and Identity,” The European Legacy, Vol. 4, No. 3, pp. 73-87,1

No discipline in the rationalized arsenal of modernity is as rational, impartial, objective as the province of law and jurisprudence, in the eyes of its liberal enthusiasts. Law is the exemplary countenance of the conscious and calculated rationality of modern life, **it is the emblematic face of liberal civilization**. Law and legal rules symbolize the spirit of science, the march of **human progress**. As Max Weber, the reluctant liberal theorist of the ethic of rationalization, asserted: judicial formalism enables the legal system to operate like a technically **rational machine**. Thus it guarantees to individuals and groups within the system a relative of maximum of freedom, and greatly increases for them the possibility of predicting the legal consequences of their action. In this reading, law encapsulates the western capacity to **bring order to nature** and human beings, to turn the ebb and flow of life into a "rational machine" under the tutelage of "judicial formalism".19 Subjugation of the Other races in the colonial **empires** was motivated by power and rapacity, but it was **justified and indeed rationalized**, **by an appeal to the civilizing influence** **of** religion and **law**: western Christianity and liberal law. To the imperialist mind, "the civilizing mission of law" was **fundamental**, though Christianity had a part to play in this program.20 Liberal colonialists visualized law, civilization and progress as deeply connected and basic, they saw western law as neutral, universally relevant and desirable. The first claim was right in the liberal context, the second thoroughly false. In the liberal version, the mythic and irrational, emblems of thoughtlessness and fear, had ruled all life-forms in the past and still ruled the lives of the vast majority of humanity in the third world; in thrall to the majesty of the natural and the transcendent, primitive life flourished in the environment of traditionalism and lawlessness, hallmarks of the epoch of ignorance. By contrast, liberal ideology and modernity were abrasively unmythic, rational and controlled. Liberal order was informed by knowledge, science, a sense of historical progress, a continuously improving future. But this canonical, secular, bracing self-image, is tendentious and substantively illusory: it blithely scants the bloody genealogy and the extant historical record of liberal modernity, liberal politics, and particularly **liberal law** and its impact on the "lower races" (Hobson). In his Mythology of Modern Law, Fitzpatrick has shown that the enabling claims of liberalism, specifically of **liberal law**, are not only untenable but **implicated** in canvassing a **racist justification of its colonial past** and in eliding the racist basis of the structure of liberal jurisprudence.21 Liberal law is **mythic** in its presumption of its neutral, objective status. Specifically, the liberal legal story of its immaculate, analytically pure origin obscures and veils not just law's own ruthless, violent, even savage and disorderly trajectory, but also its **constitutive association with imperialism and racism**.22 In lieu of the transcendent, divine God of the "lower races", modern secular law postulated the gods of History, Science, Freedom. Liberal law was to be the instrument for realizing the promise of progress that the profane gods had decreed. Fitzpatrick's invasive surgical analysis lays bare the underlying logic of law's self-articulation in opposition to the values of cultural-racial Others, and its strategic, continuous reassertion of liberalism's superiority and the civilizational indispensability of liberal legalism. Liberal law's self-presentation presupposes a corrosive, debilitating, anarchic state of nature inhabited by the racial Others and lying in wait at the borders of the enlightened modern West. This mythological, savage Other, creature of raw, natural, unregulated fecundity and sexuality, justified the liberal conquest and control of the racially Other regions.23 Law's violence and resonant savagery on behalf of the West in its imperial razing of cultures and lands of the others, has **been and still is**, justified in terms of the necessary, beneficial spread of liberal civilization. Fitzpatrick's analysis parallels the impassioned deconstruction of this discourse of domination initiated by Edward Said's Orientalism, itself made possible by the pioneering analyses of writers like Aime Cesaire and Frantz Fanon. Fitzpatrick's argument is nevertheless instructive: his focus on law and its machinations unravels the one concrete province of imperial ideology that is centrally modern and critical in literally transforming and refashioning the human nature of racial Others. For liberal law carries on its back the payload of "progressive", pragmatic, **instrumental modernity**, its ideals of order and rule of law, its articulation of human rights and freedom, its ethic of procedural justice, its hostility to the sacred, to transcendence or spiritual complexity, its recasting of politics as the handmaiden of the nomos, its valorization of **scientism** and rationalization in all spheres of modern life. Liberal law is not synonymous with modernity tout court, but it is the exemplary voice of its rational spirit, **the custodian of its civilizational ambitions.** For the colonized Others, no non-liberal alternative is available: a non-western route to economic progress is inconceivable in liberal-legal discourse. For even the truly tenacious in the third world will never cease to be, in one sense or another, the outriders of modernity: their human condition condemns them to **playing perpetual catch-up**, eternally subservient to Western economic and technological superiority in a epoch of self-surpassing modernity.24 If the racially Other nations suffer exclusion globally, the racially other minorities inside the liberal loop enjoy the ambiguous benefits of inclusion. As legal immigrants or refugees, they are entitled to the full array of rights and privileges, as citizens (in Canada, France, U.K., U.S—Germany is the exception) they acquire civic and political rights as a matter of law. Formally, they are equal and equally deserving. **In theory** liberal law is inclusive, but concretely it is routinely **partial and invidious**. Inclusion is **conditional**: it depends on how robustly the new citizens wear and deploy their cultural difference. Two historical facts account for this phenomenon: liberal law's role in western imperialism and the Western claim of civilizational superiority that pervades the culture that sustains liberal legalism. Liberal law, as the other of the racially Other within its legal jurisdiction, differentiates and locates this other in the enemy camp of the culturally raw, irreducibly foreign, making him an unreliable ally or citizen. Law's suspicion of the others socialized in "lawless" cultures is instinctive and undeniable. Liberal law's constitutive bias is in a sense incidental: **the real problem is racism** or the racist basis **of liberal ideology and culture.**25 The internal racial other is not the juridical equal in the mind of liberal law but the juridically and humanly inferior Other, the **perpetual foreigner**.

**The alternative is to vote negative to endorse political, rather than legal restrictions on Presidential war powers authority.**

**Goldsmith ‘12**

Jack, Harvard Law School Professor, focus on national security law, presidential power, cybersecurity, and conflict of laws, Former Assistant Attorney General, Office of Legal Counsel, and Special Counsel to the Department of Defense, Hoover Institution Task Force on National Security and Law, March 2012, Power and Constraint, p. 205-209

DAVID BRIN is a science-fiction writer who in 1998 turned his imagination to a nonfiction book about privacy called The Transparent Society. Brin argued that individual privacy was on a path to extinction because government surveillance tools—tinier and tinier cameras and recorders, more robust electronic snooping, and bigger and bigger databases—were growing irreversibly more powerful. His solution to this attack on personal space was not to erect privacy walls, which he thought were futile, but rather to induce responsible government action by turning the surveillance devices on the government itself. A government that citizens can watch, Brin argued, is one subject to criticism and reprisals for its errors and abuses, and one that is more careful and responsible in the first place for fear of this backlash. A transparent government, in short, is an accountable one. "If neo-western civilization has one great trick in its repertoire, a technique more responsible than any other for its success, that trick is accountability," Brin argues, "[e]specially the knack—which no other culture ever mastered—of making accountability apply to the mighty."' Brin's notion of reciprocal transparency is in some ways the **inverse** of the penological design known as a "panopticon," made famous by the eighteenth-century English utilitarian philosopher Jeremy Bentham. Bentham's brother Samuel had designed a prison in Paris that allowed an "inspector" to monitor all of the inmates from a central location without the prisoners knowing whether or when they were being watched (and thus when they might be sanctioned for bad behavior). Bentham described the panopticon prison as a "new mode of obtaining power of mind over mind" because it allowed a single guard to control many prisoners merely by conveying that he might be watching.' The idea that a "watcher" could gain enormous social control over the "watched" through constant surveillance backed with threats of punishment has proved influential. Michel Foucault invoked Bentham's panopticon as a model for how modern societies and governments watch people in order to control them.' George Orwell invoked a similar idea three decades earlier with the panoptical telescreen in his novel 1984. More recently, Yale Law School professor Jack Balkin used the panopticon as a metaphor for what he calls the "National Surveillance State," in which governments "use surveillance, data collection, and data mining technologies not only to keep Americans safe from terrorist attacks but also to prevent ordinary crime and deliver social services." **The direction of the panopticon can be reversed, however, creating a "synopticon" in which many can watch one, including the government**.' The television is a synopticon that enables millions to watch the same governmental speech or hearing, though it is not a terribly robust one because the government can control the broadcast. Digital technology and the Internet combine to make a more powerful synopticon that allows many individuals to record and watch an official event or document in sometimes surprising ways. Video recorders placed in police stations and police cars, cell-phone video cameras, and similar tools increase citizens' ability to watch and record government activity. This new media content can be broadcast on the Internet and through other channels to give citizens synoptical power over the government—a power that some describe as "sousveillance" (watching from below)! These and related forms of watching can have a disciplining effect on government akin to Brin's reciprocal transparency. The various forms of watching and checking the presidency described in this book constitute a vibrant presidential synopticon. Empowered by legal reform and technological change, the "many"—in the form of courts, members of Congress and their staff, human rights activists, journalists and their collaborators, and lawyers and watchdogs inside and outside the executive branch—constantly gaze on the "one," the presidency. Acting alone and in mutually reinforcing networks that crossed organizational boundaries, these institutions extracted and revealed information about the executive branch's conduct in war—sometimes to adversarial actors inside the government, and sometimes to the public. The revelations, in turn, forced the executive branch to account for its actions and enabled many institutions to influence its operations. **The presidential synopticon** also **promoted responsible executive action merely through its broadening gaze.** One consequence of a panopticon, in Foucault's words, is "to induce in the inmate a state of conscious and permanent visibility that assures the automatic functioning of power."' The same thing has happened in reverse but to similar effect within the executive branch, where officials are much more careful merely by virtue of being watched. The presidential synopticon is in some respects not new. Victor Davis Hanson has argued that "war amid audit, scrutiny, and self-critique" has been a defining feature of the Western tradition for 2,500 years.' From the founding of the nation, American war presidents have been subject to intense scrutiny and criticism in the unusually open society that has characterized the United States. And many of the accountability mechanisms described in this book have been growing since the 1970s in step with the modern presidency. What is new, however, is the scope and depth of these modern mechanisms, their intense legalization, and their robust operation during wartime. In previous major wars the President determined when, how, and where to surveil, target, detain, transfer, and interrogate enemy soldiers, often without public knowledge, and almost entirely without unwanted legal interference from within the executive branch itself or from the other branches of government.' Today these **decisions are known inside and outside the government to an unprecedented degree** and are heavily regulated by laws and judicial decisions that are enforced daily by lawyers and critics inside and outside the presidency. Never before have Congress, the courts, and lawyers had such a say in day-to-day military activities; never before has the Commander in Chief been so influenced, and constrained, by law. This regime has many historical antecedents, but it came together and hit the Commander in Chief hard for the first time in the last decade. It did so because of extensive concerns about excessive presidential power in an indefinite and unusually secretive war fought among civilians, not just abroad but at home as well. These concerns were exacerbated and given credibility by the rhetoric and reality of the Bush administration's executive unilateralism—a strategy that was designed to free it from the web of military and intelligence laws but that instead galvanized forces of reaction to presidential power and deepened the laws' impact. Added to this mix were enormous changes in communication and collaboration **tech**nologies that grew to maturity in the decade after 9/11. These changes helped render executive branch secrets harder to keep, and had a flattening effect on the executive branch just as it had on other hierarchical institutions, making connections between (and thus accountability to) actors inside and outside the presidency **much more extensive**.

## 1nc

Executive war power primacy now—the plan flips that

Eric Posner, 9/3/13, 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.

The aff’s abdication of executive war power authority to congress destroys war fighting capabilities

Yoo ‘12

John, Harvard University, B.A. Yale Law School, J.D. Law professor at Berkeley, former official in the United States Department of Justice, “War Powers Belong to the President,” <http://www.abajournal.com/magazine/article/war_powers_belong_to_the_president>

Common sense does not support replacing the way our Constitution has worked in wartime with a radically different system that mimics the peacetime balance of powers between president and Congress. If the issue were the environment or Social Security, Congress would enact policy first and the president would faithfully implement it second. But the Constitution does not duplicate this system in war. Instead, our framers decided that the president would play the leading role in matters of national security. Those in the pro-Congress camp call upon the anti-monarchical origins of the American Revolution for support. If the framers rebelled against King George III’s dictatorial powers, surely they would not give the president much authority. It is true that the revolutionaries rejected the royal prerogative, and they created weak executives at the state level. Americans have long turned a skeptical eye toward the growth of federal powers. But this may mislead some to resist the fundamental difference in the Constitution’s treatment of domestic and foreign affairs. For when the framers wrote the Constitution in 1787 they rejected these failed experiments and restored an independent, unified chief executive with its own powers in national security and foreign affairs. The most important of the president’s powers are commander in chief and chief executive. As Alexander Hamilton wrote in Federalist 74, “The direction of war implies the direction of the common strength, and the power of directing and employing the common strength forms a usual and essential part in the definition of the executive authority.” Presidents should conduct war, he wrote, because they could act with “decision, activity, secrecy and dispatch.” In perhaps his most famous words, Hamilton wrote: “Energy in the executive is a leading character in the definition of good government. ... It is essential to the protection of the community against foreign attacks.” 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.

It spills over to destabilize all presidential war powers.

Heder ’10

(Adam, J.D., magna cum laude , J. Reuben Clark Law School, Brigham Young University, “THE POWER TO END WAR: THE EXTENT AND LIMITS OF CONGRESSIONAL POWER,” St. Mary’s Law Journal Vol. 41 No. 3, <http://www.stmaryslawjournal.org/pdfs/Hederreadytogo.pdf>)

This constitutional silence invokes Justice Rehnquist’s oftquoted language from the landmark “political question” case, Goldwater v. Carter . 121 In Goldwater , a group of senators challenged President Carter’s termination, without Senate approval, of the United States ’ Mutual Defense Treaty with Taiwan. 122 A plurality of the Court held, 123 in an opinion authored by Justice Rehnquist, that this was a nonjusticiable political question. 124 He wrote: “In light of the absence of any constitutional provision governing the termination of a treaty, . . . the instant case in my view also ‘must surely be controlled by political standards.’” 125 Notably, Justice Rehnquist relied on the fact that there was no constitutional provision on point. Likewise, there is **no constitutional provision** on whether Congress has the legislative power to **limit, end, or otherwise redefine the scope of a war**. Though Justice Powell argues in Goldwater that the Treaty Clause and Article VI of the Constitution “add support to the view that the text of the Constitution does not unquestionably commit the power to terminate treaties to the President alone,” 126 **the same cannot be said about Congress’s legislative authority** to terminate or limit a war in a way that goes beyond its explicitly enumerated powers. There are no such similar provisions that would suggest Congress may decline to exercise its appropriation power but nonetheless legally order the President to cease all military operations. Thus, the case for deference to the political branches on this issue is even greater than it was in the Goldwater context. Finally, the Constitution does not imply any additional powers for Congress to end, limit, or redefine a war. The textual and historical evidence suggests the Framers purposefully **declined to grant Congress such powers**. And as this Article argues, granting Congress this power would be **inconsistent with the general war powers structure of the Constitution.** Such a reading of the Constitution would **unnecessarily empower Congress** and **tilt the scales heavily in its favor**. More over, it would strip the President of his Commander in Chief authority to direct the movement of troops at a time **when the Executive’s expertise is needed.** 127 And fears that the President will grow too powerful are unfounded, given the reasons noted above. 128 In short, the Constitution does not impliedly afford Congress any authority to prematurely terminate a war above what it explicitly grants. 129 Declaring these issues nonjusticiable political questions would be the most practical means of balancing the textual and historical demands, the structural demands, and the practical demands that complex modern warfare brings . Adjudicating these matters would only lead the courts to engage in impermissible line drawing — lines that would both confus e the issue and add layers to the text of the Constitution in an area where the Framers themselves declined to give such guidance.

That goes nuclear

Li ‘9

Zheyao, J.D. candidate, Georgetown University Law Center, 2009; B.A., political science and history, Yale University, 2006. This paper is the culmination of work begun in the "Constitutional Interpretation in the Legislative and Executive Branches" seminar, led by Judge Brett Kavanaugh, “War Powers for the Fourth Generation: Constitutional Interpretation in the Age of Asymmetric Warfare,” 7 Geo. J.L. & Pub. Pol'y 373 2009 WAR POWERS IN THE FOURTH GENERATION OF WARFARE

A. The Emergence of Non-State Actors

Even as the quantity of nation-states in the world has increased dramatically since the end of World War II, the institution of the nation-state has been in decline over the past few decades. Much of this decline is the direct result of the waning of major interstate war, which primarily resulted from the introduction of nuclear weapons.122 The proliferation of nuclear weapons, and their immense capacity for absolute destruction, has ensured that conventional wars remain limited in scope and duration. Hence, "both the size of the armed forces and the quantity of weapons at their disposal has declined quite sharply" since 1945.123 At the same time, concurrent with the decline of the nation-state in the second half of the twentieth century, non-state actors have increasingly been willing and able to use force to advance their causes. In contrast to nation-states, who adhere to the Clausewitzian distinction between the ends of policy and the means of war to achieve those ends, non-state actors do not necessarily fight as a mere means of advancing any coherent policy. Rather, they see their fight as a life-and-death struggle, wherein the ordinary terminology of war as an instrument of policy breaks down because of this blending of means and ends.124 It is the existential nature of this struggle and the disappearance of the Clausewitzian distinction between war and policy that has given rise to a new generation of warfare. The concept of fourth-generational warfare was first articulated in an influential article in the Marine Corps Gazette in 1989, which has proven highly prescient. In describing what they saw as the modem trend toward a new phase of warfighting, the authors argued that: In broad terms, fourth generation warfare seems likely to be widely dispersed and largely undefined; the distinction between war and peace will be blurred to the vanishing point. It will be nonlinear, possibly to the point of having no definable battlefields or fronts. The distinction between "civilian" and "military" may disappear. Actions will occur concurrently throughout all participants' depth, including their society as a cultural, not just a physical, entity. Major military facilities, such as airfields, fixed communications sites, and large headquarters will become rarities because of their vulnerability; the same may be true of civilian equivalents, such as seats of government, power plants, and industrial sites (including knowledge as well as manufacturing industries). 125 It is precisely this blurring of peace and war and the demise of traditionally definable battlefields that provides the impetus for the formulation of a new. theory of war powers. As evidenced by Part M, supra, the constitutional allocation of war powers, and the Framers' commitment of the war power to two co-equal branches, was not designed to cope with the current international system, one that is characterized by the persistent machinations of international terrorist organizations, the rise of multilateral alliances, the emergence of rogue states, and the potentially wide proliferation of easily deployable weapons of mass destruction, nuclear and otherwise. B. The Framers' World vs. Today's World The Framers crafted the Constitution, and the people ratified it, in a time when everyone understood that the state controlled both the raising of armies and their use. Today, however, the threat of terrorism is bringing an end to the era of the nation-state's legal monopoly on violence, and the kind of war that existed before-based on a clear division between government, armed forces, and the people-is on the decline. 126 As states are caught between their decreasing ability to fight each other due to the existence of nuclear weapons and the increasing threat from non-state actors, it is clear that the Westphalian system of nation-states that informed the Framers' allocation of war powers is no longer the order of the day. 127 As seen in Part III, supra, the rise of the modem nation-state occurred as a result of its military effectiveness and ability to defend its citizens. If nation-states such as the United States are unable to adapt to the changing circumstances of fourth-generational warfare-that is, if they are unable to adequately defend against low-intensity conflict conducted by non-state actors-"then clearly [the modem state] does not have a future in front of it.' 128 The challenge in formulating a new theory of war powers for fourthgenerational warfare that remains legally justifiable lies in the difficulty of adapting to changed circumstances while remaining faithful to the constitutional text and the original meaning. 29 To that end, it is crucial to remember that the Framers crafted the Constitution in the context of the Westphalian system of nation-states. The three centuries following the Peace of Westphalia of 1648 witnessed an international system characterized by wars, which, "through the efforts of governments, assumed a more regular, interconnected character."' 130 That period saw the rise of an independent military class and the stabilization of military institutions. Consequently, "warfare became more regular, better organized, and more attuned to the purpose of war-that is, to its political objective."' 1 3' That era is now over. Today, the stability of the long-existing Westphalian international order has been greatly eroded in recent years with the advent of international terrorist organizations, which care nothing for the traditional norms of the laws of war. This new global environment exposes the limitations inherent in the interpretational methods of originalism and textualism and necessitates the adoption of a new method of constitutional interpretation. While one must always be aware of the text of the Constitution and the original understanding of that text, that very awareness identifies the extent to which fourth-generational warfare epitomizes a phenomenon unforeseen by the Framers, a problem the constitutional resolution of which must rely on the good judgment of the present generation. 13 Now, to adapt the constitutional warmarking scheme to the new international order characterized by fourth-generational warfare, one must understand the threat it is being adapted to confront. C. The Jihadist Threat The erosion of the Westphalian and Clausewitzian model of warfare and the blurring of the distinction between the means of warfare and the ends of policy, which is one characteristic of fourth-generational warfare, apply to al-Qaeda and other adherents of jihadist ideology who view the United States as an enemy. An excellent analysis of jihadist ideology and its implications for the rest of the world are presented by Professor Mary Habeck. 133 Professor Habeck identifies the centrality of the Qur'an, specifically a particular reading of the Qur'an and hadith (traditions about the life of Muhammad), to the jihadist terrorists. 134 The jihadis believe that the scope of the Qur'an is universal, and "that their interpretation of Islam is also intended for the entire world, which must be brought to recognize this fact peacefully if possible and through violence if not."' 135 Along these lines, the jihadis view the United States and her allies as among the greatest enemies of Islam: they believe "that every element of modern Western liberalism is flawed, wrong, and evil" because the basis of liberalism is secularism. 136 The jihadis emphasize the superiority of Islam to all other religions, and they believe that "God does not want differing belief systems to coexist."' 37 For this reason, jihadist groups such as al-Qaeda "recognize that the West will not submit without a fight and believe in fact that the Christians, Jews, and liberals have united against Islam in a war that will end in the complete destruction of the unbelievers.' 138 Thus, the adherents of this jihadist ideology, be it al-Qaeda or other groups, will continue to target the United States until she is destroyed. Their ideology demands it. 139 To effectively combat terrorist groups such as al-Qaeda, it is necessary to understand not only how they think, but also how they operate. Al-Qaeda is a transnational organization capable of simultaneously managing multiple operations all over the world."14 It is both centralized and decentralized: al-Qaeda is centralized in the sense that Osama bin Laden is the unquestioned leader, but it is decentralized in that its operations are carried out locally, by distinct cells."4 AI-Qaeda benefits immensely from this arrangement because it can exercise direct control over high-probability operations, while maintaining a distance from low-probability attacks, only taking the credit for those that succeed. The local terrorist cells benefit by gaining access to al-Qaeda's "worldwide network of assets, people, and expertise."' 42 Post-September 11 events have highlighted al-Qaeda's resilience. Even as the United States and her allies fought back, inflicting heavy casualties on al-Qaeda in Afghanistan and destroying dozens of cells worldwide, "al-Qaeda's networked nature allowed it to absorb the damage and remain a threat." 14 3 This is a far cry from earlier generations of warfare, where the decimation of the enemy's military forces would generally bring an end to the conflict. D. The Need for Rapid Reaction and Expanded Presidential War Power By now it should be clear just how different this conflict against the extremist terrorists is from the type of warfare that occupied the minds of the Framers at the time of the Founding. Rather than maintaining the geographical and political isolation desired by the Framers for the new country, today's United States is an international power targeted by individuals and groups that will not rest until seeing her demise. The Global War on Terrorism is not truly a war within the Framers' eighteenth-century conception of the term, and the normal constitutional provisions regulating the division of war powers between Congress and the President do not apply. Instead, this "war" is a struggle for survival and dominance against forces that threaten to destroy the United States and her allies, and the fourth-generational nature of the conflict, highlighted by an indiscernible distinction between wartime and peacetime, necessitates an evolution of America's traditional constitutional warmaking scheme. As first illustrated by the military strategist Colonel John Boyd, constitutional decision-making in the realm of war powers in the fourth generation should consider the implications of the OODA Loop: Observe, Orient, Decide, and Act. 44 In the era of fourth-generational warfare, quick reactions, proceeding through the OODA Loop rapidly, and disrupting the enemy's OODA loop are the keys to victory. "In order to win," Colonel Boyd suggested, "we should operate at a faster tempo or rhythm than our adversaries." 145 In the words of Professor Creveld, "[b]oth organizationally and in terms of the equipment at their disposal, the armed forces of the world will have to adjust themselves to this situation by changing their doctrine, doing away with much of their heavy equipment and becoming more like police."1 46 Unfortunately, the existing constitutional understanding, which diffuses war power between two branches of government, necessarily (by the Framers' design) slows down decision- making. In circumstances where war is undesirable (which is, admittedly, most of the time, especially against other nation-states), the deliberativeness of the existing decision-making process is a positive attribute. In America's current situation, however, in the midst of the conflict with al-Qaeda and other international terrorist organizations, the existing process of constitutional decision-making in warfare may prove a fatal hindrance to achieving the initiative necessary for victory. As a slow-acting, deliberative body, Congress does not have the ability to adequately deal with fast-emerging situations in fourth-generational warfare. Thus, in order to combat transnational threats such as al-Qaeda, the executive branch must have the ability to operate by taking offensive military action even without congressional authorization, because only the executive branch is capable of the swift decision-making and action necessary to prevail in fourth-generational conflicts against fourthgenerational opponents.

Bioterror causes extinction

Mhyrvold ‘13

Nathan, Began college at age 14, BS and Masters from UCLA, Masters and PhD, Princeton “Strategic Terrorism: A Call to Action,” Working Draft, The Lawfare Research Paper Series

Research paper NO . 2 – 2013

As horrible as this would be, such a pandemic is by no means the worst attack one can imagine, for several reasons. First, most of the classic bioweapons are based on 1960s and 1970s technology because the 1972 treaty halted bioweapons development efforts in the United States and most other Western countries. Second, the Russians, although solidly committed to biological weapons long after the treaty deadline, were never on the cutting edge of biological research. Third and most important, the science and technology of molecular biology have made enormous advances, utterly transforming the field in the last few decades. High school biology students routinely perform molecular-biology manipulations that would have been impossible even for the best superpower-funded program back in the heyday of biological-weapons research. The biowarfare methods of the 1960s and 1970s are now as antiquated as the lumbering mainframe computers of that era. Tomorrow’s terrorists will have vastly more deadly bugs to choose from. Consider this sobering development: in 2001, Australian researchers working on mousepox, a nonlethal virus that infects mice (as chickenpox does in humans), accidentally discovered that a simple genetic modification transformed the virus.10, 11 Instead of producing mild symptoms, the new virus killed 60% of even those mice already immune to the naturally occurring strains of mousepox. The new virus, moreover, was unaffected by any existing vaccine or antiviral drug. A team of researchers at Saint Louis University led by Mark Buller picked up on that work and, by late 2003, found a way to improve on it: Buller’s variation on mousepox was 100% lethal, although his team of investigators also devised combination vaccine and antiviral therapies that were partially effective in protecting animals from the engineered strain.12, 13 Another saving grace is that the genetically altered virus is no longer contagious. Of course, it is quite possible that future tinkering with the virus will change that property, too. Strong reasons exist to believe that the genetic modifications Buller made to mousepox would work for other poxviruses and possibly for other classes of viruses as well. Might the same techniques allow chickenpox or another poxvirus that infects humans to be turned into a 100% lethal bioweapon, perhaps one that is resistant to any known antiviral therapy? I’ve asked this question of experts many times, and no one has yet replied that such a manipulation couldn’t be done. This case is just one example. Many more are pouring out of scientific journals and conferences every year. Just last year, the journal Nature published a controversial study done at the University of Wisconsin–Madison in which virologists enumerated the changes one would need to make to a highly lethal strain of bird flu to make it easily transmitted from one mammal to another.14 Biotechnology is advancing so rapidly that it is hard to keep track of all the new potential threats. Nor is it clear that anyone is even trying. In addition to lethality and drug resistance, many other parameters can be played with, given that the infectious power of an epidemic depends on many properties, including the length of the latency period during which a person is contagious but asymptomatic. Delaying the onset of serious symptoms allows each new case to spread to more people and thus makes the virus harder to stop. This dynamic is perhaps best illustrated by HIV , which is very difficult to transmit compared with smallpox and many other viruses. Intimate contact is needed, and even then, the infection rate is low. The balancing factor is that HIV can take years to progress to AIDS , which can then take many more years to kill the victim. What makes HIV so dangerous is that infected people have lots of opportunities to infect others. This property has allowed HIV to claim more than 30 million lives so far, and approximately 34 million people are now living with this virus and facing a highly uncertain future.15 A virus genetically engineered to infect its host quickly, to generate symptoms slowly—say, only after weeks or months—and to spread easily through the air or by casual contact would be vastly more devastating than HIV . It could silently penetrate the population to unleash its deadly effects suddenly. This type of epidemic would be almost impossible to combat because most of the infections would occur before the epidemic became obvious. A technologically sophisticated terrorist group could develop such a virus and kill a large part of humanity with it. Indeed, terrorists may not have to develop it themselves: some scientist may do so first and publish the details. Given the rate at which biologists are making discoveries about viruses and the immune system, at some point in the near future, someone may create artificial pathogens that could drive the human race to extinction. Indeed, a detailed species-elimination plan of this nature was openly proposed in a scientific journal. The ostensible purpose of that particular research was to suggest a way to extirpate the malaria mosquito, but similar techniques could be directed toward humans.16 When I’ve talked to molecular biologists about this method, they are quick to point out that it is slow and easily detectable and could be fought with biotech remedies. If you challenge them to come up with improvements to the suggested attack plan, however, they have plenty of ideas. Modern biotechnology will soon be capable, if it is not already, of bringing about the demise of the human race— or at least of killing a sufficient number of people to end high-tech civilization and set humanity back 1,000 years or more. That terrorist groups could achieve this level of technological sophistication may seem far-fetched, but keep in mind that it takes only a handful of individuals to accomplish these tasks. Never has lethal power of this potency been accessible to so few, so easily. Even more dramatically than nuclear proliferation, modern biological science has frighteningly undermined the correlation between the lethality of a weapon and its cost, a fundamentally stabilizing mechanism throughout history. Access to extremely lethal agents—lethal enough to exterminate Homo sapiens—will be available to anybody with a solid background in biology, terrorists included.

## 1nc

The Office of Legal Counsel should write and disclose its legal opinion that the President of the United States should restrict his use of signature strikes and establish ex ante transparency of targeted killing standards and procedures. The Attorney General should endorse this opinion. The President should sign an executive order implementing this opinion and requiring consultation with the Office of Legal Counsel on future related issues.

The CP is a binding constitutional decision

Dellinger, Assistant Attorney General ’93-’96, et al, 2004

(Walter E. & Dawn Johnsen, Acting Assistant Attorney General 1997-98; Deputy AAG 1993-97 & Randolph Moss, Assistant Attorney General 2000-01, Acting 1998-2000; Deputy AAG 1996-98 & Christopher Schroeder, Acting Assistant Attorney General 1997; Deputy AAG 1994-96 & Joseph R. Guerra, Deputy Assistant Attorney General 1999-2001 & [\*1611] Beth Nolan, Deputy Assistant Attorney General 1996-99; Attorney Advisor 1981-85 & Todd Peterson, Deputy Assistant Attorney General 1997-99; Attorney Advisor 1982-85 & Cornelia T.L. Pillard, Deputy Assistant Attorney General 1998-2000 & H. Jefferson Powell, Deputy Assistant Attorney General and Consultant 1993-2000 & Teresa Wynn Roseborough, Deputy Assistant Attorney General 1994-1996 & Richard Shiffrin, Deputy Assistant Attorney General 1993-97 & William Michael Treanor, Deputy Assistant Attorney General 1998-2001 & David Barron, Attorney Advisor 1996-99 & Stuart Benjamin, Attorney Advisor 1992-1995 & Lisa Brown, Attorney Advisor 1996-97 & Pamela Harris, Attorney Advisor 1993-96 & Neil Kinkopf, Attorney Advisor 1993-97 & Martin Lederman, Attorney Advisor 1994-2002 & Michael Small, Attorney Advisor 1993-96, Appendix to “The Role of Institutional Context in Constitutional Law: Faithfully Executing the Laws: Internal Legal Constraints on Executive Power,” 54 UCLA L. Rev. 1559, Lexis)

The Office of Legal Counsel (OLC) is the Department of Justice component to which the Attorney General has delegated the function of providing legal advice to **guide the actions of the President and the agencies of the executive branch**. **OLC's legal determinations are** considered **binding on the executive branch**, subject to the supervision of the Attorney General and the ultimate authority of the President. From the outset of our constitutional system, Presidents have recognized that compliance with their constitutional obligation to act lawfully requires a reliable source of legal advice. In 1793, Secretary of State Thomas Jefferson, writing on behalf of President Washington, requested the Supreme Court's advice regarding the United States' treaty obligations with regard to the war between Great Britain and France. The Supreme Court declined the request, in important measure on the grounds that **the Constitution vests responsibility for** such **legal determinations within the executive branch itself**: "The three departments of government ... being in certain respects checks upon each other, and our being judges of a court in the last resort, are considerations which afford strong arguments against the propriety of our extrajudicially deciding the questions alluded to, especially as the power given by the Constitution to the President, of calling on the heads of departments for opinions seems to have been purposely as well as expressly united to the executive departments." Letter from John Jay to George Washington, August 8, 1793, quoted in 4 The Founders' Constitution 258 (Philip B. Kurland & Ralph Lerner, eds. 1987).

From the Washington Administration through the present, Attorneys General, and in recent decades the Office of Legal Counsel, have served as the source of legal determinations regarding the executive's legal obligations and authorities. The resulting body of law, much of which is published in volumes entitled Opinions of the Attorney General and Opinions of the Office of Legal Counsel, offers powerful testimony to the importance of the rule-of-law values that President Washington sought to secure and to the Department of Justice's profound tradition of respect for the rule of law. Administrations of both political parties [\*1604] have maintained this tradition, which reflects a dedication to the rule of law that is as significant and as important to the country as that shown by our courts. As a practical matter, the responsibility for preserving this tradition cannot rest with OLC alone. It is incumbent upon the Attorney General and the President to ensure that OLC's advice is sought on important and close legal questions and that the advice given reflects the best executive branch traditions. The principles set forth in this document are based in large part on the longstanding practices of the Attorney General and the Office of Legal Counsel, across time and administrations.

Solves perception and precedent

Johnsen, professor of law at Indiana University, August 2007

(Dawn, “The Role of Institutional Context in Constitutional Law: Faithfully Executing the Laws: Internal Legal Constraints on Executive Power,” 54 UCLA L. Rev. 1559, Lexis)

Perhaps most essential to avoiding a culture in which OLC becomes merely an advocate of the administration's policy preferences is transparency [\*1597] in the specific legal advice that informs executive action, as well as in the general governing processes and standards. The Guidelines state that "**OLC should publicly disclose its written legal opinions** in a timely manner, absent strong reasons for delay or nondisclosure." n151 The Guidelines describe several values served by a presumption of public disclosure, beyond the general public accountability that accompanies openness in government. **The likelihood of public disclosure will encourage both the reality and the appearance of governmental adherence to the rule of law by deterring "excessive claims of executive authority" and promoting public confidence that executive branch action actually is taken with regard to legal constraints**. n152 The Guidelines note as well that public discourse and "the development of constitutional meaning" may benefit from the executive's important voice, valuable perspective, and expertise. n153

## solvency

Obama’s regulating the drone program—solves sustainability and signal

Corn 13

David Corn, Washington bureau chief of Mother Jones magazine and an MSNBC commentator, Mother Jones, May 23, 2013, " Obama's Counterterrorism Speech: A Pivot Point on Drones and More?", http://www.motherjones.com/mojo/2013/05/obama-speech-drones-civil-liberties

So Obama's speech Thursday on counterterrorism policies—which follows his administration's acknowledgment yesterday that it had killed four Americans (including Anwar al-Awlaki, an Al Qaeda leader in Yemen)—is a big deal, for with this address, Obama is self-restricting his use of drones and shifting control of them from the CIA to the military. And the president has approved making public the rules governing drone strikes. The New York Times received the customary pre-speech leak and reported: A new classified policy guidance signed by Mr. Obama will sharply curtail the instances when unmanned aircraft can be used to attack in places that are not overt war zones, countries like Pakistan, Yemen and Somalia. The rules will impose the same standard for strikes on foreign enemies now used only for American citizens deemed to be terrorists. Lethal force will be used only against targets who pose "a continuing, imminent threat to Americans" and cannot feasibly be captured, Attorney General Eric H. Holder Jr. said in a letter to Congress, suggesting that threats to a partner like Afghanistan or Yemen alone would not be enough to justify being targeted. These moves may not satisfy civil-liberties-minded critics on the right and the left. Obama is not declaring an end to indefinite detention or announcing the closing of Gitmo—though he is echoing his State of the Union vow to revive efforts to shut down that prison. Still, these moves would be unimaginable in the Bush years. Bush and Cheney essentially believed the commander in chief had unchallenged power during wartime, and the United States, as they saw it, remained at war against terrorism. Yet here is Obama subjecting the drone program to a more restrictive set of rules—and doing so publicly. This is very un-Cheney-like. (How soon before the ex-veep arises from his undisclosed location to accuse Obama of placing the nation at risk yet again?) Despite Obama's embrace of certain Bush-Cheney practices and his robust use of drones, the president has tried since taking office to shift US foreign policy from a fixation on terrorism. During his first days in office, he shied away from using the "war on terrorism" phrase. And his national security advisers have long talked of Obama's desire to reorient US foreign policy toward challenges in the Pacific region. By handing responsibility for drone strikes to the military, Obama is helping CIA chief John Brennan, who would like to see his agency move out of the paramilitary business and devote more resources to its traditional tasks of intelligence gathering and analysis. With this speech, Obama is not renouncing his administration's claim that it possesses the authority to kill an American overseas without full due process. The target, as Holder noted in that letter to Congress, must be a senior operational leader of Al Qaeda or an associated group who poses an "imminent threat of violent attack against the United States" and who cannot be captured, and Holder stated that foreign suspects now can only be targeted if they pose "a continuing, imminent threat to Americans." (Certainly, there will be debates over the meaning of "imminent," especially given that the Obama administration has previously used an elastic definition of imminence.) And Obama is not declaring an end to the dicey practice of indefinite detention or a conclusion to the fight against terrorism. But the speech may well mark a pivot point. Not shockingly, Obama is attempting to find middle ground, where there is more oversight and more restraint regarding activities that pose serious civil liberties and policy challenges. The McCainiacs of the world are likely to howl about any effort to place the effort to counter terrorism into a more balanced perspective. The civil libertarians will scoff at half measures. But Obama, at the least, is showing that he does ponder these difficult issues in a deliberative manner and is still attempting to steer the nation into a post-9/11 period. That journey, though, may be a long one.

No foreign backlash

Byman 13 (Daniel, Professor in the Security Studies Program at the Edmund A. Walsh School of Foreign Service at Georgetown University and a Senior Fellow at the Saban Center for Middle East Policy at the Brookings Institution, Foreign Affairs, “Why Drones Work: The Case for Washington’s Weapon of Choice”, July/August 2013, ZBurdette)

FOREIGN FRIENDS

It is also telling that drones have earned the backing, albeit secret, of foreign governments. In order to maintain popular support, politicians in Pakistan and Yemen routinely rail against the U.S. drone campaign. In reality, however, the governments of both countries have supported it. During the Bush and Obama administrations, Pakistan has even periodically hosted U.S. drone facilities and has been told about strikes in advance. Pervez Musharraf, president of Pakistan until 2008, was not worried about the drone program’s negative publicity: “In Pakistan, things fall out of the sky all the time,” he reportedly remarked. Yemen’s former president, Ali Abdullah Saleh, also at times allowed drone strikes in his country and even covered for them by telling the public that they were conducted by the Yemeni air force. When the United States’ involvement was leaked in 2002, however, relations between the two countries soured. Still, Saleh later let the drone program resume in Yemen, and his replacement, Abdu Rabbu Mansour Hadi, has publicly praised drones, saying that “they pinpoint the target and have zero margin of error, if you know what target you’re aiming at.” As officials in both Pakistan and Yemen realize, U.S. drone strikes help their governments by targeting common enemies. A memo released by the antisecrecy website WikiLeaks revealed that Pakistan’s army chief, Ashfaq Parvez Kayani, privately asked U.S. military leaders in 2008 for “continuous Predator coverage” over antigovernment militants, and the journalist Mark Mazzetti has reported that the United States has conducted “goodwill kills” against Pakistani militants who threatened Pakistan far more than the United States. Thus, in private, Pakistan supports the drone program. As then Prime Minister Yousaf Raza Gilani told Anne Patterson, then the U.S. ambassador to Pakistan, in 2008, “We’ll protest [against the drone program] in the National Assembly and then ignore it.” Such concerns are valid, but the level of local anger over drones is often lower than commonly portrayed. Many surveys of public opinion related to drones are conducted by anti-drone organizations, which results in biased samples. Other surveys exclude those who are unaware of the drone program and thus overstate the importance of those who are angered by it. In addition, many Pakistanis do not realize that the drones often target the very militants who are wreaking havoc on their country. And for most Pakistanis and Yemenis, the most important problems they struggle with are corruption, weak representative institutions, and poor economic growth; the drone program is only a small part of their overall anger, most of which is directed toward their own governments. A poll conducted in 2007, well before the drone campaign had expanded to its current scope, found that only 15 percent of Pakistanis had a favorable opinion of the United States. It is hard to imagine that alternatives to drone strikes, such as seal team raids or cruise missile strikes, would make the United States more popular.

## allies

#### Heg doesn’t solve war

Mastanduno, 9 – Professor of Government at Dartmouth

(Michael, World Politics 61, No. 1, Ebsco)

During the cold war the United States dictated the terms of adjustment. It derived the necessary leverage because it provided for the security of its economic partners and because there were no viable alter natives to an economic order centered on the United States. After the cold war the outcome of adjustment struggles is less certain because the United States is no longer in a position to dictate the terms. The United States, notwithstanding its preponderant power, no longer enjoys the same type of security leverage it once possessed, and the very success of the U.S.-centered world economy has afforded America’s supporters a greater range of international and domestic economic options. The claim that the United States is unipolar is a statement about its cumulative economic, military, and other capabilities.1 But preponderant capabilities across the board do not guarantee effective influence in any given arena. U.S. dominance in the international security arena no longer translates into effective leverage in the international economic arena. And although the United States remains a dominant international economic player in absolute terms, after the cold war it has found itself more vulnerable and constrained than it was during the golden economic era after World War II. It faces rising economic challengers with their own agendas and with greater discretion in international economic policy than America’s cold war allies had enjoyed. The United States may continue to act its own way, but it can no longer count on getting its own way.

Intel sharing is sustainable

NYT, 1/30/’13

(“Drone Strike Prompts Suit, Raising Fears for U.S. Allies”)

The issue is more complex than drone-strike foes suggest, the current and former officials said, and is based on decades of cooperation rather than a shadowy pact for the United States to do the world’s dirty work. The arrangements for intensive intelligence sharing by Western allies go back to World War II, said Richard Aldrich, professor of international security at the University of Warwick, when the United States, Canada, Britain, Australia and New Zealand agreed to continue to collaborate. “There’s a very high volume of intelligence shared, some of which is collected automatically, so it’s impossible to track what every piece is potentially used for,” said Mr. Aldrich, who is also the author of a history of the Government Communications Headquarters, the British signal-intelligence agency. Britain’s history and expertise in South Asia means that the intelligence it gathers in Pakistan, Afghanistan and the tribal areas in between is in high demand, Mr. Aldrich said. The arrangement has been focused recently by a chill in relations between the United States and Pakistan, and by the shared war in Afghanistan. Other nations, too, intercept communications in the region that are shared broadly with the United States, he said. In Afghanistan, for example, German and Dutch forces run aggressive electronic interception operations, he said, because their rules on collaborating with local interpreters are less stringent than those of the United States. A spokesman for the coalition forces in Afghanistan, Lt. Col. Lester Carroll, declined to give details about intelligence sharing, saying agreements were classified. But he confirmed that American military forces “do share information with other U.S. government organizations on a need-to-know basis.” Few argue against the notion that European nations, many of which have been attacked by terrorists, have benefited from the drone killing, however controversial, of many of the most hardened Islamic extremist leaders.

#### Data disproves hegemony impacts

Fettweis, 11

Christopher J. Fettweis, Department of Political Science, Tulane University, 9/26/11, Free Riding or Restraint? Examining European Grand Strategy, Comparative Strategy, 30:316–332, EBSCO

It is perhaps worth noting that there is no evidence to support a direct relationship between the relative level of U.S. activism and international stability. In fact, the limited data we do have suggest the opposite may be true. During the 1990s, the United States cut back on its defense spending fairly substantially. By 1998, the United States was spending $100 billion less on defense in real terms than it had in 1990.51 To internationalists, defense hawks and believers in hegemonic stability, this irresponsible “peace dividend” endangered both national and global security. “No serious analyst of American military capabilities,” argued Kristol and Kagan, “doubts that the defense budget has been cut much too far to meet America’s responsibilities to itself and to world peace.”52 On the other hand, if the pacific trends were not based upon U.S. hegemony but a strengthening norm against interstate war, one would not have expected an increase in global instability and violence.

The verdict from the past two decades is fairly plain: The world grew more peaceful while the United States cut its forces. No state seemed to believe that its security was endangered by a less-capable United States military, or at least none took any action that would suggest such a belief. No militaries were enhanced to address power vacuums, no security dilemmas drove insecurity or arms races, and no regional balancing occurred once the stabilizing presence of the U.S. military was diminished. The rest of the world acted as if the threat of international war was not a pressing concern, despite the reduction in U.S. capabilities. Most of all, the United States and its allies were no less safe. The incidence and magnitude of global conflict declined while the United States cut its military spending under President Clinton, and kept declining as the Bush Administration ramped the spending back up. No complex statistical analysis should be necessary to reach the conclusion that the two are unrelated.

Military spending figures by themselves are insufficient to disprove a connection between overall U.S. actions and international stability. Once again, one could presumably argue that spending is not the only or even the best indication of hegemony, and that it is instead U.S. foreign political and security commitments that maintain stability. Since neither was significantly altered during this period, instability should not have been expected. Alternately, advocates of hegemonic stability could believe that relative rather than absolute spending is decisive in bringing peace. Although the United States cut back on its spending during the 1990s, its relative advantage never wavered.

However, even if it is true that either U.S. commitments or relative spending account for global pacific trends, then at the very least stability can evidently be maintained at drastically lower levels of both. In other words, even if one can be allowed to argue in the alternative for a moment and suppose that there is in fact a level of engagement below which the United States cannot drop without increasing international disorder, a rational grand strategist would still recommend cutting back on engagement and spending until that level is determined. Grand strategic decisions are never final; continual adjustments can and must be made as time goes on. Basic logic suggests that the United States ought to spend the minimum amount of its blood and treasure while seeking the maximum return on its investment. And if the current era of stability is as stable as many believe it to be, no increase in conflict would ever occur irrespective of U.S. spending, which would save untold trillions for an increasingly debt-ridden nation.

It is also perhaps worth noting that if opposite trends had unfolded, if other states had reacted to news of cuts in U.S. defense spending with more aggressive or insecure behavior, then internationalists would surely argue that their expectations had been fulfilled. If increases in conflict would have been interpreted as proof of the wisdom of internationalist strategies, then logical consistency demands that the lack thereof should at least pose a problem. As it stands, the only evidence we have regarding the likely systemic reaction to a more restrained United States suggests that the current peaceful trends are unrelated to U.S. military spending. Evidently the rest of the world can operate quite effectively without the presence of a global policeman. Those who think otherwise base their view on faith alone.

#### No challengers

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

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

But in spite of the seemingly inevitable and rapid diminution of U.S. eminence, to write America’s great-power obituary is beyond premature. The United States remains a highly capable power. Iraq and Afghanistan, as horrendous as they have proved to be—in a broad historical sense—are still relatively minor events that America can easily overcome. The eventual demise of empires like those of Ming China and late-medieval Venice was brought about by far more pivotal blunders.

Think of the Indian Mutiny against the British in 1857 and 1858. Iraq in particular—ever so frequently touted as our turning point on the road to destruction—looks to some extent eerily similar. At the time, orientalists and other pragmatists in the British power structure (who wanted to leave traditional India as it was) lost some sway to evangelical and utilitarian reformers (who wanted to modernize and Christianize India—to make it more like England). But the attempt to bring the fruits of Western civilization to the Asian subcontinent was met with a violent revolt against imperial authority. Delhi, Lucknow and other Indian cities were besieged and captured before being retaken by colonial forces. Yet, the debacle did not signal the end of the British Empire at all, which continued on and even expanded for another century. Instead, it signaled the transition from more of an ad hoc imperium fired by a proselytizing lust to impose its values on others to a calmer and more pragmatic empire built on international trade and technology.1 There is no reason to believe that the fate of America need follow a more doomed course.

Yes, the mistakes made in Iraq and Afghanistan have been the United States’ own, but, though destructive, they are not fatal. If we withdraw sooner rather than later, the cost to American power can be stemmed. Leaving a stable Afghanistan behind of course requires a helpful Pakistan, but with more pressure Washington might increase Islamabad’s cooperation in relatively short order.

In terms of acute threats, Iran is the only state that has exported terrorism and insurgency toward a strategic purpose, yet the country is economically fragile and politically unstable, with behind-the-scenes infighting that would make Washington partisans blanch. Even assuming Iran acquires a few nuclear devices—of uncertain quality with uncertain delivery systems—the long-term outlook for the clerical regime is itself unclear. The administration must only avoid a war with the Islamic Republic.

To be sure, America may be in decline in relative terms compared to some other powers, as well as to many countries of the former third world, but in absolute terms, particularly military ones, the United States can easily be the first among equals for decades hence.

China, India and Russia are the only major Eurasian states prepared to wield military power of consequence on their peripheries. And each, in turn, faces its own obstacles on the road to some degree of dominance.

The Chinese will have a great navy (assuming their economy does not implode) and that will enforce a certain level of bipolarity in the world system. But Beijing will lack the alliance network Washington has, even as China and Russia will always be—because of geography—inherently distrustful of one another. China has much influence, but no credible military allies beyond possibly North Korea, and its authoritarian regime lives in fear of internal disruption if its economic growth rate falters. Furthermore, Chinese naval planners look out from their coastline and see South Korea and a string of islands—Japan, Taiwan and Australia—that are American allies, as are, to a lesser degree, the Philippines, Vietnam and Thailand. To balance a rising China, Washington must only preserve its naval and air assets at their current levels.

India, which has its own internal insurgency, is bedeviled by semifailed states on its borders that critically sap energy and attention from its security establishment, and especially from its land forces; in any case, India has become a de facto ally of the United States whose very rise, in and of itself, helps to balance China.

Russia will be occupied for years regaining influence in its post-Soviet near abroad, particularly in Ukraine, whose feisty independence constitutes a fundamental challenge to the very idea of the Russian state. China checks Russia in Central Asia, as do Turkey, Iran and the West in the Caucasus. This is to say nothing of Russia’s diminishing population and overwhelming reliance on energy exports. Given the problems of these other states, America remains fortunate indeed.

The United States is poised to tread the path of postmutiny Britain. America might not be an empire in the formal sense, but its obligations and constellation of military bases worldwide put it in an imperial-like situation, particularly because its air and naval deployments will continue in a post-Iraq and post-Afghanistan world. No country is in such an enviable position to keep the relative peace in Eurasia as is the United States—especially if it can recover the level of enduring competence in national-security policy last seen during the administration of George H. W. Bush. This is no small point. America has strategic advantages and can enhance its power while extricating itself from war. But this requires leadership—not great and inspiring leadership which comes along rarely even in the healthiest of societies—but plodding competence, occasionally steely nerved and always free of illusion.

Multiple alt causes

McGill, School of Graduate and Continuing Studies in Diplomacy – Norwich U, and Gray, Campbell University, ‘12

(Anna-Katherine and David, “Challenges to International Counterterrorism Intelligence Sharing,” Global Security Studies, Summer, Volume 3, Issue 3)

Indeed, in the aftermath of 9/11 the US saw not only its NATO counterparts rise to action but also a new enthusiasm from its traditional bilateral relationships in improving counterterrorism coordination and more specifically intelligence sharing. Still, the rallying of support for the US following the attacks is not enough to overcome longstanding political and institutional hurdles to counterterrorism intelligence sharing. Although the US shares many political and cultural values with its traditional allies, their views diverge on issues like the invasion of Iraq, personal data protection, and the treatment or punishment of terrorists. The Invasion of Iraq The invasion of Iraq provides a perfect example of how the national interests of one nation can threaten the interests of its allies and more specifically, how policies in one arena can affect cooperation in another. According to US Senator Byrd, a major critic of the Bush administration, the invasion of Iraq “split traditional alliances, possibly crippling, for all time, international order-keeping entities like the United Nations and NATO” (qtd in Gardner 16). The central concerns arising from the 2003 Iraq invasion were the use of “preemptive” or “preventative” (depending on who you ask) strikes, unilateral action, and ultimately questionable motives. Consequently, bilateral cooperation from Germany, France, and NATO ally Turkey has taken a major hit. France argued against military intervention in favor of enforced inspections and diplomacy. Furthermore, it refuted that the US invasion of Iraq did not constitute collective security and therefore was not an obligation of NATO’s article V. Hall Gardner explains that while France has always been a reluctant ally, Germany and Turkey “represented the most loyal NATO allies during the Cold War” (3). As a result of the Iraq invasion, however, these two nations “bitterly questioned US policies and actions for very different reasons” (Gardner 3). For Germany, the use of preventative military strikes set a dangerous precedent for state behavior. They feared that should this become the norm, “it would undermine international law and concepts of national sovereignty dating back to Westphalia” (Gardner 3). Turkey, on the other hand, feared that the US invasion of Iraq would run directly counter to its national interests in regards to the Kurds of northern Iraq. While these countries have remained committed to the counterterrorism effort, the public row over the Iraq invasion shaped global public opinion of the US led war on terrorism and likely lessened domestic support for aiding the Americans in future CT endeavors. The fallout from US actions and its greater presence in the Middle East has arguably made it a larger target to terrorist organization which portray the US as a global crusader. By default, those who supported and contributed to the invasion of Iraq are also greater targets of transnational terrorist networks like al Qaeda. Additionally, the use of ultimately false intelligence on Iraqi position of WMD to justify the invasion heightened criticism of the US intelligence community and thus hurt their reputation in producing credible intelligence analysis. Personal data protection Personal data is critical to counterterrorism efforts because it “often provide[s] the only evidence of connections between members of terrorist groups and the types of activities that they are conducting” (Bensehal 48). However, Europe has shown resistance to freely sharing this type of information with its American counterparts since many of the US’s European allies have much more stringent views on the protection of personal data. In the EU, there are safeguards at the national and regional level that regulate the storage and sharing of personal data information. These laws are a product of Europe’s historical experience with fascism and thus its sensitivity to the abuse of such information as travel records or communications (Bensahel, 48). In “The Counterterror Coalitions: Europe, NATO, and the European Union” Nora Bensahel explains “by contrast, the United States protects personal information through legal precedents and procedures rather than [unified] legislation” which the Europeans find insufficient (48). The EU’s concerns over the US’s protection of personal data caused them to withhold information from the US and created a substantial challenge to their combined counterterrorism efforts. Following 9/11 the heightened political will to overcome such issues enabled the US and the EU to compromise on this issue but there are lingering limits to EU willingness to share personal data with the US. In the wake of the attacks, the US and Europol signed an agreement to permit the sharing of personal data. Although it increased operational effectiveness and intelligence sharing this agreement is limited to law enforcement operations which excludes personal data found in commercial activities. Furthermore, provisions in the agreement state that “personal information can be used only for the specific investigation for which it was requested” (Bensahel, 48). If the suspect is being investigated for murder and is discovered to have ties to a smuggling ring the US must submit a separate request to use the murder information in the case regarding the smuggling activities. The Rights of the Accused The US and the EU have also had substantial disagreements on the treatment and punishment of accused terrorists. This tension hinges on such issues as the use of the death penalty and “extraordinary rendition”. Fortunately, the death penalty issue was resolved with the passage of an multilateral treaty on extradition however the US has not fully recovered from the backlash of criticism and mistrust from its practice of “extraordinary rendition”. Prior to a May 2002 summit, the US and EU were at a disagreement over the death penalty. The EU’s aversion to capital punishment led it to not only hesitate from sharing information but deny requests for extradition unless the US would guarantee that the individual in question would not face the death penalty. The 2002 summit did however bring both the US and EU to at least agree in principle to a treaty on extradition and Mutual Legal Assistance Treaty (MLAT) and both parties ratified the treaties in 2003. The extradition treaty allowed for a blanket policy for European nations to “grant extradition on the condition that the death penalty will not be imposed” and the MLAT provided enhanced capability to gather and exchange information (Bensahel 49). The CIA’s use of “extraordinary rendition”, the practice of transporting a suspect to a third country for interrogation, has also stoked the ire of many traditional allies. Critics charge that this tactic quite simply allows the CIA to sidestep international laws and obligations by conducting interrogations in nations with poor human-rights records. In 2003, an Italian magistrate formally indicted 13 CIA agents for allegedly kidnapping an Italian resident and transporting him to a third country for interrogation. Ultimately 22 CIA agents and one US military officer were convicted in absentia of crimes connected to the abduction (Stewart, 1). The case not only heightened criticism of the US in Italy but challenged U.S. strategic communications aimed at reducing anti-Americanism worldwide (Reveron 462). According to Julianne Smith, director of the Europe program at the Center for Strategic and International Studies (CSIS), “[extraordinary rendition] makes it extremely difficult [for European governments] to stand shoulder-to-shoulder with the U.S.” (Heller 1).

## pak stability

No collapse and it doesn't escalate

Dasgupta 13

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

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

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

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

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

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

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

#### No war – and deterrence checks escalation

Ganguly, 8

[Sumit Ganguly is a professor of political science and holds the Rabindranath Tagore Chair at Indiana University, Bloomington. “Nuclear Stability in South Asia,” International Security, Vol. 33, No. 2 (Fall 2008), pp. 45–70]

As the outcomes of the 1999 and 2001–02 crises show, nuclear deterrence is robust in South Asia. Both crises were contained at levels considerably short of full-scale war. That said, as Paul Kapur has argued, Pakistan’s acquisition of a nuclear weapons capability may well have emboldened its leadership, secure in the belief that India had no good options to respond. India, in turn, has been grappling with an effort to forge a new military doctrine and strategy to enable it to respond to Pakistani needling while containing the possibilities of conflict escalation, especially to the nuclear level.78 Whether Indian military planners can fashion such a calibrated strategy to cope with Pakistani probes remains an open question. This article’s analysis of the 1999 and 2001–02 crises does suggest, however, that nuclear deterrence in South Asia is far from parlous, contrary to what the critics have suggested. Three specific forms of evidence can be adduced to argue the case for the strength of nuclear deterrence. First, there is a serious problem of conflation in the arguments of both Hoyt and Kapur. Undeniably, Pakistan’s willingness to provoke India has increased commensurate with its steady acquisition of a nuclear arsenal. This period from the late 1980s to the late 1990s, however, also coincided with two parallel developments that equipped Pakistan with the motives, opportunities, and means to meddle in India’s internal affairs—particularly in Jammu and Kashmir. The most important change that occurred was the end of the conflict with the Soviet Union, which freed up military resources for use in a new jihad in Kashmir. This jihad, in turn, was made possible by the emergence of an indigenous uprising within the state as a result of Indian political malfeasance.79 Once the jihadis were organized, trained, armed, and unleashed, it is far from clear whether Pakistan could control the behavior and actions of every resulting jihadist organization.80 Consequently, although the number of attacks on India did multiply during the 1990s, it is difficult to establish a firm causal connection between the growth of Pakistani boldness and its gradual acquisition of a full-fledged nuclear weapons capability.

Second, India did respond with considerable force once its military planners realized the full scope and extent of the intrusions across the Line of Control. Despite the vigor of this response, India did exhibit restraint. For example, Indian pilots were under strict instructions not to cross the Line of Control in pursuit of their bombing objectives.81 They adhered to these guidelines even though they left them more vulnerable to Pakistani ground ªre.82 The Indian military exercised such restraint to avoid provoking Pakistani fears of a wider attack into Pakistan-controlled Kashmir and then into Pakistan itself. Indian restraint was also evident at another level. During the last war in Kashmir in 1965, within a week of its onset, the Indian Army horizontally escalated with an attack into Pakistani Punjab. In fact, in the Punjab, Indian forces successfully breached the international border and reached the outskirts of the regional capital, Lahore. The Indian military resorted to this strategy under conditions that were not especially propitious for the country. Prime Minister Jawaharlal Nehru, India’s first prime minister, had died in late 1964. His successor, Lal Bahadur Shastri, was a relatively unknown politician of uncertain stature and standing, and the Indian military was still recovering from the trauma of the 1962 border war with the People’s Republic of China.83 Finally, because of its role in the Cold War, the Pakistani military was armed with more sophisticated, U.S.-supplied weaponry, including the F-86 Sabre and the F-104 Starfighter aircraft. India, on the other hand, had few supersonic aircraft in its inventory, barring a small number of Soviet-supplied MiG-21s and the indigenously built HF-24.84 Furthermore, the Indian military remained concerned that China might open a second front along the Himalayan border. Such concerns were not entirely chimerical, because a Sino-Pakistani entente was under way. Despite these limitations, the Indian political leadership responded to Pakistani aggression with vigor and granted the Indian military the necessary authority to expand the scope of the war. In marked contrast to the politico-military context of 1965, in 1999 India had a self-confident (if belligerent) political leadership and a substantially more powerful military apparatus. Moreover, the country had overcome most of its Nehruvian inhibitions about the use of force to resolve disputes.85 Furthermore, unlike in 1965, India had at least two reserve strike corps in the Punjab in a state of military readiness and poised to attack across the border if given the political nod.86 Despite these significant differences and advantages, the Indian political leadership chose to scrupulously limit the scope of the conflict to the Kargil region. As K. Subrahmanyam, a prominent Indian defense analyst and political commentator, wrote in 1993:.

The awareness on both sides of a nuclear capability that can enable either country to assemble nuclear weapons at short notice induces mutual caution. This caution is already evident on the part of India. In 1965, when Pakistan carried out its “Operation Gibraltar” and sent in infiltrators, India sent its army across the cease-fire line to destroy the assembly points of the infiltrators. That escalated into a full-scale war. In 1990, when Pakistan once again carried out a massive infiltration of terrorists trained in Pakistan, India tried to deal with the problem on Indian territory and did not send its army into Pakistan-occupied Kashmir.87

Subrahmanyam’s argument takes on additional significance in light of the overt acquisition of nuclear weapons by both India and Pakistan.

#### Won’t escalate globally

The Hamilton Spectator, 2002

For those who do not live in the subcontinent, the most important fact is that the damage would be largely confined to the region. The Cold War is over, the strategic understandings that once tied India and Pakistan to the rival alliance systems have all been cancelled, and no outside powers would be drawn into the fighting. The detonation of a hundred or so relatively small nuclear weapons over India and Pakistan would not cause grave harm to the wider world from fallout. People over 40 have already lived through a period when the great powers conducted hundreds of nuclear tests in the atmosphere, and they are mostly still here.

Pak military effective

Ghauri 8/13/13 (Irfan, Staff Writer – The Express Tribune, “Fighting terror: Draft policy aims to dismantle terror networks,” http://tribune.com.pk/story/589497/fighting-terror-draft-policy-aims-to-dismantle-terror-networks/)

ISLAMABAD: Pakistan’s new counter-terrorism policy seeks to dismantle all terrorist outfits and their networks through **wide-ranging reforms** in the **education system, police, judiciary and foreign policy**. The proposed policy – titled National Counter Terrorism and Extremism Policy 2013 – seeks a re-assessment of governance weaknesses and policy deficiencies that have permitted the exploitation of vulnerable groups by terror outfits. Prepared by the interior ministry, the policy could be unveiled during a National Assembly session starting today (Tuesday), where Interior Minister Chaudhry Nisar Ali Khan will delineate its salient features. The policy will be sent to the Defence Committee of the Cabinet for appraisal before it’s adopted for implementation by the end of this month. According to a draft available with The Express Tribune, the five-layered counter-terror policy seeks to dismantle, contain, prevent, educate and re-integrate.

Stability increasing and resilient

Fair, Asst Prof – Center for Peace and Security Studies @ Georgetown, 6/24/’10

(Christine, <http://afpak.foreignpolicy.com/posts/2010/06/24/is_pakistan_a_failed_state_no>)

So, Pakistan faces severe challenges. But Pakistan has also made important strides which are not captured by this index.

First, Pakistan has taken the challenge of defeating the Pakistani Taliban seriously. The excesses of the militants in Swat, their refusal to honor a controversial peace deal, a video revealing their beating a young woman and their subsequent public rejections of the Constitution and democracy hardened public opinion toward them. The public's resistance to military operations decreased, and support for the various peace deals declined. Pakistan's Army and Frontier Corps are taking up the fight and appear to have their citizenry with them.

Unfortunately, the media tends to conflate all militants under the unhelpful rubric of "the Taliban": the "Afghan Taliban," "Pakistani Taliban," or the misnamed "Punjabi Taliban." Given the propensity to call these and other groups "extremists" or "insurgents," media reports deride the efforts of the Pakistan Army to defeat the TTP.

This is unfair. The Pakistan Army and the Frontier Corps face a formidable foe. The Frontier Corps lacks basic equipment and training, including battlefield first aid. If they are injured, they often bleed out before they can get to a medical facility. Their lack of battlefield medical evacuation, smart artillery, and close air support makes their battle against the militants all the more sobering. Previous reports about Frontier Corps defection and even collaboration with the Afghan Taliban appear to be increasingly less relevant.

Second, though it has a long way to go, Pakistan has made enormous investments in its internal security apparatus. The Pakistani Army now understands the need for competent police forces as well as an increasingly competent Frontier Corps as key elements in the "holding" phase after clearing militants of an area. The Army knows it can't sit in places like Swat indefinitely.

Third, Pakistan continues to make strides with decreasing fertility and expanding educational opportunities. Although state-run institutions such as the public schools are a disaster, affordable private schools are spreading throughout Pakistan.

Fourth, Pakistan continues to build its infrastructure. Pakistan is increasingly connected with improved roads. That said, Pakistan does face enormous electricity shortages due to Musharraf's failure to make a single investment in this sector during his 10-year tenure.

Fifth, while the specter of A.Q. Khan's nuclear black market -- and his ties to the state -- haunt Pakistan, and while Pakistan has long conducted asymmetric warfare under its nuclear umbrella, Pakistan has made significant strides in securing its nuclear arsenal through the establishment of the National Command Authority and the Strategic Plans Directorate. It should be remembered that the U.S. Air Force "lost" several nuclear warheads for some 36 hours in August 2007. (The air chief was among some 70 people who were punished.) If the United States can have such a lapse after decades of investing in nuclear-security protocols, Pakistan's relatively nascent institutions may not be foolproof.

Finally, throughout the 1990s, no democratically elected government served out its term, with the opposition colluding the military to prorogue the parliament and call fresh elections. In fact, the first parliament to serve out its complete term was that elected in the problematic 2002 elections. The election of 2008, despite a difficult start with voter registration and manipulation of electoral rules, was reasonably fair and peaceful, despite Taliban threats to disrupt the process. That election saw the peaceful and democratic transfer of power which brought President Asif Ali Zardari and Prime Minister Yousaf Raza Gilani into office.

Despite the problems with President Zardari, who is widely viewed as corrupt, an important shift has taken place politically. Perhaps under Army pressure, Zardari began relinquishing the sweeping presidential powers he inherited from Musharraf. In April 2010, Zardari signed the 18th Amendment which returned Pakistan to a parliamentary democracy more in line with its 1973 Constitution, which remains the lodestone of democratic legitimacy in Pakistan. This is the first time in recent history when a president "willingly" ceded power to a prime minister.

In short, the Failed States Index is clearly only one side of the die. While sitting at a computer crunching numbers, even with expert input as the index apparently uses, the larger story is missed. Pakistan has its problems and enormous challenges lay ahead, but it is far from a failed or even failing state.

# 2nc

#### The executive would comply with the CP!

Associated Press, 8/1/13, John Kerry says Pakistan drone strikes could end as bilateral talks resume, www.theguardian.com/world/2013/aug/01/john-kerry-us-pakistan-talks-drones

The US secretary of state, John Kerry, and his Pakistani counterpart, Sartaj Aziz, said on Thursday the two countries will resume high-level negotiations over security issues. Kerry suggested that disputed drone strikes could end soon.

Kerry also said he had invited Pakistan's newly elected prime minister, Nawaz Sharif, to come to Washington to meet Barack Obama.

"I'm pleased to announce that today, very quickly, we were able to agree to a resumption of the strategic dialogue in order to foster a deeper, broader and more comprehensive partnership between our countries," Kerry said, at a news conference with Aziz in Islamabad. He also said the talks would cover "all of the key issues between us, from border management to counterterrorism to promoting US private investment and to Pakistan's own journey to economic revitalization."

Kerry told Pakistani TV that the US would end strikes on Pakistan in the near future. "I believe that we're on a good track," he said. "I think the program will end as we have eliminated most of the threat and continue to eliminate it.

DOD solves

Matthew Waxman, 3/20/13, Going Clear, www.foreignpolicy.com/articles/2013/03/20/going\_clear

So, moving operations to the Pentagon may modestly improve transparency and compliance with the law but -ironically for drone critics -it may also entrench targeted-killing policy for the long term. For one thing, the U.S. government will now be better able to defend publicly its practices at home and abroad. The CIA is institutionally oriented toward extreme secrecy rather than public relations, and the covert status of CIA strikes makes it difficult for officials to explain and justify them. The more secretive the U.S. government is about its targeting policies, the less effectively it can participate in the broader debates about the law, ethics, and strategy of counterterrorism. Many of the criticisms of drones and targeting are fundamentally about whether it's appropriate to treat the fight against al Qaeda and its allies as a war -with all the legal authorities that flow from that, like the powers to detain and kill. The U.S. government can better defend its position without having to maintain plausible deniability of its most controversial program and without the negative image (whether justified or not) that many audiences associate with the CIA. Under a military-only policy, the United States would also be better positioned to correct lingering misperceptions about targeted killings and to take remedial action when it makes a mistake. Moreover, clearer legal limits and the perception of stricter oversight will make drone policy more legitimate in the public's eyes. Polling shows that Americans support military drone strikes more strongly than CIA ones, so this move will likely strengthen political backing for continued strikes. Consider the case of Guantanamo: The shuttering of black sites, as well as the Supreme Court's decisions that detainees there can challenge their detention in federal court and that all detainees are protected by the Geneva Convention, have muted criticism of the underlying practice of detention without trial. Here, too, the proposed reforms would put the remaining policy on stronger footing. It's difficult to assess fully the pros and cons of getting the CIA out of the lethal targeting business because the government has not explained why it has been using the CIA for some operations and not others. As to efficacy -how the advantages of targeted strikes match up against the costs -strategy should dictate which agency should be responsible, not the other way around. That said, the result of shifting control to the Pentagon will likely be a more sustainable, if perhaps more restrained and formalized, long-term policy of targeted killing.

Executive transparency is sufficient—solves backlash and modeling

Roth, executive director – Human Rights Watch, April ‘13

(Kenneth, “What Rules Should Govern US Drone Attacks?” The New York Review of Books)

At the very least, the CIA’s drone program, the source of most of the controversy, should be transferred to the Pentagon, with its stronger tradition of accountability to the law. That should be accompanied by a new policy of transparency about which laws govern drone attacks, and about why people are targeted, as well as prompt investigation whenever there is a credible allegation of civilian casualties or inappropriate targeting. The aim should be to open to independent scrutiny—by Congress, the courts, the press, and the public—many aspects of the drone program that have unjustifiably been kept secret (however open that secret may be) and treat drone attacks like normal military or police operations. Any program that kills on the basis of secret intelligence risks abuse. The administration could go a long way toward minimizing the possibility of illegal killings—and discouraging others from acting in kind—if it explicitly recognized clear limits in the law governing drone attacks and allowed as much independent consideration of its compliance as possible.

Sends the same signal as the plan

Setty, professor of law at Western New England, March 2009

(Sudha, No More Secret Laws: How Transparency of Executive Branch Legal Policy Doesn't Let the Terrorists Win, 57 Kan. L. Rev. 579, Lexis)

A. Greater Information Disclosure Increases the Integrity of OLC Opinions

One effect of nondisclosure is legal memoranda that reflect underdeveloped legal reasoning, a criticism that has been levied against previously secret OLC memoranda that were either leaked to the public or eventually declassified. n138 Making disclosure the default standard encourages self-policing by OLC lawyers. **Disclosure would** also **generate political and public sentiment regarding legal policies**, **the same way that congressional lawmaking and judicial opinions are subject to public scrutiny**. n139 Obviously, public outcry could influence an administration to back away from a controversial policy, as has apparently occurred in the case of the Bybee and Yoo Memoranda; or, as in the cases of Lincoln and Roosevelt, publication of legal policy could serve to garner public and congressional support for controversial policies.

Outweighs Court decisions – people look to OLC first

Richards, JD UC-Berkeley, January 2006

(Nelson, “The Bricker Amendment and Congress's Failure to Check the Inflation of the Executive's Foreign Affairs Powers, 1951-1954,” not as ridiculous as the Jennings Amendment, 94 Calif. L. Rev. 175, Lexis)

[\*208] H. Jefferson Powell has posited that the Supreme Court has all but ceded the creation of a foreign affairs and national security legal framework to the OLC. n209 Indeed, he goes so far as to assert that OLC legal opinions, not Supreme Court opinions, are the first sources the executive branch looks to when researching foreign affairs and national security law. n210 Another set of John Yoo's writings support the validity of Powell's claim: the infamous memos declaring enemy combatants outside the protection of the Geneva Conventions. n211 These, combined with the "Torture Memos," n212 the expanding practice of "extraordinary rendition," n213 and the current Administration's blase response to the Supreme Court's ruling that prisoners held at Guantanamo Bay are entitled to judicial access, n214 have brought peculiar focus to the weight and seriousness of the OLC's legal authority.

Counterplan’s transparency solves signal

Dellinger, Assistant Attorney General ’93-’96, et al, 2004

(Walter E. & Dawn Johnsen, Acting Assistant Attorney General 1997-98; Deputy AAG 1993-97 & Randolph Moss, Assistant Attorney General 2000-01, Acting 1998-2000; Deputy AAG 1996-98 & Christopher Schroeder, Acting Assistant Attorney General 1997; Deputy AAG 1994-96 & Joseph R. Guerra, Deputy Assistant Attorney General 1999-2001 & Beth Nolan, Deputy Assistant Attorney General 1996-99; Attorney Advisor 1981-85 & Todd Peterson, Deputy Assistant Attorney General 1997-99; Attorney Advisor 1982-85 & Cornelia T.L. Pillard, Deputy Assistant Attorney General 1998-2000 & H. Jefferson Powell, Deputy Assistant Attorney General and Consultant 1993-2000 & Teresa Wynn Roseborough, Deputy Assistant Attorney General 1994-1996 & Richard Shiffrin, Deputy Assistant Attorney General 1993-97 & William Michael Treanor, Deputy Assistant Attorney General 1998-2001 & David Barron, Attorney Advisor 1996-99 & Stuart Benjamin, Attorney Advisor 1992-1995 & Lisa Brown, Attorney Advisor 1996-97 & Pamela Harris, Attorney Advisor 1993-96 & Neil Kinkopf, Attorney Advisor 1993-97 & Martin Lederman, Attorney Advisor 1994-2002 & Michael Small, Attorney Advisor 1993-96, Appendix to “The Role of Institutional Context in Constitutional Law: Faithfully Executing the Laws: Internal Legal Constraints on Executive Power,” 54 UCLA L. Rev. 1559, Lexis)

OLC should follow a presumption in favor of timely publication of its written legal opinions. Such **disclosure helps to ensure executive branch adherence to the rule of law and guard against excessive claims of executive authority**. **Transparency also promotes confidence in the lawfulness of governmental action**. Making executive branch law available to the public also adds an important voice to the development of constitutional meaning - in the courts as well as among academics, other commentators, and the public more generally - and a particularly valuable perspective on legal issues regarding which the executive branch possesses relevant expertise. There nonetheless will exist some legal advice that properly should remain confidential, most notably, some advice regarding classified and [\*1608] some other national security matters. OLC should consider the views regarding disclosure of the client agency that requested the advice. Ordinarily, OLC should honor a requestor's desire to keep confidential any OLC advice that the proposed executive action would be unlawful, where the requestor then does not take the action. For OLC routinely to release the details of all contemplated action of dubious legality might deter executive branch actors from seeking OLC advice at sufficiently early stages in policy formation. In all events, OLC should in each administration consider the circumstances in which advice should be kept confidential, with a presumption in favor of publication, and publication policy and practice should not vary substantially from administration to administration. The values of transparency and accountability remain constant, as do any existing legitimate rationales for secret executive branch law. Finally, as discussed in principle 5, Presidents, and by extension OLC, bear a special responsibility to disclose publicly and explain any actions that conflict with federal statutory requirements.

Obama key to signal and sustainability

Singer, director – Center for 21st Century Security and Intelligence @ Brookings, and Wright, senior fellow – Brookings, 2/7/’13

(Peter W. and Thomas, "Obama, own your secret wars", www.nydailynews.com/opinion/obama-secret-wars-article-1.1265620)

It is time for a new approach. And all that is required of the President is to do the thing that he does perhaps best of all: to speak. Obama has a unique opportunity — in fact, an urgent obligation — to create a new doctrine, unveiled in a major presidential speech, for the use and deployment of these new tools of war. While the Republicans tried to paint the President as weak on security issues in the 2012 elections, history will record instead that his administration pushed into new frontiers of war, most especially in the new class of technologies that move the human role both geographically and chronologically further from the point of action on the battlefield. The U.S. military’s unmanned systems, popularly known as “drones,” now number more than 8,000 in the air and 12,000 on the ground. And in a parallel development, the U.S. Cyber Command, which became operational in 2010, has added an array of new (and controversial) responsibilities — and is set to quintuple in size. This is not just a military matter. American intelligence agencies are increasingly using these technologies as the tips of the spear in a series of so-called “shadow wars.” These include not only the more than 400 drone strikes that have taken place from Pakistan to Yemen, but also the deployment of the Stuxnet computer virus to sabotage Iranian nuclear development, the world’s first known use of a specially designed cyber weapon. Throughout this period, the administration has tried to have it both ways — leaking out success stories of our growing use of these new technologies but not tying its hands with official statements and set policies. This made great sense at first, when much of what was happening was ad hoc and being fleshed out as it went along. But that position has become unsustainable. The less the U.S. government now says about our policies, the more that vacuum is becoming filled by others, in harmful ways. By acting but barely explaining our actions, we’re creating precedents for other states to exploit. More than 75 countries now have military robotics programs, while another 20 have advanced cyber war capacities. Rest assured that nations like Iran, Russia and China will use these technologies in far more crude and indiscriminate ways — yet will do so while claiming to be merely following U.S. footsteps. In turn, international organizations — the UN among them — are pushing ahead with special investigations into potential war crimes and proposing new treaties. Our leaders, meanwhile, stay mum, which isolates the U.S. and drains its soft power. The current policy also makes it harder to respond to growing concerns over civilian casualties. Indeed, Pew polling found 96% levels of opposition to U.S. drones in the key battleground state of Pakistan, a bellwether of the entire region. It is indisputable than many civilians have been harmed over the course of hundreds of strikes. And yet it is also indisputable that various groups have incentives to magnify such claims. Yet so far, U.S. officials have painted themselves into a corner — either denying that any collateral losses have occurred, which no one believes, or reverting to the argument that we cannot confirm or deny our involvement, which no one believes, either. Finally, the domestic support and legitimacy needed for the use of these weapons is in transition. Polling has found general public support for drone strikes, but only to a point, with growing numbers in the “not sure” category and growing worries around cases of targeting U.S. citizens abroad who are suspected of being terrorists. The administration is so boxed in that, even when it recently won a court case to maintain the veil of semi-silence that surrounds the drone strike program, the judge described the current policy as having an “Alice in Wonderland” feel. The White House seems to be finally starting to realize the problems caused by this disconnect of action but no explanation. After years of silence, occasional statements by senior aides are acknowledging the use of drones, while lesser-noticed working level documents have been created to formalize strike policies and even to explore what to do about the next, far more autonomous generation of weapons. These efforts have been good starts, but they have been disjointed and partial. Most important, they are missing the much-needed stamp of the President’s voice and authority, which is essential to turn tentative first steps into established policy. Much remains to be done — and said — out in the open. This is why it’s time for Obama’s voice to ring loud and clear. Much as Presidents Harry Truman and Dwight Eisenhower were able keep secret aspects of the development of nuclear weapons, even as they articulated how and when we would use them, Obama should publicly lay out criteria by which the United States will develop, deploy and use these new weapons. The President has a strong case to make — if only he would finally make it. After all, the new weapons have worked. They have offered new options for military action that are more accurate and proportionate and less risky than previously available methods. But they have also posed many new complications. Explaining our position is about embracing both the good and the bad. It is about acknowledging the harms that come with war regardless of what technology is being used and making clear what structures of accountability are in place to respond. It’s also about finally defining where America truly stands on some of the most controversial questions. These include the tactics of “signature” strikes, where the identity is not firmly identified, and “double tap” strikes, where rescuers aiding victims of a first attack are also brought under fire. These have been reported as occurring and yet seem to run counter to the principles under which the programs have been defended so far. The role of the President is not to conduct some kind of retrospective of what we have done and why, but to lay out a course of the future. What are the key strategic goals and ethical guidelines that should drive the development and use of these new technologies? Is current U.S. and international law sufficient to cover them? There are also crucial executive management questions, like where to draw the dividing line between military and civilian intelligence agency use of such technologies, and how to keep a growing range of covert actions from morphing into undeclared and undebated wars. And, finally, the President must help resolve growing tensions between the executive branch and an increasingly restive Congress, including how to handle situations where we create the effect of war but no U.S. personnel are ever sent in harm’s way. Given the sprawling complexity of these matters, only the President can deliver an official statement on where we stand. If only we somehow had a commander in chief who was simultaneously a law professor and Nobel Peace Prize winner! The President’s voice on these issues won’t be a cure-all. But it will lay down a powerful marker, shaping not just the next four years but the actions of future administrations.

Solves backlash to the drone program

Washington Post, 3/24/’12

(“Additional review for drone killings,” Editorial Board)

DOMESTIC AND international strictures empower the president to use lethal force, including targeted drone strikes, to protect the country against attack. That is so whether the target is a foreign national or a U.S. citizen; and it is true whether the target is located on a traditional battlefield or ensconced in a foreign country that is unwilling or unable to assist in capture. President Obama was on solid ground in relying on such authorities when he reportedly ordered a drone strike in Yemen last fall that took the life of Anwar al-Aulaqi. Mr. Aulaqi was a U.S. citizen, a radical cleric and, according to the administration, an operational leader of al-Qaeda in the Arab Peninsula. We supported dismissal of a lawsuit brought by Mr. Aulaqi’s father that sought to force the administration to disclose the criteria for placing someone on the “kill list” — a legal gambit that would have invited unprecedented judicial intervention into battlefield decisions in the absence of congressional or legal authorization. But the legitimacy of such targeted strikes against U.S. citizens would be bolstered by additional review. That’s especially so when the government decides, not in a moment of urgency but with due deliberation, essentially to sentence an American to death. Most Americans may well feel there is something odd about insisting that America’s enemies have rights the instant they are detained, while targets of assassination have no protections at all.

OLC action alone is key–

Pillard, associate professor of law at Georgetown, February 2005

(Cornelia T., THE UNFULFILLED PROMISE OF THE CONSTITUTION IN EXECUTIVE HANDS, 103 Mich. L. Rev. 676, Lexis)

III. **The Unfulfilled Promise of Executive Constitutionalism**

The rosy accounts above portray two executive offices exercising substantial independence to render constitutional judgments that depart from the political will of the executive. Those accounts may appeal to champions of extrajudicial constitutionalism. n179 On closer examination, however, **what is commonly called independence is revealed to be highly derivative of judicial doctrine**. The SG and OLC gain their ability to say "no" to their own client typically by reference to the Court's precedents. To the extent that they shape or alter client proposals, these lawyers' "independent" positions are, in fact, married to the Supreme Court's doctrine and the Court's role as expositor of law. Those offices, thus, are likely to fail to supplement existing doctrine where the Court's underenforcement leaves gaps. **Their court-centrism** also **means that they are not likely to tap** into what the theoretical literature on **extrajudicial constitutionalism** celebrates as the **executive's potentially distinctive** institutional or populist sources of **constitutional inspiration**, **and** therefore **do not offer additional or different ways of effectuating constitutional rights beyond what the Court**'s constitutional doctrine **supplies**. n180

Only self-limitation solves – backstopping with court decisions cuts off executive constitutionalism

Pillard, associate professor of law at Georgetown, February 2005

(Cornelia T., THE UNFULFILLED PROMISE OF THE CONSTITUTION IN EXECUTIVE HANDS, 103 Mich. L. Rev. 676, Lexis)

The SG's and OLC's roles within government and their relationships to their government clients are important terrain on which our various aspirations for executive branch constitutionalism play out. I have argued that, where **the executive branch's respect for constitutional constraints** does not spring directly from court order or presidential campaign promise, it **relies heavily on** backstopping from Supreme Court precedents. The SG is court-centered, institutionally isolated from politics and the practicalities of governing, and deals with past action, not advance prophylactics. Also, **OLC's** court-centric doctrinalism **and** institutional separation, **its court-like passivity rather than** executive-style initiative-taking, and its practice of taking questions only from agency principals **prevents it from being a source of prospective**, **affirmative**, factually grounded, distinctively **executive constitutional effectuation**.

Executive processes that echo the courts' reliance on judicial doctrine, passivity, and relative isolation from the institutional functions of the executive are helpful to bring the courts' teachings and institutional approach to bear within the executive. In other respects, they fall short.

[\*740] First, **the court-centered approach** virtually **eliminates** any executive **recognition of constitutional duties that might pick up where the courts leave off**. **Lawyers in the** SG's Office and **OLC are unlikely to insist that government** conduct **be curtailed in the name of the Constitution unless they can ground their position on judicial doctrine**. n201 Those offices' reliance on the Court's doctrine as describing the high water mark of the executive's constitutional duties means that their work is destined to recapitulate the shortfalls of the courts, **unnecessarily truncating executive constitutionalism**. The gaps in judicial doctrine that call for constitutional interpretation within the executive branch are not bridged, but replicated, by the executive's own court-centered analysis.

The court-centered analysis tends to treat court nonenforcement as a free pass. The SG's and OLC's treatment of **judicially unresolved** constitutional **questions** is skewed in favor of government power and against constitutional constraint because, where the court has not or likely will not prohibit executive conduct, the court-centered interpreter concludes that there is no relevant constitutional obstacle to it. Outside of judicially announced limits, **the** SG and **OLC lack** reliable **methods for delineating executive self-limitation**.

OLC will adopt relevant court decisions – the CP gets footnoted

Pillard, associate professor of law at Georgetown, February 2005

(Cornelia T., THE UNFULFILLED PROMISE OF THE CONSTITUTION IN EXECUTIVE HANDS, 103 Mich. L. Rev. 676, Lexis)

B. OLC's Court-Derivedand Court-Mimicking Independence

The apparent independence of the AAG for the Office of Legal Counsel is, like the SG's, also largely derivative of the Supreme Court's independence. In advising the government on how to comply with the Constitution, **OLC relies heavily on judicial doctrine**, and OLC's persuasiveness rests largely on that judicial authority. OLC, like the SG, inevitably faces clients urging constitutional interpretations most hospitable to government. To the extent that OLC successfully uses doctrinally based arguments to resist those pressures, it exercises a court-derivative form of independence akin to that of the SG. n188

OLC also brings some of the passive virtues of the judiciary into the executive branch, but in an incomplete way. The weaknesses of OLC as a shadow court, **together with the** distinct **potential of the executive to protect constitutional rights in a more active**, empirically grounded, **and institutionally diverse** set of **way**s, suggest that quasi-judicialneutrality is not the only, and perhaps not the best, model for OLC.

1. Doctrinalism and Prioritizing Judicial Resolution

To the extent that there is relevant judicial doctrine on an issue that OLC confronts, that office generally treats it as authoritative and, where the doctrine is inconclusive, OLC seeks to implement its best prediction of the Court's approach. That court-centered method is laid out in a relatively recent OLC opinion by former OLC Assistant Attorney General Walter Dellinger:

[\*735]

We believe that the constitutional structure obligates the executive branch to adhere to settled judicial doctrine that limits executive and legislative power. While the Supreme Court's decisions interpreting the Constitution cannot simply be equated with the Constitution, we are mindful of the special role of the courts in the interpretation of the law of the Constitution. "It is emphatically the province and duty of the judicial department to say what the law is." n189

Thus, even though the executive also has a "special role" in the interpretation of the Constitution (and OLC in particular is assigned that role as to action not yet taken), the OLC opinion adheres to a judicial-supremacist reading of Marbury.

Turns the entire aff

Howell ‘7

William, professor of political science at U-Chicago, and Jon C. Pevehouse, professor of Political Science UW-Madison, “While Dangers Gather : Congressional Checks on Presidential War Powers,” 2007 ed.

SIGNALING RESOLVE To the extent that congressional discontent signals domestic irresolution to other nations, the job of resolving a foreign crisis is made all the more difficult. As Kenneth Schultz shows, an ''opposition party can undermine the credibility of some challenges by publicly opposing them. Since this strategy threatens to increase the probability of resistance from the rival state, it forces the government to be more selective about making threats "—and, concomitantly, more cautious about actually using military force.'4 When members of Congress openly object to a planned military operation, would-be **adversaries** of the United States may feel emboldened, believing that the president lacks the domestic support required to see a military venture through. Such nations, it stands to reason, will be more willing to enter conflict, and if convinced that the United States will back down once the costs of conflict are revealed, they may fight longer and make fewer concessions. Domestic political strife, as it were, weakens the ability of presidents to bargain effectively with foreign states, while increasing the chances that military entanglements abroad will become **protracted and unwieldy.** A large body of work within the field of international relations supports the contention that a nation's ability to achieve strategic military objectives in short order depends, in part**,** on the head of state's **credibility in conveying political resolve.** Indeed, a substantial game theoretic literature underscores the importance of domestic political institutions and public opinion as state leaders attempt to credibly commit to war,75 Confronting widespread and vocal domestic opposition, the president may have a difficult time signaling his willingness to see a military campaign to its end, While congressional opposition may embolden foreign enemies, the perception on the part of allies that the president lacks support may make them wary of **committing any troops at all.**

Err neg—the more options, the better

**Yoo ‘11**

John, Professor of Law, University of California at Berkeley, School of Law; Visiting Scholar, American Enterprise Institute, “Assassination or Targeted Killings After 9/11,” 56 N.Y. L. Sch. L. Rev. 57 (2011)

In addition to imminence, the United States needs to account for the degree of expected harm, a function of the probability of attack times, the estimated casualties, and damage. There is ample justification for factoring this in, just as it ought to be a factor in ordinary acts of self-defense, as when one is attacked with a gun, as opposed to a set of fists. At the time of the Caroline decision in the early nineteenth century, the main weapons of war were single-shot weapons and artillery, cavalry, and infantry. There was an inherent technological limit on the destructiveness of armed conflict. The speed and severity possible today mean that the right to preempt today should be greater than in the past. Weapons of mass destruction have increased the potential harm caused by a single terrorist attack from hundreds or thousands of innocent lives to hundreds of thousands, or even millions. This is not even counting the profound, long-term destruction of cities or contamination of the environment and the resulting long-term death or disease for large segments of the civilian population. **WMDs can today be delivered with ease**-a suicide bomber could detonate a "dirty bomb" using a truck or spread a biological agent with a small airplane. These threats are difficult to detect, as no broad mobilization and deployment of regular armed forces will be visible. Probability, magnitude, and timing are relevant factors that must be considered in determining when to use force against the enemy.

Completely shifts the balance.

Heder ’10

(Adam, J.D., magna cum laude , J. Reuben Clark Law School, Brigham Young University, “THE POWER TO END WAR: THE EXTENT AND LIMITS OF CONGRESSIONAL POWER,” St. Mary’s Law Journal Vol. 41 No. 3, <http://www.stmaryslawjournal.org/pdfs/Hederreadytogo.pdf>)

Congressional attempts to repeal an authorization for war, in fact, would conflict with the President’s plenary powers contained in the Commander in Chief Clause. The Commander in Chief Clause, if it means anything, means the power to prosecute a war. 87 As noted, the structure of the Constitution splits the war powers between the two elected branches. Giving Congress the unilateral power to legally end, limit, or redefine a conflict would, no doubt, deter the President from executing a war in the way he sees fit. If the President’s goals or strategies diverge from those of Congress, then Congress would have an incredibly robust veto power over the President — one that would not **suffer the** extreme political or practical consequences **that a use of the appropriation power would**. Consequently, knowing that Congress is always looking over his shoulder, the President likely would **not conduct the war as he deems fit;** he would conduct the war more consistently with Congress’s strategies. 88 Such a scheme would tilt the scales heavily in favor of Congress and **run afoul of the basic power-sharing scheme of the Constitution,** wherein neither branch has some unilateral right to effectively control all major aspects of a war. 89

Legacy chains cause further restraint

Paul ‘8

Christopher, Senior Social Scientist; Professor, Pardee RAND Graduate School Pittsburgh Office Education Ph.D., M.A., and B.A. in sociology, University of California, Los Angeles, “US Presidential War Powers: Legacy Chains in Military Intervention Decisionmaking\* ,” Journal of Peace Research, Vol. 45, No. 5 (Sep., 2008), pp. 665-679

Legacy Chains

Finegold & Skocpol (1995: 222) describe policy legacies: Past and present policies are connected in at least three different ways. First, past policies give rise to analogies that affect how public officials think about contemporary policy issues. Second, past policies suggest lessons that help us to understand the processes by which contemporary policies are formulated and implemented and by which the conse quences of contemporary policies will be determined. Third, past policies impose limi tations that reduce the range of policy choices available as responses to contemporary problems. All three of the ways in which they connect past policy to present policy can be viewed as changes in the institutional context in which policy is made. These legacies are institutionalized in two different ways: first, through changes in formal rules or procedures, and second, in the 'taken for granteds', 'schemas', and accepted wisdom of policy makers and ordinary citizens alike (Sewell, 1992: 1-29). While a policy or event can leave multiple legacies, it often leaves a single major legacy. For example, the War Powers Resolution for mally changed the relationship between the president and the congress with regard to war-making and the deployment of troops. Subsequent military interventions were influenced by this change and have, in turn, left their own legacy (legal scholars might call it precedent) as a link in that chain. Legacy chains can be modified, trans formed, or reinforced as they step through each 'link' in the chain. As another example, US involvement in Vietnam left a legacy in the sphere of press/military relations which affected the intervention in Grenada in 1983 (the press was completely excluded for the first 48 hours of the operation). The press legacy chain begun in Vietnam also affected the Panama invasion of 1989 (a press pool was activated, in country, but excluded from the action), but the legacy had been trans formed slightly by the Grenada invasion (the press pool system itself grew out of complaint regarding press exclusion in Grenada) (Paul & Kim, 2004). Because of the different ways in which policy legacies are institutionalized, some legacies have unintended institutional conse quences. The War Powers Resolution was intended to curtail presidential war-making powers and return some authority to the con gress. In practice, the joint resolution failed to force presidents to include congressional participation in their intervention decision making, but it had the unintended conse quence of forcing them to change the way they planned interventions to comply with the letter of the law (see the extended ex ample presented later in the article).1

Spills over to all military action

Howell ‘7

William, professor of political science at U-Chicago, and Jon C. Pevehouse, professor of Political Science UW-Madison, “While Dangers Gather : Congressional Checks on Presidential War Powers,” 2007 ed.

Immersed in all of the uncertainty that precedes war, presidents struggle mightily to assess the possibility that the military's plans will fail, and to evaluate whether Congress in due course either will publicly condemn him and actively work to dismantle the engagement or will affirm its allegiance to him and give him the money and delegated authority he needs to proceed. If Congress will come to the president's aid and ptovide him with political cover, then he may have the assurances he needs to incur the risks involved. On the other hand, if the president looks up at Capitol Hill and sees a swarm of representatives poised to pounce at the first misstep taken, he may instead choose to abandon military options altogether. In chapter 2 of this book, we discuss in some detail how presidents make this calculation.

Puts the entirety of executive war powers into question

Elsea ‘13

Jennifer K. Elsea Legislative Attorney Michael John Garcia Legislative Attorney Thomas J. Nicola Legislative Attorney, “Congressional Authority to Limit Military Operations,” <http://fpc.state.gov/documents/organization/206121.pdf>

Congress has frequently, although not invariably, acceded to presidential initiatives involving the use of military force. While a history of congressional acquiescence may create a gloss on the constitutional allocation of powers,192 such a gloss will not necessarily withstand **an express statutory mandate to the contrary**. It does not appear that Congress has developed a sufficiently consistent or lengthy historical practice to have abandoned either its war power or its authority over appropriations. The executive branch has objected to legislative proposals it views as intrusive into presidential power, including limitations found in appropriations measures.193 And it remains possible to construe the function of “conducting military operations” broadly to find impermissible congressional interference in even the most mundane statutes regulating the Armed Forces. To date, however, no court has invalidated a statute passed by Congress on the basis that it impinges the constitutional authority of the Commander in Chief,194 whether directly or indirectly through appropriations. In contrast, presidential assertions of authority based on the Commander-in-Chief Clause, in excess of or contrary to congressional authority, have been struck down by the courts.195

Legitimacy concerns lock in a culture of restrictions on Executive war power

Paul ‘8

Christopher, Senior Social Scientist; Professor, Pardee RAND Graduate School Pittsburgh Office Education Ph.D., M.A., and B.A. in sociology, University of California, Los Angeles, “US Presidential War Powers: Legacy Chains in Military Intervention Decisionmaking\* ,” Journal of Peace Research, Vol. 45, No. 5 (Sep., 2008), pp. 665-679

The Institutional Context 'Institution' is used quite inclusively in this article. Following Nee & Ingram (1998: 19), 'An institution is a web of interrelated norms ? formal and informal ? governing social relationships' (emphasis in original).For military intervention decisions, these institutions include not only the formal organizations and departments of the gov ernment, but also the basic building blocks of the policy formation process: the laws gov erning who participates in the policy process and the procedures that must be followed. More subtle factors in policy formation are also institutionalized: the relationships between different policy participants (for ex ample, the congress and the White House, or the press and the military), taken for granted normative categories such as isolationism vs. interventionism, and the range of policies that are considered 'legitimate' by the elec torate and by other nations. The **preferences, capabilities, and basic self-identities** of indi viduals are conditioned by these institutional structures; if these individuals are part of the policymaking process, they can affect policy (Haney, 1997: 17). All actors are constrained by existing political institutions (Mann, 1993: 52). These institutions create and constitute the context (writ large) in which policy is made. The changes in the institutional contexts that constitute policy legacies tend to be of two different types. The first type of in stitutional legacy is a formal change in rules, structure, organization, or procedure. The second type is an informal institutional change, perhaps a change in the broad taken-for-granted logics that inform decision making. This could include changes in institu tionalized preferences, perceptions, informal rules, and 'sch?mas' (Sewell, 1992: 1-29). The most important difference between the two has to do with how the legacy comes about. Changes in taken-for-granted logics and schemas involve subtle shifts in perceptions based on demonstrated challenges to previously held assumptions or beliefs. These changes may or may not be undertaken consciously and reflexively, but they are certainly not something that is discussed and decided on; rather, they are a product of collective logic, sense, and unspoken consensus. For example, prior to President Truman's commitment of US forces to combat in Korea without congressional permission or a declaration of war, the division of powers laid down in the Constitution was assumed to be a sufficient protection of the various branches of the government s prerogatives with regarding to war-making. After Korea, such protections were less taken for granted and more contested, ultimately resulting in a formal institutional change: the War Powers Resolution of 1973. Such formal organizational institutional legacies, on the other hand, are the product of active decisionmaking and are codified in rule or law. As the product of a decision making process, these are 'intended' changes, and, if the language formalizing the change is not precisely aligned with its intentions, unintended institutional consequences can result. A case in point: the War Powers Re solution has not so much retilted the balance of power over war-making toward congress as placed artificial institutional constraints (time limits, reporting requirements) on how presidents plan and launch military interventions.

No Pakistan collapse - the military and political institutions are resilient and marginalize militant forces - thats Dasgupta - more ev

Shah 11

Aqil Shah is a post-doctoral fellow at the Society of Fellows, Harvard University. He is expert on Military Politics and Democratization in South Asia, especially Pakistan, PhD from Columbia, Rhodes scholar, Foreign Affairs, May/June 2011, "Getting the Military Out of Pakistani Politics", http://www.foreignaffairs.com/articles/67742/aqil-shah/getting-the-military-out-of-pakistani-politics

Pakistan is, of course, a weak state with serious political, economic, and security challenges. But it is not on the fast track to failure, ready to be overturned by warlords, militants, or militias. It has an incredibly resilient civil society, which has proved itself capable of resisting both state and nonstate repression. Its numerous universities, assertive professional associations, vocal human rights groups, and free (if often irresponsible and hypernationalist) media sharply distinguish Pakistan from the likes of Afghanistan or Somalia. And its bureaucratic, judicial, and coercive branches still have plenty of fight left in them. The country's political parties are popular, and parliamentary democracy is the default system of government. The Pakistani military, moreover, is a highly disciplined and cohesive force and is unlikely to let the country slide into chaos or let its prized nuclear weapons fall into the hands of Islamists.

Climate change pounds Pakistan stability

Parenti 13

Christian Parenti, a Nation contributing editor and visiting scholar at the CUNY Graduate Center, The Nation, April 30, 2013, "With Friends Like These: On Pakistan", http://www.thenation.com/article/174126/friends-these-pakistan?page=0,2#axzz2escYdVwG

One can no longer write a book like Rashid’s and remain silent on the issue of climate change. Pakistan, like all states, will face unimaginable, multifaceted stresses in the coming decades as a result of anthropogenic climate change. Most worrying of all, for three years in a row large parts of the country have been inundated by extreme monsoon rains: in 2010, one area of northwest Pakistan received many times its annual rainfall in less than four days. Floods have inundated up to 20 percent of the country at a time and swept away the homes of hundreds of thousands of mostly poor, hungry and increasingly angry peasants. The incidence of drastic flooding fits the regional pattern that scientists have predicted for the onset of climate change.

The floods have revealed the appalling class oppression that exists in the countryside. In displaced-person camps, I have encountered tenant farmers—landless peasants called haris—who, though stuck in their miserable tents with little to no aid, were refusing to return to their home villages because of the horrible exploitation and humiliation meted out by the zamindars, as the feudal landlords are known. Since independence and partition in 1947, Pakistan has toyed with the idea of land reform but done very little of it. In the wake of the floods, landlords were brazen enough to visit some of these camps and attempt to force “their” haris back to work, but the peasants resisted them by force.

One of the more extreme factions of political Islam in Pakistan, the Jamaat-ud-Dawa, is developing a politicized discourse about the environmental crisis [see “Pakistan One Year After the Floods,” July 18/25, 2011]. The Jamaat-ud-Dawa is linked to the outlawed Islamist terrorist organization Lashkar-e-Taiba, which engineered the 2008 Mumbai attacks and has accused India of “water terrorism” because it was building tunnels and dams on key Indus tributaries. In other words, they fear that India will choke off the Indus and destroy Pakistan’s economy. Thus, Jamaat-ud-Dawa has marched under the slogan “Water Flows or Blood.”

Climate change also threatens atomic Pakistan. Set aside the worry of terrorists getting hold of Pakistan’s nuclear weapons; rising seas and economic disintegration may undermine the civilian atomic infrastructure on which the military program depends long before that. And as Michael Kugelman explained last May in Foreign Policy, the Karachi nuclear power plant is vulnerable to flooding. More than 8 million people live within thirty kilometers of it. As it is, the reactor is “chronically incontinent” and leaks radioactive water regularly. Given Pakistan’s traffic-choked roads and poor emergency preparedness, an intense climate-change-driven cyclone making landfall at the plant “could be truly catastrophic.”

Pakistan government is cemented - militants are just a nuisance

Murtaza 13

Niaz Murtaza, PhD from Berkeley, is a development specialist with experience in more than 50 countries in Asia, Africa and the Americas and is currently a Visiting Scholar at the Center for South Asia Studies, University of California at Berkeley with a research focus on the political economy of Pakistan, Dawn, March 26, 2013, "A stable democracy?", http://epaper.dawn.com/~epaper/DetailImage.php?StoryImage=26\_03\_2013\_007\_005

IN a rare instance, a credibly elected parliament has completed its term in Pakistan, raising hopes that Pakistani democracy has finally matured.

However, some pro-democracy writers and newspapers keep reading conspiracies in various military and judicial actions. So, has Pakistani democracy really matured? Political scientists use the concept of democratic consolidation to measure national democratic progress. Consolidation includes two sub-components: stability and quality.

Democratic stability occurs once democracy is accepted as a country`s best governance option by all kingmakers, and when credible elections occur regularly.

Democratic quality means that power is exercised democratically after such elections, resulting in good governance.

Although democratic quality is the ultimate goal, I focus here on the more immediate milestone of democratic stability.

So have all kingmakers finally and forever accepted democracy as Pakistan`s best governance option? The list of Pakistani kingmaker groups includes the military, the media, mafia, militants, judiciary, industrialists, landlords and some foreign countries.

A detailed analysis of the preferences of all these kingmakers will far exceed available space. However, most kingmakers can only operate indirectly through groups which can topple democracy directly. Thus, the former can topple democracy only if the latter groups agree. Fortunately, the list of these latter groups includes only the military and militants. Hence, one can develop a good estimation of Pakistani democratic stability even by reviewing only the inclinations of these two.

Four sets of factors innu-ence the willingness and ability of various groups to undermine democracy. Structural factors include macro-level societal fundamentals, eg, the higher per capita income and literacy the more stable is democracy.

Institutional factors encompass the relative strength of various societal institutions, eg, the more powerful political parties and judiciary in relation to the military, the more stable is democracy.

Strategic choice factors include the choices of powerful individuals based on selfinterest, eg Zia and Musharraf`s coups while facing termination by elected leaders.

Finally, transient factors refer to chance occurrences which undermine democracy nationally, eg the Soviet Afghanistan invasion strengthened the military and militantsin Pakistan.Since structural and institutionalfactors are far more fundamental and less easily reversible than transient and strategic choice factors, democracy truly becomes stable when the former become favourable for democracy.

These factors help in analysing the ability and willingness of the military and militants to undermine Pakistani democracy. The militants abhor democracy and see their version of caliphate as a better governance option for Pakistan.

Their ability to realise this dream reached a peak under military-man Musharraf when their physical conquests stretched to within 100km of Islamabad.

Since then, while their willingness remains undiminished, few outside their ranks give them any realistic chance of conquering Pakistan the way militants once conquered Afghanistan and Somalia. However, they remain a major nuisance without being able to take over.

The factors identified above help in understandingtheir contrasting fortunes.

The movement is kept alive by the two less fundamental sets of factors, ie, strategic choice (eg personal desires of the Tehreek-i-Taliban Pakistan leaders for power) and transient external factors (eg Pakistani Army`s post-US Afghanistan calculations).

But, institutional (eg the capacity gap between the TTP and the Pakistan Army) and structural (eg Pakistan`s higher per capita income than Somalia and Afghanistan) factors make an outright TTP victory nearly impossible.

Thus, Pakistani democracy`s defences against militants rest on the solid foundations of the two fundamental sets of factors.

While the military keeps the militants at bay, its own predisposition towards democracy remains ambivalent.

Military solves

Bandow 9 – Senior Fellow @ Cato, former special assistant to Reagan (11/31/09, Doug, “Recognizing the Limits of American Power in Afghanistan,” Huffington Post, http://www.cato.org/pub\_display.php?pub\_id=10924)

From Pakistan's perspective, limiting the war on almost any terms would be better than prosecuting it for years, even to "victory," whatever that would mean. In fact, the least likely outcome is a takeover by widely unpopular Pakistani militants. The Pakistan military is the nation's strongest institution; while the army might not be able to rule alone, it can prevent any other force from ruling. Indeed, Bennett Ramberg made the important point: "Pakistan, Iran and the former Soviet republics to the north have demonstrated a brutal capacity to suppress political violence to ensure survival. This suggests that even were Afghanistan to become a terrorist haven, the neighborhood can adapt and resist." The results might not be pretty, but the region would not descend into chaos. In contrast, warned Bacevich: "To risk the stability of that nuclear-armed state in the vain hope of salvaging Afghanistan would be a terrible mistake."

# 1nr

No Central Asia war or escalation – all powers want stability

Rogers 13 (Samuel, Advisor for the GPRA Group, The GPRA Group provides micro political and trade risk services to multinationals, insurance companies and financial institutions operating in emerging markets., 3/4/2013, "Central Asia: What's Next?", www.gpra-group.com/2/post/2013/03/central-asia-whats-next.html)

In recent years, Russia and to a lesser extent China, have been making inroads into consolidating their power within the region. The former set up the Customs Union to incorporate Kazakhstan into a free trade area; mediated between Kyrgyz and Uzbek leaders during and following the 2010 ethnic clashes; and secured natural resource transit route rights from the region to Europe. For its part, China extended its Western borders by incorporating 1% of Tajikistan into Chinese territory; sees Central Asia as vital as a source of natural gas; views the area as a buffer zone to Russian and US expansionism; and has acted as an influential actor in offsetting Uyghur separatist intentions. Additionally, China has continued to increase investment in Afghanistan’s fledgling mineral sector and has agreed to train Afghan police, ahead of the planned US troop withdrawal in 2014. Political and economic stability are of paramount importance to Russia and China. Putin may look to expand the Customs Union in order to be in a position to rival the influence of the EU (increased Kazakh-Kyrgyz economic cooperation has recently been discussed). China is concerned with extinguishing discontent in its Muslim-dominated Western regions and increasing economic cooperation. Premier Wen Jiabao visited Bishkek in December 2012 in an official state visit, which aimed to consolidate Sino-Kyrgyz relations against the backdrop of signing four official documents on economic cooperation, geology and financial investment for transport infrastructure, which reveal China’s desire for a more hands-on approach to diplomatic relations between the two states, which only began in 1992. The US, for the immediate future, will be primarily concerned with maintaining its ability to station military personnel in Central Asia and diversify supply routes to avoid over-reliance on Pakistan for operations in Afghanistan as the 2014 deadline will now likely be surpassed. All three powers desire to preserve the political status quo and keep the current, long-standing incumbents in office. It is therefore likely that in the event of internal political struggles, ranging from ethnic, religious or labour-related in nature, a swift return to the status quo will ensue. In 2010, for example, following widespread civil unrest in Kyrgyzstan, and the ousting of President Bakiyev, the 2011 elections saw the not dissimilar incumbent Atambayev elected amid strong international support. With newly-elected Chinese General Secretary Xi Jinping and the recent re-elections of Presidents Putin and Obama, 2013 will provide observers and investors a clearer picture of official policy towards the region. Central Asian states are likely to remain politically stable and will present development opportunities as diverse as mining, dam construction and telecommunications, all of which are enjoying FDI from Russia and China. The Russian Direct Investment Fund (RDIF) and the Chinese Investment Corporation (CIC), both official government-sponsored investment bodies, have jointly invested $2bn in Central Asian projects, a figure which is planned to rise to $4bn. The Next Five Years Whilst it is unlikely there will be a ‘hot’ war between any of these major powers, there is potential for conflict by proxy within the region. Areas of concern are the Afghan-Tajik border region, and internal deterioration in US-Pakistan relations, engineered by external forces. Civil unrest also has potential to re-emerge within states and also may have a ‘spill-over effect’, with the potential to permeate borders as seen in 2010 in Kyrgyzstan and Uzbekistan. Sudden price drops or price hikes in natural resources would also have the capacity to adversely affect trade and transit agreements between the countries. With the US set to channel funding more directly into East Asia in order to ‘face’ China’s increased regional dominance over the coming years, US military spending in Central Asia will decline, leaving a potential vacuum into which China and Russia will seek to enter through soft power; a policy, which Russia has recently openly stated it intends to pursue, and China has a long-standing policy of. Observers of the region will note the rise in bilateral agreements between China and the Central Asian states - actions which make a break from traditional Chinese policy; the growing economic strength of the Customs Union; and the potential for conflict in Iran. These factors amongst others will determine the geopolitical situation of the former Soviet states over the next five years, and beyond. Further afield, India, Japan, South Korea and Turkey are all observing the situation in Central Asia. India, the dominant force in South Asia, will look to expand its horizons and consolidate a greater role in global affairs by becoming more proactive in Central Asia, though it is unlikely to surpass others’ presence due to its lack of strategy. Japan, from as early as the 1990s, has sought to engage the US in a joint policy towards the region in an effort to curb Chinese presence and diversify energy imports. South Korea, which is an increasing economic power, desires a stronger presence in Central Asia in order to forge closer ties with Russia, whilst consolidating its links with China, Japan and the US. Turkey, the first country to recognise the independence of the Central Asian Republics, has donated 25% of all foreign aid to the region since 1992 ($1bn) and combined Turkish business projects’ value in Central Asia has now reached $50bn. Furthermore, the strength of cultural ties continues to increase through institutions such as the Turkic Council and student exchange programmes. Each of the aforementioned states are likely to actively seek to deepen and compound their presence in the region. For China, Russia and the US however, the geopolitics of Central Asia is of greater importance. There is too much to lose for any of the powers to afford conflict, economic neglect or widespread social unrest in the region, detrimental to their key strategic aims.

Water wars --- No water wars – best studies

Allouche, research Fellow – water supply and sanitation @ Institute for Development Studies, frmr professor – MIT, ‘11

(Jeremy, “The sustainability and resilience of global water and food systems: Political analysis of the interplay between security, resource scarcity, political systems and global trade,” Food Policy, Vol. 36 Supplement 1, p. S3-S8, January)

The question of resource scarcity has led to many debates on whether scarcity (whether of food or water) will lead to conflict and war. The underlining reasoning behind most of these discourses over food and water wars comes from the Malthusian belief that there is an imbalance between the economic availability of natural resources and population growth since while food production grows linearly, population increases exponentially. Following this reasoning, neo-Malthusians claim that finite natural resources place a strict limit on the growth of human population and aggregate consumption; if these limits are exceeded, social breakdown, conflict and wars result. Nonetheless, it seems that most empirical studies do not support any of these neo-Malthusian arguments. Technological change and greater inputs of capital have dramatically increased labour productivity in agriculture. More generally, the neo-Malthusian view has suffered because during the last two centuries humankind has breached many resource barriers that seemed unchallengeable.

Lessons from history: alarmist scenarios, resource wars and international relations

In a so-called age of uncertainty, a number of alarmist scenarios have linked the increasing use of water resources and food insecurity with wars. The idea of water wars (perhaps more than food wars) is a dominant discourse in the media (see for example Smith, 2009), NGOs (International Alert, 2007) and within international organizations (UNEP, 2007). In 2007, UN Secretary General Ban Ki-moon declared that ‘water scarcity threatens economic and social gains and is a potent fuel for wars and conflict’ (Lewis, 2007). Of course, this type of discourse has an instrumental purpose; security and conflict are here used for raising water/food as key policy priorities at the international level.

In the Middle East, presidents, prime ministers and foreign ministers have also used this bellicose rhetoric. Boutrous Boutros-Gali said; ‘the next war in the Middle East will be over water, not politics’ (Boutros Boutros-Gali in Butts, 1997, p. 65). The question is not whether the sharing of transboundary water sparks political tension and alarmist declaration, but rather to what extent water has been a principal factor in international conflicts. The evidence seems quite weak. Whether by president Sadat in Egypt or King Hussein in Jordan, none of these declarations have been followed up by military action.

The governance of transboundary water has gained increased attention these last decades. This has a direct impact on the global food system as water allocation agreements determine the amount of water that can used for irrigated agriculture. The likelihood of conflicts over water is an important parameter to consider in assessing the stability, sustainability and resilience of global food systems.

None of the various and extensive databases on the causes of war show water as a casus belli. Using the International Crisis Behavior (ICB) data set and supplementary data from the University of Alabama on water conflicts, Hewitt, Wolf and Hammer found only seven disputes where water seems to have been at least a partial cause for conflict (Wolf, 1998, p. 251). In fact, about 80% of the incidents relating to water were limited purely to governmental rhetoric intended for the electorate (Otchet, 2001, p. 18).

As shown in The Basins At Risk (BAR) water event database, more than two-thirds of over 1800 water-related ‘events’ fall on the ‘cooperative’ scale (Yoffe et al., 2003). Indeed, if one takes into account a much longer period, the following figures clearly demonstrate this argument. According to studies by the United Nations Food and Agriculture Organization (FAO), organized political bodies signed between the year 805 and 1984 more than 3600 water-related treaties, and approximately 300 treaties dealing with water management or allocations in international basins have been negotiated since 1945 (FAO, 1978 and FAO, 1984).

The fear around water wars have been driven by a Malthusian outlook which equates scarcity with violence, conflict and war. There is however no direct correlation between water scarcity and transboundary conflict. Most specialists now tend to agree that the major issue is not scarcity per se but rather the allocation of water resources between the different riparian states (see for example Allouche, 2005, Allouche, 2007 and [Rouyer, 2000] ). Water rich countries have been involved in a number of disputes with other relatively water rich countries (see for example India/Pakistan or Brazil/Argentina). The perception of each state’s estimated water needs really constitutes the core issue in transboundary water relations. Indeed, whether this scarcity exists or not in reality, perceptions of the amount of available water shapes people’s attitude towards the environment (Ohlsson, 1999). In fact, some water experts have argued that scarcity drives the process of co-operation among riparians (Dinar and Dinar, 2005 and Brochmann and Gleditsch, 2006).

In terms of international relations, the threat of water wars due to increasing scarcity does not make much sense in the light of the recent historical record. Overall, the water war rationale expects conflict to occur over water, and appears to suggest that violence is a viable means of securing national water supplies, an argument which is highly contestable.

The debates over the likely impacts of climate change have again popularised the idea of water wars. The argument runs that climate change will precipitate worsening ecological conditions contributing to resource scarcities, social breakdown, institutional failure, mass migrations and in turn cause greater political instability and conflict (Brauch, 2002 and Pervis and Busby, 2004). In a report for the US Department of Defense, Schwartz and Randall (2003) speculate about the consequences of a worst-case climate change scenario arguing that water shortages will lead to aggressive wars (Schwartz and Randall, 2003, p. 15). Despite growing concern that climate change will lead to instability and violent conflict, the evidence base to substantiate the connections is thin ( [Barnett and Adger, 2007] and Kevane and Gray, 2008).

meat consumption overwhelms

John Vidal, environment editor, 8/26/12 [“Food shortages could force world into vegetarianism, warn scientists,” The Guardian, http://www.guardian.co.uk/global-development/2012/aug/26/food-shortages-world-vegetarianism]

Leading water scientists have issued one of the sternest warnings yet about global food supplies, saying that the world's population may have to switch almost completely to a vegetarian diet over the next 40 years to avoid catastrophic shortages.¶ Humans derive about 20% of their protein from animal-based products now, but this may need to drop to just 5% to feed the extra 2 billion people expected to be alive by 2050, according to research by some of the world's leading water scientists.¶ "There will not be enough water available on current croplands to produce food for the expected 9 billion population in 2050 if we follow current trends and changes towards diets common in western nations," the report by Malik Falkenmark and colleagues at the Stockholm International Water Institute (SIWI) said.¶ "There will be just enough water if the proportion of animal-based foods is limited to 5% of total calories and considerable regional water deficits can be met by a … reliable system of food trade."¶ Dire warnings of water scarcity limiting food production come as Oxfam and the UN prepare for a possible second global food crisis in five years. Prices for staples such as corn and wheat have risen nearly 50% on international markets since June, triggered by severe droughts in the US and Russia, and weak monsoon rains in Asia. More than 18 million people are already facing serious food shortages across the Sahel.¶ Oxfam has forecast that the price spike will have a devastating impact in developing countries that rely heavily on food imports, including parts of Latin America, North Africa and the Middle East. Food shortages in 2008 led to civil unrest in 28 countries.¶ Adopting a vegetarian diet is one option to increase the amount of water available to grow more food in an increasingly climate-erratic world, the scientists said. Animal protein-rich food consumes five to 10 times more water than a vegetarian diet. One third of the world's arable land is used to grow crops to feed animals. Other options to feed people include eliminating waste and increasing trade between countries in food surplus and those in deficit.¶ "Nine hundred million people already go hungry and 2 billion people are malnourished in spite of the fact that per capita food production continues to increase," they said. "With 70% of all available water being in agriculture, growing more food to feed an additional 2 billion people by 2050 will place greater pressure on available water and land."¶ The report is being released at the start of the annual world water conference in Stockholm, Sweden, where 2,500 politicians, UN bodies, non-governmental groups and researchers from 120 countries meet to address global water supply problems.¶ Competition for water between food production and other uses will intensify pressure on essential resources, the scientists said. "The UN predicts that we must increase food production by 70% by mid-century. This will place additional pressure on our already stressed water resources, at a time when we also need to allocate more water to satisfy global energy demand – which is expected to rise 60% over the coming 30 years – and to generate electricity for the 1.3 billion people currently without it," said the report.¶ Overeating, undernourishment and waste are all on the rise and increased food production may face future constraints from water scarcity.

#### Decline kills heg – Defense cuts and isolationism ---- that solves their Freidberg ev is about withdrawal and the plan only affects intel

Friedberg, professor of politics and IR @ Princeton, and Schoenfeld, visiting scholar @ the Witherspoon Institute, 10/21/’8

(Aaron and Gabriel, “The Dangers of a Diminished America,” <http://online.wsj.com/article/SB122455074012352571.html?mod=googlenews_wsj>)

One immediate implication of the crisis that began on Wall Street and spread across the world is that the primary instruments of U.S. foreign policy will be crimped. The next president will face an entirely new and adverse fiscal position. Estimates of this year's federal budget deficit already show that it has jumped $237 billion from last year, to $407 billion. With families and businesses hurting, there will be calls for various and expensive domestic relief programs. In the face of this onrushing river of red ink, both Barack Obama and John McCain have been reluctant to lay out what portions of their programmatic wish list they might defer or delete. Only Joe Biden has suggested a possible reduction -- foreign aid. This would be one of the few popular cuts, but in budgetary terms it is a mere grain of sand. Still, Sen. Biden's comment hints at where we may be headed: toward a major reduction in America's world role, and perhaps even a new era of financially-induced isolationism. Pressures to cut defense spending, and to dodge the cost of waging two wars, already intense before this crisis, are likely to mount. Despite the success of the surge, the war in Iraq remains deeply unpopular. Precipitous withdrawal -- attractive to a sizable swath of the electorate before the financial implosion -- might well become even more popular with annual war bills running in the hundreds of billions.

Protectionist sentiments are sure to grow stronger as jobs disappear in the coming slowdown. Even before our current woes, calls to save jobs by restricting imports had begun to gather support among many Democrats and some Republicans. In a prolonged recession, gale-force winds of protectionism will blow.

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.

#### Turns Pakistan stability

ABC News, 2/17/’9 (News “Clinton: Unresolved Economic Crisis Could Destabilize Governments,” <http://abcnews.go.com/Politics/International/Story?id=6895135&page=1>)

The United States wants to listen and learn, Secretary of State Hillary Clinton said in an interview with ABC News, reaffirming one of President Obama's messages to the world. But on her first overseas tour as secretary of state and in her first interviews with the media, she also warned North Korea not to advance its nuclear program -- an apparent reversal of her comments to reporters on the way to Japan that she sought "openness" with Pyongyang. Clinton also expressed concern over the growing threat of terrorism in Pakistan. In her first television interviews, Clinton appeared to speak more in thought points than talking points, avoiding the appearance of repeating memorized lines while still sticking to the administration's message. Clinton arrived in Tokyo Monday to begin an Asia trip that will include stops in China, South Korea and Indonesia. Traveling across the region, Clinton got a look at the world of problems she faces. A UN report released Monday said the number of Afghan civilians killed in armed conflict rose 40 percent in 2008 -- with 39 percent of the deaths caused by U.S., NATO and Afghan forces -- as the Afghan war grew increasingly bloody. In Pakistan, the government struck a peace deal with Taliban-linked groups who now control the picturesque Swat valley, but in return the Pakistani government agreed to militants' demands to impose strict Islamic Shariah law, a move likely to draw criticism from the United States. And in Tokyo, Clinton's arrival was marked by the steepest quarterly contraction in Japan's economy in 35 years, as the country's finance minister quit after appearing to be drunk during a G-7 meeting last weekend. The Global Economic Crisis This is the first time since 1961 a U.S. secretary of state has put East Asia first on his or her travel agenda, reflecting the importance placed on reversing the global recession. Clinton said the United States intends to work closely with Japan, the second-largest economy in the world. "I hope that we'll be able to lay the groundwork for the turnaround," she said in the interview with ABC News in Tokyo Monday. As for why she thinks the foreign minister resigned, Clinton called it an "internal decision" on the part of the Japanese government."But there are a lot of very able people in the finance ministry and the government and the private sector who I know will be working hard to make sure their efforts at recovery continue," she said. Clinton also seconded comments made by Dennis Blair, who, at his hearing to become director of U.S. national intelligence, said that the global financial crisis is a critical near-term security concern. "Yes, we have to look at this as part of our threat matrix," the secretary of state said. "I know some people have criticized him and said, 'what does the economy have to do with terrorism.' That's a very short-sided view. I think what director Blair was saying is that we get fixated sometimes on the headlines of dangers, and that is not in any way to underestimate the continuing threat from terrorism, the instability in the Middle East and Afghanistan and Pakistan and elsewhere.""But this economic crisis, left unresolved, will create massive unemployment," she said. "It will upend governments, it will unfortunately breed instability, and I appreciated his putting that into the context of the threat matrix."The South Asia Problem In linking the economic downturn to instability, Clinton singled out Pakistan, where Taliban-linked militants have taken control of the frontier region along the border with Afghanistan, and of the once-tourist haven Swat."... Look at Pakistan, a country that we know has to be stabilized for the benefit of not only South Asia, but beyond," Clinton said. "It is where the terrorists and their allies have found haven. But the economy in Pakistan is under even greater pressure now because of the global economic crisis. If Pakistan becomes even more unstable, that increases the danger we will face by the extremists to the Pakistan government." Asked about reports of shariah law being imposed in the Swat valley as part of a peace deal between the government and militants, and Pakistani officials saying that the government will not undertake any more offensive attacks on militants, Clinton said there have been some "contradictory reports" and that she wants to "get the whole picture" before commenting. "Look, the entire situation in Pakistan is a concern," she said. "That is why we are looking at a policy review at Pakistan and Afghanistan. "Obama last week announced the White House review, to be led by Brookings Institution senior fellow and former CIA official Bruce Riedel. The U.S. government's appointed special representative for the region, Richard Holbrooke, recently visited Pakistan, Afghanistan and India to assess the situation in the region. Softness With North Korea? Clinton denied that the Obama administration is taking a softer stance than the Bush administration on North Korea, which may test-fire a missile soon, according to intelligence reports. U.S. officials have said they want to keep the lines of communication open, but Clinton reaffirmed that the United States remains "absolutely committed to the denuclearization of North Korea." "North Korea entered into an agreement to do that, and if they proceed as they had already agreed, and verifiably and completely eliminate their nuclear programs, there are benefits. That's a quid pro quo," the secretary of state said." And they need to understand that, because very often what you hear out of North Korea is that the continuing antagonism toward the United States, toward Japan, toward South Korea, holds the regime together. But I want the people of North Korea, as well as those within the government, to understand, we hold no antagonism for the people of North Korea ..."Clinton Remains Optimistic But amid the myriad of challenges facing the new administration, America's top diplomat remains optimistic."It's a wonderful experience to represent the United States of America. ... as a representative of the Obama administration with a message that the United States wants to listen and learn," she said. "We believe we have a lot to do in cooperation both regionally and globally with Japan, South Korea, Indonesia and China and we are open to an expanded and deepened partnership."Meanwhile, Japanese Prime Minister Taro Aso will visit Washington D.C., next week, becoming the first world leader to be hosted by President Obama at the White House.

#### And water wars

Washington Quarterly, 9 (“Revisiting the Future: Geopolitical Effects of the Financial Crisis”, April, http://www.twq.com/09april/docs/09apr\_Burrows.pdf)

Types of conflict that the world continues to experience, such as over resources, could reemerge, particularly if protectionism grows and there is a resort to neo-mercantilist practices. Perceptions of renewed energy scarcity will drive countries to take actions to assure their future access to energy supplies. In the worst case, this could result in interstate conflicts if government leaders deem assured access to energy resources, for example, to be essential for maintaining domestic stability and the survival of their regime. Even actions short of war, however, will have important geopolitical implications. Maritime security concerns are providing a rationale for naval buildups and modernization efforts, such as China’s and India’s development of blue water naval capabilities. If the fiscal stimulus focus for these countries indeed turns inward, one of the most obvious funding targets may be military. Buildup of regional naval capabilities could lead to increased tensions, rivalries, and counterbalancing moves, but it also will create opportunities for multinational cooperation in protecting critical sea lanes. With water also becoming scarcer in Asia and the Middle East, cooperation to manage changing water resources is likely to be increasingly difficult both within and between states in a more dog-eat-dog world.

#### There is no doublebind. Obama’s capital knocks the House crazies in line. Absent capital they take us over the cliff—Obama won’t blink b/c he won’t compromise on obamcare

Eugene Robinson, RCP 9/20/13, Obama Needs to Stand His Ground, www.realclearpolitics.com/articles/2013/09/20/obama\_needs\_to\_stand\_his\_ground\_120003.html

Republicans in the House are like a bunch of 3-year-olds playing with matches. Their hapless leaders don't have the sense to scold them and send them to their rooms -- which means President Obama has to be the disciplinarian in this dysfunctional family.

Mature adults in the GOP should have explained reality to these tantrum-throwing tykes long ago: It simply is not within their constitutional power to make Obamacare go away. They can scream at the top of their lungs, roll around on the floor, hold their breath until they turn blue, waste everybody's time with 41 useless votes -- whatever. All they can really do is hurt themselves or others.

Yet here we are, with Speaker John Boehner cowed into letting his members threaten to shut down the government unless they are allowed to stay up all night watching television and eating candy. Also, unless the Senate and Obama agree to nullify health-care reform before it fully takes effect.

I happen to believe that Obamacare is a great accomplishment, providing access to medical insurance to millions of Americans who lack it and bringing the nation much closer to universal health care. It's an imperfect law, to be sure, but it could be made much better with the kind of constructive tinkering that responsible leaders performed on Social Security and Medicare.

Even if Obamacare were tremendously flawed, however, it would be wrong to let a bunch of extremist ideologues hold the country hostage in this manner. If Republicans want to repeal the reforms, they should win the Senate and the presidency. If not, they're welcome to pout and sulk all they want -- but not to use extortion to get their way.

At issue is not just the threat of a federal shutdown, which will happen Oct. 1 unless Congress passes a continuing resolution to fund government operations. The debt ceiling has to be raised before the Treasury hits its borrowing limit, which will happen around Oct. 18. If House Republicans don't kill or neutralize Obamacare with the funding bill, they are ready to threaten the nation -- and the global economy -- with a potentially catastrophic default.

The proper response -- really, the only response -- is to say no. And mean it.

Obama is by nature a reasonable and flexible man, but this time he must not yield. Even if you leave aside what delaying or defunding Obamacare would mean for his legacy -- erasing his most significant domestic accomplishment -- it would be irresponsible for him to bow to the GOP zealots' demands.

The practical impact of acquiescing would be huge. Individuals who have been uninsured are anticipating access to adequate care. State governments, insurance companies and health care providers have spent vast amounts of time and money preparing for the law to take effect. To suddenly say "never mind" would be unbelievably reckless.

The political implication of compromising with blackmailers would be an unthinkable surrender of presidential authority. The next time he said "I will do this" or "I will not do that," why should Congress or the American people take him seriously? How could that possibly enhance Obama's image on the world stage?

Obama has said he will not accept a budget deal that cripples Obamacare and will never negotiate on the debt ceiling. Even if the Republicans carry through with their threats -- and this may happen -- the president has no option but to stand his ground.

You don't deal with bullies by making a deal to keep the peace. That only rewards and encourages them. You have to push back.

The thing is, this showdown is a sure political loser for the GOP -- and smart Republicans know it. Boehner doesn't want this fight, and in fact should be grateful if Obama hangs tough and shows the crazies the limits of their power. Republicans in the Senate don't want this fight. It's doubtful that even a majority of House Republicans really, truly want this fight, no matter what they say publicly.

#### Last minute deal won’t work this time

Doyle McManus, 9/22/13, In Washington, countdown to a shutdown , www.latimes.com/opinion/commentary/la-oe-mcmanus-column-house-government-shutdown-20130922,0,6539439.column

This may sound like just another round of Washington's recurring impasse, but this time the prospects for a quick solution look worse. The Republicans have chosen to demand the one concession Obama is least likely to make: the crippling of Obamacare. And the GOP's chief deal maker, Sen. Mitch McConnell (R-Ky.), is battling a primary challenge on his right, which means he's not eager to play the role of middleman this year.

#### Their ev is media hype—GOP opposition isn’t immovable—House GOP strategy makes a deal likely

Chris Weignant, 9/18/13, The Boehner and the Restless, www.chrisweigant.com/2013/09/18/the-boehner-and-the-restless/

The politico-media empire which writes the rules of the Washington "What Serious People Are Saying" game have apparently decided that the government shutdown is now melodramatically going to happen. Cue ominous organ music blast (dum Dum DUM!). The key word in that opening sentence is "melodramatically," because our government can now be seen as nothing more than a continuing soap opera. Call it "As The Boehner Turns," or perhaps more appropriately "The Boehner And The Restless." Personally, I don't buy it. I'm taking the contrarian position on this one. John Boehner just announced that the House will vote on a continuing resolution (to continue funding the government past the first of October) which attempts to "defund" Obamacare, and that the vote will happen this Friday. Across Washington, in newsrooms everywhere, pearls were clutched and editors swooned (and had to be revived with smelling salts). The sky is falling! The shutdown will happen! Oh, my goodness! What a calamity! The melodrama was turned up to eleven, and the knob was then snapped off. The car was about to careen off the cliff (right before the commercial break), so stay tuned, folks.... But, as I said, I don't buy it. In fact, I will go so far as to say that the timing of the vote increases the chances that the government shutdown will not in fact happen. The vote, I suspect, is nothing more than John Boehner showboating within his own caucus -- nothing more than a sop to the rabid Tea Party members who are demanding this showdown. The reason I reach this conclusion is that if Boehner were truly serious about using this bill as his only negotiating position, he would have waited until the last minute to introduce it. Instead, he's going to hold a vote this Friday. There are three basic endgames which are possible in the showdown. The first is that Senate Democrats and President Obama wake up one morning and, in astonishment, blurt out, "What were we thinking? Obamacare sucks! Let's repeal the signature legislation of Barack Obama's term in office!" They then leap out of bed, pass the House's bill and sign it into law. Obamacare is dead! Well, this isn't really true, since the House "defunding" Obamacare doesn't actually defund something like 80 percent of Obamacare, but whatever. The chances of this scenario happening are precisely zero, so it's a moot point. The second endgame is that the House Republicans refuse to budge, the Senate and the House can't agree on a continuing resolution, and the government shuts down at the start of next month. This is what the media is salivating over, with full soundtrack and all the melodrama they can heap upon it. What a great start to the fall season for the soap opera that is Washington! The chances of this happening are unknown, but I predict that they are one whale of a lot smaller than the media would have you currently believe. And, as I said, holding the vote this Friday means the chances of a shutdown actually happening have just grown even smaller. If Boehner really wanted this scenario to happen (he's publicly said he does not, for the record), then he would use the clock to his advantage and delay the vote on the Tea Party bill until, perhaps, next Friday -- giving the Senate almost no time to react. But he's not taking this route, which is the main point everyone seems to be missing (or willfully ignoring, to boost ratings for the soap opera). The third scenario is the most likely. John Boehner, following a script he has used in the past, allows the Tea Party to pillage and riot for a very precise amount of time. He allows their "take no prisoners" bill to be voted on. There is no guarantee that it'll even pass -- another fact many media types are ignoring today. Boehner has had to ignobly yank quite a few bills from the floor before the vote because he simply cannot round up enough votes within his own party to pass them. This could happen with Friday's bill, although it is more likely that Boehner will allow the vote even if he knows it will fail (because doing so will strengthen his position). But say for the sake of conversation that it does pass. The Tea Party will triumphantly proclaim victory, and the Senate will quickly dispose of the bill in one fashion or another -- leaving us right back at square one. The Senate leaders will then meet with the White House and come up with a budget bill which is acceptable to sane Republicans in the Senate, but which does not touch Obamacare's funding. The Senate will pass this bill, and send it over to the House (technically the House has to originate spending bills, but this can be dealt with by a gimmick, as it always is). The ball will be back in Boehner's court. Boehner has already cancelled vacation days scheduled for next week. The House will be in session. And it'll have enough time to act before the deadline is reached. Boehner will (again, he's done this before, folks) reluctantly tell his Tea Party members "well, we tried our hardest, but it didn't work." And then -- at the last minute, no doubt -- he'll put the Senate bill on the House floor for a vote, breaking the Republican "Hastert Rule" once again. Virtually all the Democrats will vote for it, and at least a few dozen Republicans will join them (those in such safe districts that they don't worry about Tea Party primary challenges, for the most part). The bill will pass. A few minor concessions may be wrung from the budget itself, as a sort of consolation prize for House Republicans ("See? We did get some sort of victory!"), and this tweaked bill will go back to the Senate for a vote. The Senate will pass it, and it will thus be placed upon Obama's desk for his signature. Obama, of course, will sign it. The only real question in this scenario is how close we come to hitting the deadline. Maybe the government will temporarily "shut down" for a day or two as the last Senate vote happens, at worst. But some sort of budget will be in place, until the next time this budgetary plot device arises (which seems to be planned for December, just so we can all have a holiday special for the Washington soap opera). Call me an optimist if you will, but this still seems the most-likely scenario. Boehner, by holding the big vote early, is signaling that there will be plenty of time to fix things at the last minute after he tosses the Tea Party their bone. The Tea Partiers will experience a few days of euphoria and then be consumed with white-hot rage when they don't ultimately get their way. Primary challenges will be threatened all around. Talk radio and the conservative echo chamber in the media will explode with angst and denunciation. But we will have a budget, and the government will not shut down.

#### Trends go neg—GOP crazies are uniting under Boehner

Ryan Grim, HuffPo, 9/19/13, Ted Cruz, Liberal Hero, May Have Just Bailed Washington Out Of The Shutdown Crisis , www.huffingtonpost.com/2013/09/19/ted-cruz-shutdown-house-republicans\_n\_3954461.html?utm\_hp\_ref=politics

In one moment, with one statement, Sen. Ted Cruz (R-Texas) managed Wednesday to accomplish what House GOP leaders, Republican senators and the Wall Street Journal editorial page had failed to do for months: Persuade rank-and-file House Republicans that shutting down the government in an attempt to defund Obamacare was simply impossible.

On Wednesday, after House leaders said they'd go forward with the defund strategy Cruz had been pitching with ads on Fox News, his response boiled down to 'Thanks, you're on your own.'

"Harry Reid will no doubt try to strip the defund language from the continuing resolution, and right now he likely has the votes to do so," Cruz said in a statement. "At that point, House Republicans must stand firm, hold their ground, and continue to listen to the American people."

On the surface, House Republicans were seething. Members openly accused Cruz and his allies, Sens. Mike Lee (R-Utah) and Marco Rubio (R-Fla.), of waving the white flag before the fight had even begun. One House GOP aide even called Cruz a "joke, plain and simple."

But by admitting that he had no ability in the Senate to back up the House effort to defund Obamacare, and saying so on the same day that House Republicans had announced they would support the Cruz-inspired strategy, Cruz has inadvertently done more than any other lawmaker to avert a government shutdown.

"Cruz officially jumped the shark this week," said one GOP operative allied with House leadership, who, like others, requested anonymity to speak critically about fellow Republicans. "He's doing for the House Leaders what they couldn't do for themselves. House rank-and-file members are uniting with Boehner, Cantor over Ted Cruz's idiotic position."

#### gop likely to lose the debt fight now

Dan Balz, wapo, 9/21/13, Fight over spending, debt and health law has risks for Republicans and Obama, www.washingtonpost.com/politics/fight-over-spending-debt-and-health-law-has-risks-for-republicans-and-obama/2013/09/21/b5a86b92-22e2-11e3-ad1a-1a919f2ed890\_story.html

Two big issues are now before the country. One puts Republicans at great risk. The other will provide a stiff test for President Obama and his administration. Together they are likely to shape the political climate for 2014 and already are influencing the contest for the Republican presidential nomination in 2016, as well. The first issue is the drama over spending and debt, which will play out in two acts over the next month. This battle escalated dramatically Friday when House Republicans, yielding to the most strident wing of their party, approved a measure to fund the government past Oct. 1 while defunding the Affordable Care Act. The action in the House sets up a confrontation with the White House and congressional Democrats that could lead to a partial shutdown of the government. Republicans have no hope of winning the battle to defund Obamacare as long as this president is in office. The Senate will reject the House bill and, in any case, the president would veto anything like it that reaches his desk. A related part of the GOP strategy will unfold soon, as House Republicans try to tie a provision to delay implementation of the health-care law to the measure raising the debt ceiling before the government runs out of borrowing authority. The president, still burned by the wreckage of debt-ceiling negotiations two years ago, has said he will not negotiate over the ceiling this fall. He reiterated that in a phone call with House Speaker John A. Boehner (R-Ohio) on Friday. The strategy to tie defunding of Obamacare to the government-funding bill has divided Republicans, producing an extraordinary spectacle of intraparty second-guessing and pointed criticism. The debate highlights a fundamental schism within the Republican Party. Can Republicans cater to their conservative base and still find ways to expand their appeal across the electorate in order to win back the White House in the future? Are the two mutually compatible or mutually exclusive? There are reasons Republicans feel emboldened to go after Obama’s health-care law. Three years after he signed the measure, the president has clearly failed in the public relations effort to win support for the Affordable Care Act. The latest Washington Post-ABC News poll shows that a majority of Americans say that they oppose the law—52 percent, compared with 42 percent who favor it. Among Republicans, 78 percent oppose it, and 68 percent of Republicans oppose it strongly. Overall, Democrats like the act, although 31 percent of them do not. Among independents, 54 percent are opposed. Those findings, which are consistent with polls from other organizations, have encouraged Republicans to carry on the fight to defund or delay the law with ever more determination, even if they are likely to lose this battle. They hope to energize voters in 2014 as they did in 2010. But the poll also offers evidence of the risks Republicans are taking as they set out on a path that could lead to partial shutdown of the government to force the issue of Obamacare funding. In the Post-ABC poll, only a quarter of Americans favor shutting down parts of the federal government to achieve that goal. The poll also highlights GOP divisions on this strategy: Only half of all Republicans are willing to shut down the government to block the law. No one can predict just how this battle will end, but it is already apparent that whatever the outcome, there will be recriminations within the Republican coalition. Sen. Ted Cruz (R-Tex.), the darling of many tea party activists, came under sharp criticism a few days ago from tea party Republicans in the House for saying the obvious, that there probably aren’t enough votes in the Senate to defund Obamacare.

#### Obama positioning himself to win the fiscal debates

Harold Maass, 9/20/13, The GOP is saving Obama, theweek.com/article/index/249965/the-gop-is-saving-obama#

President Obama has been taking plenty of lumps from his fellow Democrats recently. Liberals in the party have blocked his former aide Larry Summers, whom Obama reportedly wanted to put in charge of the Federal Reserve, and defected when he was trying to rally support in Congress for authorizing military strikes against Syria.

Some political analysts concluded that the defections were weakening Obama just as he headed into high-stakes showdowns with the GOP over two budgetary matters: A stopgap spending measure to keep the government from shutting down on Oct. 1; and raising the borrowing limit to keep the nation from a potentially calamitous default on some of its debts.

Republicans, however, have plenty of problems of their own. House GOP leaders clashed openly with Tea Party conservatives over whether to try to use the spending battle to defund ObamaCare, even if that means shutting down the government, or even plunging the country into default. The hardcore fiscal conservatives got their way, embarrassing — and, some say, weakening — House GOP leaders who were determined to avoid any chance of a shutdown.

The result? The GOP is locked in an ugly intraparty brawl that is serving as "a lifeline for an administration that had been scrambling to gain control" of its message after Obama's recent string of setbacks, says Jonathan Allen at Politico.

John Dickerson at Slate agrees. Just when everyone was musing about the "sorry state" of Obama's presidency, he says, Republicans are "snatching defeat from the jaws of victory" by pushing the nation to the brink of an entirely avoidable disaster, and helping Obama make the argument that they were the problem, all along. Dickerson asks:

House Republicans must feel sorry for the president — why else would they take pressure off his administration by staging their own party crackup? [Slate]

#### Obama well positioned for fiscal fights—prices in past fights

John Dickerson, Slate, 9/19/13, The GOP’s Suicide Squeeze, www.slate.com/articles/news\_and\_politics/politics/2013/09/the\_republican\_party\_obamacare\_and\_the\_government\_shutdown\_the\_gop\_s\_suicide.single.html

Snatching defeat from the jaws of victory. That's the way several Republican members of Congress and their aides characterized the political predicament they find themselves in today. President Obama has had a rough few weeks. His plans for Syria were sloppy and uncertain. He sought Congress’s support—after his aides privately told members he wouldn’t rope them into a decision—even while he told them there was no urgency and they could enjoy their Labor Day break. Then Larry Summers, his preferred nominee to lead the Federal Reserve, was undermined by Democrats and had to pull his name from consideration. The president got snippy about all the criticism, which invited a round of stories and columns about the sorry state of his presidency.

House Republicans must feel sorry for the president—why else would they take pressure off his administration by staging their own party crackup? House Republican leaders, under threat from their most conservative members, have offered a plan to keep the government operating through December that is conditioned on defunding Obama's unpopular health care plan. The worry among a large group of Republicans is that the gambit will lead to a government shutdown, which will be a political disaster for the party, weaken their leverage in the budget fights, and upend the worthy goal of dismantling Obamacare. “People are not going to blame the president for shutting down the government," says Republican Sen. Ron Johnson of Wisconsin. "The White House and Democrats have the upper hand here."

Capital key determines uniqueness—overcomes House GOP opposition

Heidi Moore, The Guardian, 9/10/13, Syria: the great distraction, www.theguardian.com/commentisfree/2013/sep/10/obama-syria-what-about-sequester

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.

Produces a budget compromise even if it looks impossible now

Joe Klein, TIME, 9/11/13, Obama and Syria: Stumbling Toward Damascus, swampland.time.com/2013/09/11/obama-and-syria-stumbling-toward-damascus/

There are domestic consequences as well. This was supposed to be the month when the nation’s serious fiscal and budgetary problems were hashed out, or not, with the Republicans. There was a chance that a coalition could be built to back a compromise to solve the debt-ceiling problem and the quiet horrors caused by sequestration and to finally achieve a long-term budget compromise. But any deal would have required intense, single-minded negotiation, including political protection, or sweeteners, for those Republicans who crossed the line. Precious time has been wasted. And, after Syria, it will be difficult for any member of Congress to believe that this President will stick to his guns or provide protection.

Obama has a small window for the budget debate—his capital is key to resolution

AP, 9/12/13, Syria debate on hold, Obama refocuses on agenda, www.timesleader.com/news/apbusiness/569385542543256648058/Syria-debate-on-hold-Obama-refocuses-on-agenda

With a military strike against Syria on hold, President Barack Obama tried Thursday to reignite momentum for his second-term domestic agenda. But his progress could hinge on the strength of his standing on Capitol Hill after what even allies acknowledge were missteps in the latest foreign crisis.

"It is still important to recognize that we have a lot of things left to do here in this government," Obama told his Cabinet, starting a sustained White House push to refocus the nation on matters at home as key benchmarks on the budget and health care rapidly approach.

"The American people are still interested in making sure that our kids are getting the kind of education they deserve, that we are putting people back to work," Obama said.

The White House plans to use next week's five-year anniversary of the 2008 financial collapse to warn Republicans that shutting down the government or failing to raise the debt limit could drag down the still-fragile economy. With Hispanic Heritage Month to begin Monday, Obama is also expected to press for a stalled immigration overhaul and urge minorities to sign up for health care exchanges beginning Oct. 1.

Among the events planned for next week is a White House ceremony highlighting Americans working on immigrant and citizenship issues. Administration officials will also promote overhaul efforts at naturalization ceremonies across the country. On Sept. 21, Obama will speak at the Congressional Black Caucus Gala, where he'll trumpet what the administration says are benefits of the president's health care law for African-Americans and other minorities.

Two major factors are driving Obama's push to get back on track with domestic issues after three weeks of Syria dominating the political debate. Polls show the economy, jobs and health care remain Americans' top concerns. And Obama has a limited window to make progress on those matters in a second term, when lame-duck status can quickly creep up on presidents, particularly if they start losing public support.

Obama effectively deploying capital—every day matters

Patrick Reis, National Journal, 9/16/13, Obama Dares Republicans to Defy Tea Party on Obamacare, Shutdown Deal, www.nationaljournal.com/whitehouse/obama-dares-republicans-to-defy-tea-party-on-obamacare-shutdown-deal-20130916

President Obama took a swipe at the Hard Right on Monday, accusing tea-party-aligned House Republicans of gambling with the nation's economy by threatening to shut down the government unless Obamacare is defunded.

In a sprawling economic speech, Obama called on Congress to avert a government shutdown by passing a budget, and he insisted he would brook no wrangling over a raise in the debt ceiling. Obama said such a shutdown, or even the possibility of default, would damage the still-fragile economic recovery.

Specifically, the president went after Republicans who say they won't vote for any budget deal that does not nullify the Affordable Care Act. "I cannot remember a time when one faction of one party promises economic chaos if it can't get 100 percent of what it wants," Obama said. "That's never happened before, and that's what happening right now."

Obama appealed to the rest of the Republican Party for help in brokering a budget compromise, challenging members to break with those calling for defunding Obamacare.

"Are some of these folks so beholden to one extreme wing of their party that they're willing to tank our whole economy?" he said. "Are they willing to hurt people?"

By going after one GOP "faction" and appealing to the other, Obama is seeking leverage in a tactical dispute that has vexed Republicans all summer. In one camp are legislators—headlined by Sen. Ted Cruz of Texas—who are insisting that the party shut down the government unless funding is stripped for the health care law. Other Republicans, including much of the party's leadership, say they too want to defund the health care law, but they see connecting Obamacare to a government shutdown as too politically risky.

In seeking to further divide the camps, Obama is hoping to avert a government shutdown while also achieving some Democratic policy aims, such as rollbacks of the sequester-induced spending cuts that Obama on Monday said were hurting economic growth.

The government's current budget is set to expire Oct. 1. If Congress cannot pass a budget before then—a possibility that seems increasingly likely as days dwindle on the legislative calendar—it has the option forestall shutdown by passing a short-term extension.

Obama’s capital will be effective on the budget

John Harris, Politico, 9/18/13, What’s wrong with President Obama?, dyn.politico.com/printstory.cfm?uuid=B56971FB-BD77-47B8-8EF0-DC47E9CD7FC6

With big tests now looming on the budget and immigration, there could hardly be a better time for Obama to show at last that he has the ability to provide cover to the people who support him on difficult issues, and the ability to punish the people who choose a different path.

Biggest internal link

Adam Davidson, NYTimes, 9/10/13, 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.

#### Other issues are off the stove

Atlantic Wire, 9/13/13, http://www.theatlanticwire.com/politics/2013/09/john-boehners-negotiations-are-going-worse-john-kerrys/69385/

Capitol Hill Republicans have returned their focus to the war with the white house up the street over the national debt, Obamacare, and how to use one to stop the other. The combination of the August recess and the now-delayed Syria vote has meant nearly six weeks of legislative inaction, despite looming deadlines. Issues like immigration reform have been taken off the stove completely, given how quickly Congress needs to act on a measure that will authorize funding for the government and, slightly less quickly, an increase to the debt ceiling. Both things which could have been addressed earlier in the year, of course, but, thanks to Congress' near-historic inaction, weren't. With an October 1 deadline for funding the government, House Majority Leader Eric Cantor has threatened to cancel the House's September recess. That recess would have begun two weeks after the House returned from its August recess.

#### Syria validates the link thesis, but the deal and lack of a vote mean it won’t impact the short-term agenda—that’s all that matters!

Matthew Baum, AlJazeera America, 9/16/13, Obama's good fortune on Syria, america.aljazeera.com/articles/2013/9/16/obama-opinion-pollingsyria.html

Secretary of State John Kerry's announcement Saturday morning of a framework agreement with Russia on dismantling Syrian President Bashar al-Assad's chemical weapons arsenal capped (for now, at least) what undoubtedly has been one of the most bizarre episodes in memory for U.S. foreign policy. In the span of two weeks, U.S. plans caromed from the seemingly imminent use of force to a surprise time-out for consultation with Congress to a full-throttled presidential media blitz on the need for military strikes to slamming on the brakes and calling off the congressional vote in favor of renewed diplomacy with Russia, the U.S.'s erstwhile nemesis on Syria. The Obama administration undoubtedly dodged a very large domestic political bullet, at least in the short term. The president took a calculated but substantial risk when he decided to slow the seemingly inexorable march toward military action against Syria and invite Congress to weigh in on the matter. All available evidence suggests that even if he somehow managed to persuade a reluctant Senate to go along, House approval was improbable at best. Had he lost a congressional vote on a military strike, the costs in political capital at home and credibility abroad, as well as to the executive branch itself, could have been severe. The administration did not help its case or its public image by issuing cringe-worthy pronouncements, such as Kerry's promise that any military strike would be "unbelievably small." This forced Obama to reassure the American people that the U.S. military "does not do pinpricks." Satirists from "The Daily Show" to "Saturday Night Live" were doubtless exchanging high fives. On the other hand, Kerry's seemingly off-the-cuff offer to call off military action if Assad agreed to surrender his chemical weapons turned out to be extraordinarily good political fortune. Surely Kerry did not anticipate that Russia and Syria would call his bluff. Yet they did, thereby taking the impending congressional vote -- and with it a potentially epic domestic political and international diplomatic fiasco -- off the table and the front pages. For the president, this change of subject came not a moment too soon. In a CNN/ORC International poll taken on the eve of his Sept. 10 prime-time television address on Syria, public approval for his handling of foreign affairs reached a new low of 40 percent, while only 31 percent approved of his handling of the situation in Syria. At the same time, numerous surveys found fewer than 30 percent of Americans supported U.S. military action in Syria, and Obama's overall approval rating dipped to 43.5 percent in Gallup's tracking poll. One should not make too much of opinion polls taken prior to a military intervention, yet these numbers make Syria among the least popular proposed U.S. military interventions in recent memory. By comparison, in several surveys leading up to the 2011 U.S.-led intervention in Libya, half or more of the public supported the plan to establish a no-fly zone, and 43 percent approved of the administration's handling of that crisis. Despite the surreal nature of the past two weeks' events, it is worth considering that had the administration announced such a diplomatic breakthrough before the decision to consult Congress, the media likely would have been abuzz with stories of Obama's diplomatic prowess. As it is, a more positive media narrative may yet replace or at least challenge the current dominant media representation of a feckless president stumbling and improvising his way through a crisis. Revisionist accounts have already arisen, asserting that Kerry's comments actually represented a policy option that the U.S. and Russia had been discussing for over a year. Granted, whatever the origins of the deal, it is far from done. The U.S. and Russia are already bickering over the number of Syrian-government-controlled chemical weapons sites to be disarmed. Assad may engage in a Saddam Hussein–like cat-and-mouse game with U.N. inspectors, attempting to thwart or at least delay their efforts. And the consequences if Assad fails to fully cooperate are uncertain at best. Referral to the U.N. Security Council faces veto by Russia and China of any resolution to authorize military force. Even if every dispute can be resolved, safely dismantling all of Assad's chemical weapons would be a daunting task even absent an ongoing civil war. Regardless, unless the deal with Russia collapses, the chances are very good that a month from now the media and public will have moved on from Syria to focus on an array of pressing domestic issues, including looming showdowns between the White House and congressional Republicans over the budget and the debt ceiling and the launch of critical elements of the Affordable Care Act. According to a Sept. 11 Gallup poll, despite all the attention heaped on Syria, Americans rate it as only the fifth most important problem facing the nation, well behind a host of domestic concerns. Whether or not Syria is ultimately disarmed and if the process drags on for many months or years, the ultimate success or failure of Obama's second term may rest far less on Syria than on those imminent domestic political battles and, of course, the state of the economy, where his approval rating stood at a precarious 43 percent in the CNN/ORC International poll -- just one percentage point higher than his approval rating on health care policy.

#### Losers lose for war power authority—it spills over and turns legitimacy

Andrew Loomis, Visiting Fellow at the Center for a New American Security, and Department of Government at Georgetown University, 2007, p. 32-7, Leveraging legitimacy in the crafting of U.S. foreign policy [http://citation.allacademic.com//meta/p\_mla\_apa\_research\_citation/1/7/9/4/8/pages179487/p179487-36.php](http://citation.allacademic.com/meta/p_mla_apa_research_citation/1/7/9/4/8/pages179487/p179487-36.php)

American Presidents are vested with certain structural powers, such as those powers granted by the Constitution or the particular political distribution of power across the executive and legislative branches. But presidents have varying degrees of success in exercising their political will in the governing process. Because structural factors are relatively stable, this variance can reasonably be ascribed to the oscillating levels of authority they receive from the public that affects the degree of influence they are able to exercise. These sources of authority include individual factors, such as personal skill, temperament, and expertise. But authority is also a reflection of the legitimacy of the policies the president expects to implement. Beyond the powers granted by the Constitution and U.S. law, presidents rely on resources that lie at the confluence of historical context and personal prestige to have his way with Congress and with the public. The perception of legitimacy is the active ingredient that converts historical circumstances and prestige into political leverage.

In his book The President as Leader, Erwin Hargove inspects the combined impact of political skill and moral direction on leadership effectiveness. “A full and complete political leader must combine elements of craft and moral purpose in his character as well as his work… moral character is itself a skill and thus a component of effective leadership.” Richard Neustadt’s argument that the modern president must understand and closely guard his ability to exert influence and Stephen Skowronek’s work on authority and compliance based on appropriate command present impressive evidence of how presidential leadership builds on sources of non-material power.

These works describe a dynamic of effective leadership that is enhanced when presidents contend with normative expectations in charting policy directions. In his path-breaking work on the deficiencies of the literature on presidential power, Richard Neustadt suggested that formal powers as established by the Constitution are not consistent with the personal power required to exert influence over the government bureaucracy. To have his way, the president had to conserve his power resources and expend them strategically to advance his agenda. “Prestige,” a source of presidential influence, moves in accordance with the public’s perceptions.

Stephen Skowronek does not fully accept Neustadt’s thesis of presidential weakness, but he does suggest that the institutional structure of time and the corresponding modulation of authority coupled with shifting legitimacy norms constrain presidential effectiveness. He posits that certain historical patterns provide greater or lesser influence to individual presidents and that for the president to enjoy significant presidential leverage, the public must grant the authority to repudiate the old order in his exercise of power.

Skowronek suggests that compliance based on authority results from public perceptions that the president’s request is “appropriate” in a given context. “A president’s authority hinges on the warrants that can be drawn from the moment at hand to justify action and secure the legitimacy of the changes affected.”

He suggests that in order to exercise power, a president must be granted the authority to challenge conventional practice. Where Neustadt tracks the influence of public support on presidential influence, Skowronek offers a contextual variable that influences presidential authority—certain configurations of events grant the president latitude in which to operate. Examples include critical junctures such as the onset of the Great Depression in the early 1930s granting Franklin Roosevelt authority to embark on the New Deal policies upon entering office in 1933; oil shocks and the hostage crisis in Iran late in President Carter’s administration gave a substantial lift to President Reagan’s level of authority with the public; and the late-term recession under George H.W. Bush gave some maneuver room to President Clinton to contend with international trade and broader economic issues as he took office in 1993.

It is one reason, he suggests, that strong presidents have historically followed weak ones. In the twentieth century, the pairs of McKinley-Theodore Roosevelt, Hoover-Franklin Roosevelt, and Carter-Reagan all follow this trend. This same logic adds credence to the argument that September 11 sufficiently shocked the American public that it granted President Bush the authority to radically depart from the traditional norms guiding U.S. foreign policy. The public granted authority to a president in accordance with the legitimacy of each president’s claim.

The ability of the president to exert influence varies in accordance with such non- structural factors as political overreach, legislative success, and bargaining failures. By most accounts, President Bush’s political capital is now at a nadir in his Administration—as measured by low poll numbers and a recent dearth of examples of effective exercise of power—yet the structural factors are unchanged, including his Constitutional authority.

Authority is affected by interjection of the intervening variable of historical context and perceptions of legitimacy. Increasing fatalities and instability in Iraq, limited progress in advancing the Administration’s goal of social security privatization, a perceived inept federal response to Hurricane Katrina, and a range of Republican ethical and legal difficulties all eroded President Bush’s ability to pursue his preferred policies and resulted in the end of the Republican majorities in both chambers of Congress. Furthermore, as President Bush’s political capital erodes, his ability to hold together the disparate parts of the Republican Party under his leadership correspondingly declines. The current intra-party debate between Republican members of Congress also reflects the President’s inability to maintain party discipline over the Iraq war strategy.

Declining political authority encourages defection.

American political analyst Norman Ornstein writes of the domestic context,

In a system where a President has limited formal power, perception matters. The reputation for success—the belief by other political actors that even when he looks down, a president will find a way to pull out a victory—is the most valuable resource a chief executive can have. Conversely, the widespread belief that the Oval Office occupant is on the defensive, on the wane or without the ability to win under adversity can lead to disaster, as individual lawmakers calculate who will be on the winning side and negotiate accordingly. In simple terms, winners win and losers lose more often than not. Failure begets failure. In short, a president experiencing declining amounts of political capital has diminished capacity to advance his goals. As a result, political allies perceive a decreasing benefit in publicly tying themselves to the president, and an increasing benefit in allying with rising centers of authority. A president’s incapacity and his record of success are interlocked and reinforce each other. Incapacity leads to political failure, which reinforces perceptions of incapacity. This feedback loop accelerates decay both in leadership capacity and defection by key allies.

The plan causes Obama to use necessary political capital for budget debates to unsuccessfully preserve his war power authority

Carrie Budoff Brown, Jake Sherman, Politico, 9/4/13, President Obama’s political capital spreads thin, dyn.politico.com/printstory.cfm?uuid=59456290-12C8-4DCA-970E-0856C9FA6E6C

President Barack Obama faced a heavy lift in Congress this fall when his agenda included only budget issues and immigration reform.

Now with Syria in the mix, the president appears ready to spend a lot of the political capital that he would have kept in reserve for his domestic priorities.

A resolution authorizing the use of force in Syria won’t make it through the House or the Senate without significant cajoling from the White House. That means Obama, who struggles to get Congress to follow his lead on almost everything, could burn his limited leverage convincing Democrats and Republicans to vote for an unpopular military operation that even the president says he could carry out with or without their approval.

“The only effect is — and I don’t mean this to be dismissive in any way — it will be taking up some time and there be some degree of political capital expended by all,” said Sen. Bob Corker (R-Tenn.), the Foreign Relations Committee ranking member who helped draft the Senate resolution. “At the end of the day, it’s a tough vote for anybody because the issue is trying to draft an authorization knowing that they’re going to implement it.”

The West Wing says it’s too early to know how Obama’s surprise decision to seek congressional authorization will affect the rest of his agenda, but his advisers are betting that a win could usher in other domestic successes. A failed vote, however, would undoubtedly weaken him.

A senior administration official said the effort could build some trust between the White House and Republicans that might ease tensions in negotiations over the budget and other issues.

White House aides have long argued that success begets success. Their latest test of that theory was the broad bipartisan Senate vote for comprehensive immigration reform bill, which was supposed to compel the House to act. So far, it has not — and House Republicans don’t think the Syria vote will be any different.

“The idea that passing the authorization for use of military force in Syria would give the administration more leverage in future political debates is absurd,” one senior GOP leadership aide said. “They are currently spending political capital they don’t have.”

#### Best studies prove growth solves conflict

Jedidiah **Royal 10**, Director of Cooperative Threat Reduction at the U.S. Department of Defense, “Economic Integration, Economic Signalling And The Problem Of Economic Crises”, in Economics of War and Peace: Economic, Legal and Political Perspectives, ed. Goldsmith and Brauer, p. 213-215

Second, on a dyadic level. Copeland's (1996. 2000) theory of trade expectations suggests that 'future expectation of trade' is a significant variable in understanding economic conditions and security behaviour of states. He argues that interdependent states are likely to gain pacific benefits from trade so long as they have an optimistic view of future trade relations. However, if the expectations of future trade decline, particularly for difficult to replace items such as energy resources, the likelihood for conflict increases, as states will be inclined to use force to gain access to those resources. Crises could potentially be the trigger for decreased trade expectations either on its own or because it triggers protectionist moves by interdependent states.4 Third, others have considered the link between economic decline and external armed conflict at a national level. Blomberg and Hess (2002) find a strong correlation between internal conflict and external conflict, particularly during periods of economic downturn. They write, The linkages between internal and external conflict and prosperity are strong and mutually reinforcing. Economic conflict tends to spawn internal conflict, which in turn returns the favour. Moreover, the presence of a recession lends to amplify the extent to which international and external conflicts self-rein force each other. (Blombcrj! & Hess. 2002. p. 89) Economic decline has also been linked with an increase in the likelihood of terrorism (Blomberg. Hess. & Weerapana, 2004). which has the capacity to spill across borders and lead to external tensions. Furthermore, crises generally reduce the popularity of a sitting government. "Diversionary theory" suggests that, when facing unpopularity arising from economic decline, sitting governments have increased incentives to fabricate external military conflicts to create a 'rally around the flag' effect. Wang (1996), DeRouen (1995), and Blombcrg. Mess, and Thacker (2006) find supporting evidence showing that economic decline and use of force are at least indirectly correlated. Gelpi (1997), Miller (1999). and Kisangani and Pickering (2009) suggest that the tendency towards diversionary tactics arr greater for democratic states than autocratic states, due to the fact that democratic leaders are generally more susceptible to being removed from office due to lack of domestic support. DeRouen (2000) has provided evidence showing that periods of weak economic performance in the United States, and thus weak Presidential popularity, are statistically linked to an increase in the use of force.