## T- Restrictions

#### First we meet. We Prohibit drone strikes absent judicial approval Second is counter interp, Statutory restrictions are controls or limits imposed by the legislative body

Blacks Online Legal Dictionary 13

(2nd Edition, http://thelawdictionary.org/statutory-restriction/)

Statutory Restriction- Limits or controls that have been place on activities by its ruling legislation.

Best for debate. First neg interp limits out all ground means we only get 4 affs

Limits out debate means we get stale edu

Also default to reasonability. Best standard for debate

WE don’t link to bidirectionality args. Prez power increases would not be resolution means we don’t kill the topic

## Solvency

#### Targeted killing includes personality and signature strikes

Human Rights First, Issue Brief, “Key Facts and Analysis on the U.S. Targeted Killing Program”

http://www.humanrightsfirst.org/wp-content/uploads/pdf/targeted\_killing\_issue\_brief.pdf

Key Facts and Analysis on the U.S. Targeted Killing Program Introduction

￼￼U.S. targeted killing policy is one of the most important national security and human rights issues now being discussed and decided by the U.S. government. The lack of a clear U.S. position on who is targetable sets a dangerous precedent that other countries with less regard for human rights may follow. The increasing reliance on targeted killing by drones to eliminate suspected terrorists also risks perpetuating a global war without end, as the U.S. government continues to rely on its claim of wartime authority for its drone policy.¶ Clarification of the rules followed by the U.S. government is also critical for U.S. counterterrorism policy to have legitimacy and not alienate our allies, upon whom we depend significantly for intelligence and other assistance.¶ As a policy matter, the U.S. cannot end the terrorist threat by killing every last terrorist. Now is the time for a robust debate over the legality and effectiveness of drone strikes so that any short-term gains they may provide don’t hinder the United States’ long-term counterterrorism strategy.¶ What is Targeted Killing?¶ Targeted killing carried out with the use of Unmanned Aerial Vehicles (UAVs, or “drones”) has become a central component of U.S. counterterrorism policy. There are two types of these drone strikes. “Personality strikes” target specific individuals whose names populate a “kill list.” The U.S. killing of American citizen Anwar al-Awlaki is an example of a “personality strike.” “Signature strikes” target individuals based not on identity but on an observed pattern of activity (or “signature”).¶ Scope of U.S. Targeted Killing / Drone Program¶ The Bush administration began using drones to conduct targeted killing as early as 2001. The Obama administration greatly expanded their use, reflecting a shift in U.S.¶ counterterrorism strategy as the technology became increasingly available and sophisticated. Separate targeted killing programs are operated by the CIA and by the military’s Joint Special Operations Command (JSOC). Defense activities are authorized under Title 50 of the United States Code, whereas intelligence activities are authorized under Title 10 of the United States Code. This is significant, because it is not clear if the CIA and Pentagon interpret the relevant legal authorities in the same way.¶ From 2002 – 2008, there were 51 reported drone strikes in Pakistan, Yemen and Somalia (See accompanying chart.)1 While the U.S. government does not report the number of deaths from drone strikes, independent groups have estimated that the drone program has claimed between 2,600 and 4,350 lives so far, though the number of civilian casualties remains unclear. The London-based Bureau of Investigative Journalism, which appears to provide the most reliable and updated information2, estimates that 20-25 percent of deaths from drone strikes are civilian casualties.3 The Obama Administration claims civilian casualties are rare, but has provided no data to confirm this. Moreover, the Obama administration has made contradictory statements regarding casualty numbers4 and uses misleading definitions of “combatant” and “civilian,” undermining the credibility of official claims that civilian casualties are low.

#### No agreed upon definition of targeted killing

Alston, 11- “The CIA and Targeted Killings Beyond Borders”. Philip Alston, John Norton Pomeroy Professor of Law, New York University School of Law. Harvard National Security Journal. 2 Harv. Nat'l Sec. J. 283. https://www.law.upenn.edu/institutes/cerl/conferences/targetedkilling/papers/AlstonCIABeyondBorders.pdf

As with many terms that have entered the popular consciousness as though they had a clear and defined meaning, there is no established or formally agreed legal definition of the term “targeted killings” and scholarly definitions vary widely. Some commentators have sought to ‘call a spade a spade’ and used terms such as “leadership decapitation”, 29 which clearly captures only some of the practices at stake, assassinations, 30 or “extrajudicial executions” which has the downside of building per se illegality into the description of the process, or “targeted pre-emptive actions”, which is designed to characterize a killing as a legal exercise of the right of self-defence. 31 But these usages have not caught on and do not seem especially helpful in light of the range of practices generally sought to be covered by the use of the term targeted killing.

#### Drones court provides oversight- solves interational law disputes

NYT 2010 (Editorial, 10-9, “Lethal Force Under Law”, New York Times, <http://www.nytimes.com/2010/10/10/opinion/10sun1.html>)

The Obama administration has sharply expanded the shadow war against terrorists, using both the military and the C.I.A. to track down and kill hundreds of them, in a dozen countries, on and off the battlefield. The drone program has been effective, killing more than 400 Al Qaeda militants this year alone, according to American officials, but fewer than 10 noncombatants. But assassinations are a grave act and subject to abuse — and imitation by other countries. The government needs to do a better job of showing the world that it is acting in strict compliance with international law. The United States has the right under international law to try to prevent attacks being planned by terrorists connected to Al Qaeda, up to and including killing the plotters. But it is not within the power of a commander in chief to simply declare anyone anywhere a combatant and kill them, without the slightest advance independent oversight. The authorization for military force approved by Congress a week after 9/11 empowers the president to go after only those groups or countries that committed or aided the 9/11 attacks. The Bush administration’s distortion of that mandate led to abuses that harmed the United States around the world. The issue of who can be targeted applies directly to the case of Anwar al-Awlaki, an American citizen hiding in Yemen, who officials have admitted is on an assassination list. Did he inspire through words the Army psychiatrist who shot up Fort Hood, Tex., last November, and the Nigerian man who tried to blow up an airliner on Christmas? Or did he actively participate in those plots, and others? The difference is crucial. If the United States starts killing every Islamic radical who has called for jihad, there will be no end to the violence. American officials insist that Mr. Awlaki is involved with actual terror plots. But human rights lawyers working on his behalf say that is not the case, and have filed suit to get him off the target list. The administration wants the case thrown out on state-secrets grounds. The Obama administration needs to go out of its way to demonstrate that it is keeping its promise to do things differently than the Bush administration did. It must explain how targets are chosen, demonstrate that attacks are limited and are a last resort, and allow independent authorities to oversee the process. PUBLIC GUIDELINES The administration keeps secret its standards for putting people on terrorist or assassination lists. In March, Harold Koh, legal adviser to the State Department, said the government adheres to international law, attacking only military targets and keeping civilian casualties to an absolute minimum. “Our procedures and practices for identifying lawful targets are extremely robust,” he said in a speech, without describing them. Privately, government officials say no C.I.A. drone strike takes place without the approval of the United States ambassador to the target country, the chief of the C.I.A. station, a deputy at the agency, and the agency’s director. So far, President Obama’s system of command seems to have prevented any serious abuses, but the approval process is entirely within the administration. After the abuses under President Bush, the world is not going to accept a simple “trust us” from the White House. There have been too many innocent people rounded up for detention and subjected to torture, too many cases of mistaken identity or trumped-up connections to terror. Unmanned drones eliminate the element of risk to American forces and make it seductively easy to attack. The government needs to make public its guidelines for determining who is a terrorist and who can be targeted for death. It should clearly describe how it follows international law in these cases and list the internal procedures and checks it uses before a killing is approved. That can be done without formally acknowledging the strikes are taking place in specific countries. LIMIT TARGETS The administration should state that it is following international law by acting strictly in self-defense, targeting only people who are actively planning or participating in terror, or who are leaders of Al Qaeda or the Taliban — not those who raise funds for terror groups, or who exhort others to acts of terror. Special measures are taken before an American citizen is added to the terrorist list, officials say, requiring the approval of lawyers from the National Security Council and the Justice Department. But again, those measures have not been made public. Doing so would help ensure that people like Mr. Awlaki are being targeted for terrorist actions, not their beliefs or associations. A LAST RESORT Assassination should in every case be a last resort. Before a decision is made to kill, particularly in areas away from recognized battlefields, the government needs to consider every other possibility for capturing the target short of lethal force. Terrorists operating on American soil should be captured using police methods, and not subject to assassination. If practical, the United States should get permission from a foreign government before carrying out an attack on its soil. The government is reluctant to discuss any of these issues publicly, in part to preserve the official fiction that the United States is not waging a formal war in Pakistan and elsewhere, but it would not harm that effort to show the world how seriously it takes international law by making clear its limits.¶ INDEPENDENT OVERSIGHT Dealing out death requires additional oversight outside the administration. Particularly in the case of American citizens, like Mr. Awlaki, the government needs to employ some due process before depriving someone of life. It would be logistically impossible to conduct a full-blown trial in absentia of every assassination target, as the lawyers for Mr. Awlaki prefer. But judicial review could still be employed. The government could establish a court like the Foreign Intelligence Surveillance Court, which authorizes wiretaps on foreign agents inside the United States. Before it adds people to its target list and begins tracking them, the government could take its evidence to this court behind closed doors — along with proof of its compliance with international law — and get the equivalent of a judicial warrant in a timely and efficient way. Congressional leaders are secretly briefed on each C.I.A. attack, and say they are satisfied with the information they get and with the process. Nonetheless, that process is informal and could be changed at any time by this president or his successors. Formal oversight is a better way of demonstrating confidence in American methods. Self-defense under international law not only shows the nation’s resolve and power, but sends a powerful message to other countries that the United States couples drastic action with careful judgment.

#### Courts place enforceable restriction on obama

McKelvey 2011 (Benjamin, Executive Development Editor on the Editorial Board of the *Vanderbilt Journal of Transnational Law*, “Due Process Rights and the Targeted Killing of Suspected Terrorists: The Unconstitutional Scope of Executive Killing Power,” Vanderbilt Journal of Transnational Law, Volume 44, Number 5, November,http://www.vanderbilt.edu/jotl/manage/wp-content/uploads/mckelvey-pdf.pdf, p. 1377-1378)

As the Aulaqi case demonstrates, any resolution to the problem of targeted killing would require a delicate balance between due process protections and executive power.204 In order to accomplish this delicate balance, Congress can pass legislation modeled on the Foreign Intelligence Surveillance Act (FISA) that establishes a federal court with jurisdiction over targeted killing orders, similar to the wiretapping court established by FISA.205 There are several advantages to a legislative solution. First, FISA provides a working model for the judicial oversight of real-time intelligence and national security decisions that have the potential to violate civil liberties.206 FISA also effectively balances the legitimate but competing claims at issue in Aulaqi: the sensitive nature of classified intelligence and national security decisions versus the civil liberties protections of the Constitution.207 A legislative solution can provide judicial enforcement of due process while also respecting the seriousness and sensitivity of executive counterterrorism duties.208 In this way, congress can alleviate fears over the abuse of targeted killing without interfering with executive duties and authority. Perhaps most importantly, a legislative solution would provide the branches of government and the American public with a clear articulation of the law of targeted killing.209 The court in Aulaqi began its opinion by explaining that the existence of a targeted killing program is no more than media speculation, as the government has neither confirmed nor denied the existence of the program.210 Congress can acknowledge targeted killing in the light of day while ensuring that it is only used against Americans out of absolute necessity.211 Independent oversight would promote the use of all peaceful measures before lethal force is pursued.212 i. FISA as an Applicable Model FISA is an existing legislative model that is applicable both in substance and structure.213 FISA was passed to resolve concerns over civil liberties in the context of executive counterintelligence.214 It is therefore a legislative response to a set of issues analogous to the constitutional problems of targeted killing.215 FISA also provides a structural model that could help solve the targeted killing dilemma.216 The FISA court is an example of a congressionally created federal court with special jurisdiction over a sensitive national security issue.217 Most importantly, FISA works. Over the years, the FISA court has proven itself capable of handling a large volume of warrant requests in a way that provides judicial screening without diminishing executive authority.218 Contrary to the DOJ’s claims in Aulaqi, the FISA court proves that independent judicial oversight is institutionally capable of managing real-time executive decisions that affect national security.219 The motivation for passing FISA makes this an obvious choice for a legislative model to address targeted killing. With FISA, Congress established independent safeguards and a form of oversight in response to President Nixon’s abusive wiretapping practices.220 The constitutional concern in FISA involved the violation of Fourth Amendment privacy protections by excessive, unregulated executive power.221 Similarly, the current state of targeted killing law allows for executive infringement on Fifth Amendment due process rights. Although there is no evidence of abusive or negligent practices of targeted killing, the main purpose of congressional intervention is to ensure that targeted killing is conducted only in lawful circumstances after a demonstration of sufficient evidence. Finally, a FISA-style court is a potentially effective possibility because it would provide ex ante review of targeted killing orders, and the pre-killing stage is the only stage during which judicial review would be meaningful.222 In the context of targeted killing, due process is not effective after the decision to deprive an American of life has already been carried out. Pre-screening targeted killing orders is a critical component of judicial oversight. Currently, this screening is conducted by a team of attorneys at the CIA.223 Despite assurances that review of the evidence against potential targets is rigorous and careful, due process is best accomplished through independent judicial review.224 The FISA court provides a working model for judicial review of real-time requests related to national security.225 FISA also established the requisite level of probable cause for clandestine wiretapping and guidelines for the execution and lifetime of the warrant, whereas the legal standards used by the CIA’s attorneys are unknown.226 The only meaningful way to ensure that Americans are not wrongfully targeted with lethal force is to screen the evidence for the decision and to give ultimate authority to an impartial judge with no institutional connection to the CIA.

### AT ruber stamp

#### Courts will stand up to the executive—empirically proven

Plaw, 2006

[Avery, associate professor of political science at the University of Massachusetts, Dartmouth, Fighting Terror Ethically and Legally: The Case of Targeting Terrorists, (A working paper prepared for the CPSA Conference, June 2006), http://www.cpsa-acsp.ca/papers-2006/Plaw.pdf)

Some critics and advocates of targeting will no doubt be dissatisfied with this resolution. ¶ Critics will worry that the FCOC would essentially be a rubber stamp (while robbing ¶ them of their best rhetorical point – that targetings are extra-judicial). But there is no ¶ compelling reason to believe that courts, especially high-level federal courts, must always ¶ approve government policies. After all, supreme courts in both Israel and the United ¶ States have both recently issued sharp rebukes of government counter-terrorist policies ¶ (e.g., 03-333/4 on the U.S. legal status of detainees, and 3799/02 on the IDF use of ¶ human shields).

#### Lawyers hired by the court would solve rubber stamping

Adselberg, 2012

[Samuel, J.D. Candidate 2013, Yale Law School, Bouncing the Executive’s Blank Check: Judicial Review and the Targeting of Citizens, Harvard Law & Policy Review [Vol. 6], http://www3.law.harvard.edu/journals/hlpr/files/2013/06/Bouncing-the-Executives-Blank-Check.pdf

To help ensure that the CTRC does not become a rubber stamp, an¶ expert bar of federal and military defense counsel should be formed to represent the interests of the citizen being targeted. These individuals would¶ be approved by the Chief Justice of the Supreme Court, much like the judges¶ on the FISC, and would have relevant experience either as former military¶ lawyers, court martial judges, or attorneys with detainee litigation experience. These lawyers would be appointed to represent the targeted citizens as¶ guardians ad litem, a procedure normally reserved for the representation of¶ minors or incompetents. Although there would be no client consultation or¶ instructions, the lawyers would proceed with the assumption that the¶ targeted citizen prefers life. These attorneys would need to be approved for¶ security clearance and would be given access to the government’s intelligence. The government would be required to turn over to the accused’s defense attorney any exculpatory intelligence regarding the targeted citizen.

#### FISA not just a rubber stamp agency

**Waxman, 7/12** (Matthew C. Waxman, Adjunct Senior Fellow for Law and Foreign Policy, “Has the FISA Court Gone Too Far?,” Council on Foreign Relations, 2013, http://www.cfr.org/intelligence/has-fisa-court-gone-too-far/p31095?cid=rss-interviews-has\_the\_fisa\_court\_gone\_too\_fa-071213,)

I don't think the characterization of the FISA process as a "rubber stamp" is accurate for several reasons. First of all, warrant requests are always ex parte (i.e., non-adversarial), and most regular warrants are approved in the criminal justice context as well. The reason being that government agents don't usually go to a judge at all unless they are quite confident that they have solid grounds for a warrant. Second, most of the scrutiny of FISA warrant requests occurs well before they even go to the Foreign Intelligence Surveillance Court, in the form of intense and high-level vetting within the executive branch and the Justice Department. And third, the government is able to maintain a high success rate of approvals in the Foreign Intelligence Surveillance Court because it protects its credibility with that court by not bringing weak applications.

## Terrorism

#### Nuclear terrorism is an imminent threat – ease of access to material, motivation and expertise

**Jaspal 12**

**W1) Large amount of unsecured nuclear material**

**W2) Al Qaeda is seeking nukes**

**W3) AQ wants escalation**

**Obama has shifted most drone strikes to Yemen**

**Hudson et al 13**

W1) It’s happening

**Yemen drone strikes will cause wide spread blowback and strengthen the capacity of AQAP – retaliatory attacks, AQAP recruitment, US policy strategic confusion, undermines Yemeni government credibility to govern, and upsets US-Yemen relations**

**Hudson et al 13**

W1) AQAP gains recruitment from drones

W2) Increased AQAP strength leads to Yemen instability

#### Bioweapons are imminent and cause extinction – they’re easily obtainable and overwhelm our best defenses

**Myhrvold,** July **2013**

**W1) Biotech is advancing at an extremely rapid pace that we can’t keep up with. Offense is outpacing defense.**

**W2) Terrorists don’t even have to make it, they could just get ahold of it.**

**W3) A small group of people could feasibly do it with a lab space.**

**AQAP is on the cusp of acquiring and using biological and chemical weapons in Yemen**

**Berger 12**

(Lars Berger, Maurice Döring, Sven-Eric Fikenscher, Ahmed Saif, and Ahmed Al-Wahishi, s Berger is a Lecturer in ¶ Politics and Contemporary ¶ History of the Middle East¶ at the University of Salford/¶ Manchester, United Kingdom. He was an APSA Congressional Fellow in Washington, D.C. in 2002-03. Döring holds an MA in Political Science, International Law and Philosophy from the University of Bonn. Fikenscher is a Research Fellow at Goethe University, Frankfurt and was a Research Assistant at the Peace Research Institute Frankfurt in 2006–11.May 2012“Yemen and the Middle East Conference¶ The Challenge of Failing States ¶ and Transnational Terrorism” http://usir.salford.ac.uk/22952/1/Yemen\_and\_the\_Middle\_East\_Conference.pdf)

Second, **with a long history as one of the region’s eminent weapons markets, Yemen** ¶ **has the potential to serve as a major gateway** ¶ **for illicit weapons,** both conventional and ¶ unconventional, entering the Arab peninsula ¶ and other parts of the Arab East. If the ¶ situation escalates, **states with an interest** ¶ **in such technology might**, for instance, try ¶ to **obtain missiles and their spare parts or** ¶ attempt to **gain access to** sensitive material ¶ from the country’s suspected **chemical** ¶ **warheads. This could contribute to the proliferation of delivery systems** as well as WMD thereby **undermining the MEC**. In 2011, ¶ protesters seized an army base in Sana’a, ¶ while Al-Qaeda in the Arab Peninsula¶ **(AQAP) has, on a frequent basis, been able** ¶ **to** temporarily control several cities and¶ **launch deadly assaults on military bases** ¶ in the southern province of Abyan.Such ¶ **developments could offer AQAP the chance** ¶ **to use existing dual-use laboratories or** ¶ **even to build their own facilities capable of** ¶ **producing biological and chemical material** ¶ **in** remote **areas under their control**.

## Norms

#### Drones are proliferating now- this undermines us security interests

**Boyle, 13**

**W1) Generated an arms race for drones.**

**W2) U.s. is current model for drone usage.**

**W3) U.S. leadership will fade**

#### Their Norms evidence is specific to terrorists getting drones. The modeling arguments are for other nations

## XO CP

#### Dosnt solve the aff Alston and Knols says Congressional action is key to transparency which is key to estabiishing international norms.

#### Doesn’t solve terror- 1ac ruthford evdidence says Obama would stack the court in his favor – wouldn’t limit drone strikes

#### The President already fails at responding basic transperncy measures set up by congress- only a congressionaly created drone crout will limit his power- that’s Roberts and Radson and Murphy

#### Lack of independence means executive oversight agencies fail – the president can ignore advice or refuse to nominate board members

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

2. Executive Oversight

The CIA identifies three executive oversight bodies examining its activities: the National Security Council (NSC), the Intelligence Oversight Board (IOB), and the President's Intelligence Advisory Board (PIAB). n335 The complex relationship between the NSC and the CIA goes well beyond the scope of the present Article. Moreover, almost all information on such oversight remains confidential. n336 Since 1993, the IOB has been a standing body under the PIAB.

The PIAB has existed in various guises, since 1956. Despite its longevity, there is relatively little publicly available information about its activities. n337 It has been suggested that this has resulted mainly from the very high level of access to intelligence that its members receive, which assures a low level of transparency, and from the fact that it is exempt from the declassification of documents regime that would otherwise have [\*381] exposed it to some scrutiny after a lengthy time interval. But its low profile might also be ascribed to its marginality, at least during certain presidencies. President Carter virtually abolished it, other presidents are said to have paid scant attention to it, and it has often been rather quiescent. Scholars have suggested that it has focused its work in three main areas: the impact of new technologies on intelligence, analyzing the significance of foreign political developments, and evaluating crisis management responses. n338 In other words, oversight in a critical sense has apparently not been high on its agenda.

In general the Board has been extensively criticized for duplicating the functions performed by other bodies, for having an undue number of appointees whose main qualification is being owed a favor by the President of the day, for a shortage of expertise, and for pursuing the agenda of the intelligence community rather than seeking to exact serious oversight. Its strongest defenders point mainly to its apparent potential rather than to its accomplishments. n339 President Obama revitalized the Board in 2009 and issued an Executive Order restoring some of the powers removed from the Board by his predecessor, in particular the requirement that the Board notify the Attorney General whenever it learns of "intelligence activities that involve possible violations of Federal criminal laws." n340 While his appointees to the Board appear to be well qualified, his stated "commitment to transparency and open government, even, when appropriate, on matters of national security and intelligence," n341 made on the occasion of his first meeting with the Board, has yielded no discernible results.

[\*382] In sum, there is little in the historical record, n342 nor any recent information, which would suggest that the PIAB is at all likely to be in the business of seeking to exact accountability from the intelligence agencies in relation to an activity such as targeted killings. And even if the Board were to bestir itself in this area, its outputs would almost certainly remain entirely secret.

The Intelligence Oversight Board (IOB) is composed of four members of the PIAB, appointed by the chairman of the latter body. Its task is to oversee the intelligence community's compliance with the Constitution and applicable laws, Executive Orders, and Presidential Directives. In particular it is charged with advising the President on intelligence activities that it believes may be inconsistent with the law and that are not being appropriately dealt with by the relevant substantive agency heads. n343 Again, very little is known of the IOB's work, although it did make one in-depth report on a human rights-related issue, which was subsequently released. It investigated allegations that CIA assets or contacts in Guatemala were closely involved with serious human rights violations, including the murder of an American citizen and the spouse of another, and it was highly critical of the conduct of some Agency officials. n344 The report led to the firing of some officers, which in turn caused deep resentment on the part of the clandestine service towards the Director. n345

The administration of President George W. Bush took two years to appoint the members of the IOB and the Board took no action on any alleged violations referred to it arising out of the war on terror until 2007. n346 And in 2008, President Bush significantly reduced its role in this [\*383] regard, n347 although, as already noted, this rollback was largely countermanded by President Obama. n348 Nevertheless, the membership of the IOB, if any, has not been disclosed by the Obama administration. n349 A recent review of the Board's role in supervising reported intelligence violations by officers of the Federal Bureau of Investigation concluded that, "it seems unlikely that the IOB diligently fulfilled its intelligence oversight responsibilities for most of the past decade." n350 There is thus no reason to conclude that the IOB has been, or is likely to be, in the business of providing meaningful oversight of the targeted killings programs undertaken by U.S. intelligence agencies. n351

In addition to the PIAB and IOB, one additional body should be mentioned. It is the Privacy and Civil Liberties Oversight Board (PCLOB) which was established on the basis of the 9/11 Commission's recommendations. n352 Its task is to scrutinize privacy and civil liberties issues raised by national security policies and programs. It was established by Congress in 2004, but was poorly structured and under-resourced. In 2007 it was made independent of the White House, given a bipartisan composition, and given a subpoena power. n353 Since then it has languished. President Bush nominated some members, but confirmation hearings never took place. n354 Despite strong urging by key officials and civil liberties [\*384] groups, n355 President Obama made no nominations to the Board until late in 2011. n356 It is highly likely that, if ever activated, the PCLOB will concern itself with domestic civil liberties rather than with the international human rights implications of national security policies. While such a focus could still result in actions that would impinge on targeted killings policy, the principal relevance of this initiative in the present context is to highlight the reluctance of successive administrations to establish meaningful human rights counterweights to the activities of the intelligence community.

The picture that emerges from this review of executive oversight bodies with the potential to exercise some genuine scrutiny of a greatly increased and rapidly expanding targeted killings program is far from encouraging. Near-complete secrecy characterizes the operations of the two principal bodies, the PIAB and the IOB. What little is known--such as in relation to the IOB's inactivity, reluctance and tardiness--would seem to suggest that the relevant agencies are largely captured by the very bureaucracies they are supposed to scrutinize. Their role seems to be that of promoting efficiency, and there is nothing to indicate that they will scrutinize the design or application of vaguely formulated policies and practices that give the intelligence community ever-greater leeway to kill those whom they deem to be terrorists or otherwise deserving of being included on kill/capture lists. The one encouraging exception cited above--concerning the CIA's operations in Guatemala--is entirely atypical because it involved the killing of an American and, probably even more relevantly, a self-destructive but ultimately public feud between the CIA and the U.S. Ambassador in the country. n357 Apart from the fact that these oversight agencies seem determined to provide no convincing evidence pointing to the effectiveness of the oversight they purport to exercise, it is also noteworthy that their structures and compositions reflect all too few of the characteristics that have generally been effective in [\*385] ensuring independent oversight in comparable contexts. n358 Thus, the activation of the relevant bodies remains at the discretion of the President, there is no obligation to make appointments within any apparent time limit, there is almost no public disclosure of information, the principal expertise of many of the overseers is political rather than technical, and there is no evidence of any sort to indicate that human rights-related oversight has been exercised in any way for the past decade or more.

#### Perm do both- provides sufficient cover for Obama

#### Agencies roll back – independent of presidential will – the Shah ev from 1AC proves CIA does it behind his back

Harold H. Bruff, Professor of Law, University of Colorado at Boulder, 1-28-2011, “PLACING YOUR FAITH IN THE CONSTITUTION”, http://www.tulsalawreview.com/wp-content/uploads/2011/05/Bruff.Final\_.pdf

For cabinet departments and other nonindependent agencies, the limits of presidential direction are generally understood to be as follows. First, since Congress routinely grants authority to administer statutes to these officers, not the President, they must make the formal decisions. The President is free to direct them to make a particular decision and, if they resist for legal or policy reasons, to remove and replace them, 24 but the President may not exercise statutory authority granted to these officers himself. Presidents also issue executive orders that require the agencies to consult with the White House about the costs and benefits of their proposed regulations; Congress has acquiesced in these orders.25 Thus, the power to supervise the executive branch is shared between the President and Congress in ways that are compromised and are based more on history than on grand theory. The advantages and disadvantages of this arrangement are known. To a pluralist, the arrangement is within constitutional limits, its messiness being offset by the benefits of the creative tension that results from involving both political branches in oversight of the executive agencies. Calabresi and Yoo reject the desirability of this power sharing in favor of the benefits of clean and strong lines of political accountability to the President. Here they must envision a world that does not currently exist - their promised land of a new and improved federal government. What they do not do, however, is paint any detailed picture of the altered landscape, of the practical differences they envision if the unitary executive is endorsed by the Supreme Court. Would newly empowered presidents seize the reins of power and bring the unwieldy bureaucracy under control? It is quite unclear that presidents can do much more to control the bureaucracy than they now attempt. The fact that President Obama felt the need to create various “czars,” his own new bureaucracy to control the bureaucracy, reveals the serious practical limits to comprehensive control by the President himself.

#### Perm do the counter plan

#### Future presidents prevent solvency

Harvard Law Review 12, "Developments in the Law: Presidential Authority," Vol. 125:2057, www.harvardlawreview.org/media/pdf/vol125\_devo.pdf

The recent history of signing statements demonstrates how public opinion can effectively check presidential expansions of power by inducing executive self-binding. It remains to be seen, however, if this more restrained view of signing statements can remain intact, for **it relies on the promises of one branch — indeed of one person — to enforce and maintain the separation of powers**. To be sure, President Obama’s guidelines for the use of signing statements contain all the hallmarks of good executive branch policy: transparency, accountability, and fidelity to constitutional limitations. Yet, in practice, this apparent constraint (however well intentioned) may amount to little more than voluntary self-restraint. 146 Without a formal institutional check, it is unclear what mechanism will prevent the next President (or President Obama himself) from reverting to the allegedly abusive Bush-era practices. 147 Only time, and perhaps public opinion, will tell.

#### Perm do the counter plan and then the plan

#### Object fiat cps are bad

Link- the counterplan fiats the object of the resolution taking action

Interpretation: Teams should not be able to fiat the President taking action

Prefer it

Kills topic education – arbitaraly f fiats through core of the topic

Strat scew– fiating the object of the plan destroys ability to weigh 1ac against the counterplan and read addons

Reject the team – at very least reject durable fiat and grant rollback args and justifices timeframe perms.

#### CP links to politics more

Billy Hallowell 13, writer for The Blaze, B.A. in journalism and broadcasting from the College of Mount Saint Vincent in Riverdale, New York and an M.S. in social research from Hunter College in Manhattan, “HERE’S HOW OBAMA IS USING EXECUTIVE POWER TO BYPASS LEGISLATIVE PROCESS” Feb. 11, 2013, <http://www.theblaze.com/stories/2013/02/11/heres-how-obamas-using-executive-power-to-bylass-legislative-process-plus-a-brief-history-of-executive-orders/>

“In an era of polarized parties and a fragmented Congress, the opportunities to legislate are few and far between,” Howell said. “So presidents have powerful incentive to go it alone. And they do.”¶ And the political opposition howls.¶ Sen. Marco Rubio, R-Fla., a possible contender for the Republican presidential nomination in 2016, said that on the gun-control front in particular, Obama is “abusing his power by imposing his policies via executive fiat instead of allowing them to be debated in Congress.”¶ The Republican reaction is to be expected, said John Woolley, co-director of the American Presidency Project at the University of California in Santa Barbara.¶ “For years there has been a growing concern about unchecked executive power,” Woolley said. “It tends to have a partisan content, with contemporary complaints coming from the incumbent president’s opponents.”

#### Executive reform and review fails—not a neutral decision maker, secrecy and speed undermine effective decision making—counterplan undermines separation of powers

Chebab, 2012

[Ahmad, Georgetown University Law Center, Retrieving the Role of Accountability in the Targeted Killings Context: A Proposal for Judicial Review, 3-30-12, http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2031572] /Wyo-MB

The argument put forth here, therefore, is that in light of the protections the Constitution¶ affords U.S. citizens, there must be a degree of inter-branch process when such individuals are targeted by the government to ensure that (1) these individuals truly pose a direct and imminent threat to the United States and (2) targeting is truly the last resort.¶ The preceding case law suggests that domestic legal protections for U.S. citizens necessitate a higher procedural threshold.102 Justice O’Connor acknowledged the danger inherent in exclusively intra-branch process in Hamdi when she asserted that the Executive is not a neutral decision-maker as the “even purportedly fair adjudicators are disqualified by their interest in the controversy.”103 In rejecting the government’s argument that a “separation of powers” analysis mandates a heavily circumscribed role for the courts in these circumstances, Justice O’Connor concluded that in times of conflict, the Constitution “most assuredly envisions a role¶ for all three branches when individual liberties are at stake.”104 Applying this reasoning to the entirely intra-executive process currently being afforded to American citizens like al-Awlaki would suggest that in the realm of targeted killing, where the deprivation is one’s life, the absence of any “neutral decision-maker” outside the executive branch is a clear violation of due process guaranteed by the Constitution. On a policy level, the danger of intra-executive process is similarly alarming. As Judge James Baker, in describing the nature of covert actions put it:¶ Because this process is internal to the executive branch, it is subject to executive-branch exception or amendment, with general or case-specific approval by the president. This is risky because in this area, as in other areas of national security practice, the twin necessities of secrecy and speed may pull as they do against the competing interests of deliberate review, dissent, and accountable decision-making.105

## Politics Da

#### Wont pass- too much debate over healthcare

**Tiron**, **9/20/13** (Roxan, staff writer, House Passes Spending Bill That Seeks to End Health-Care Law (2), Bloomberg Business week, <http://www.businessweek.com/news/2013-09-20/house-passes-spending-bill-that-seeks-to-stop-obama-s-health-law>)

The fight to delay Obamacare doesn’t end next week. It keeps going on until we get it,” Representative Paul Ryan, a Wisconsin Republican and his party’s 2012 vice presidential nominee, told reporters today in Washington. Democratic Representatives Jim Matheson of Utah and Mike McIntyre of North Carolina voted with the Republicans. Representative Scott Rigell, a Virginia Republican, opposed the measure. The spending measure will be sent to the Senate. Majority Leader Harry Reid of Nevada said today the Senate will not pass any bill that takes money away from the health-care law. ‘Simply Postponing’ “Republicans are simply postponing for a few days the inevitable choice they must face: pass a clean bill to fund the government, or force a shutdown,” Reid said in a statement. “Republicans here in Washington are using these stunts to raise money and grab headlines.” Obama administration officials said the president would veto the House bill if sent to him by Congress. If the Obama administration and lawmakers can’t agree on the stopgap funding, most, though not all, operations would come to a halt in less than two weeks. Republicans are using the stopgap spending bill as a vehicle to try to choke off funds for the health program the party has opposed since 2009. Senator Ted Cruz, a Texas Republican and chief Senate opponent of the health law, said he’s willing to do “everything necessary and anything possible,” including holding a filibuster, to block action on the spending measure as a way to end funding for the health-care law.

#### Wont pass- no compromises occurring

BRETT LOGIURATO, 9/19 (BOEHNER: Obama Is Happy To Negotiate With Vladimir Putin — But Not Congress On The Debt Ceiling *The business insider,* <http://www.businessinsider.com/boehner-obama-debt-ceiling-vladimir-putin-video-2013-9#ixzz2fTcr1uh9>)

House Speaker John Boehner mocked President Barack Obama's stance on Thursday on negotiating over the debt ceiling ... by invoking Vladimir Putin. "While the president is happy to negotiate with Vladimir Putin, he won’t engage with Congress," Boehner said at a press conference with reporters. Boehner's press conference followed the release of a video released by his office, which castigates Obama for being willing to negotiate with Putin over a deal on Syria's chemical weapons stockpile but not willing to negotiate with House Republicans over raising the debt ceiling. The video splices together clips of members of the Obama administration saying they won't negotiate over the debt ceiling, along with clips of them praising Putin for negotiating on Syria. "Why is the Obama administration willing to negotiate with Putin on Syria, but not with Congress to address Washington's spending problem?" the video says. The video and the comments come as House and Senate Republicans are bickering in a bit of chaos over their own position on the upcoming budget battles. Boehner officially announced on Wednesday that he would bring to the floor a bill to avert a government shutdown that strips funding for the Affordable Care Act. That bill has no chance of passing the Senate — something the "defund" movement's face, Sen. Ted Cruz (R-Texas) admitted on Wednesday. He also encouraged House Republicans to "stand firm," something that enraged them. The Republican plan for the debt ceiling includes demands of trading a one-year delay in Obamacare for a one-year hike in the debt ceiling — something that is also unlikely to pass the Senate. The debt ceiling legislation will also include conservative goals like instructions for tax reform and urging the construction of the Keystone XL pipeline.

#### Political capital isn’t real and winners win– most recent legislation proves

#### PC only goes one way – proves winners win – not infinite

**Hirsh 2/7/13**

Michael, National Journal, “There’s No Such Thing as Political Capital”, <http://www.nationaljournal.com/magazine/there-s-no-such-thing-as-political-capital-20130207>

On Tuesday, in his State of the Union address, President **Obama will** do what every president does this time of year. For about 60 minutes, he will **lay out a sprawling and ambitious wish list** highlighted by gun control and immigration reform, climate change and debt reduction. In response, the **pundits will** do what they always do this time of year: They will **talk about how** unrealistic most of the proposals are, discussions often informed by sagacious reckonings of how **much “political capital” Obama possesses to push his program through**.¶ Most of this talk will have no bearing on what actually happens over the next four years.¶ Consider this: Three months ago, just before the November election, if someone had talked seriously about Obama having enough political capital to oversee passage of both immigration reform and gun-control legislation at the beginning of his second term—even after winning the election by 4 percentage points and 5 million votes (the actual final tally)—this person would have been called crazy and stripped of his pundit’s license. (It doesn’t exist, but it ought to.) In his first term, in a starkly polarized country, the president had been so frustrated by GOP resistance that he finally issued a limited executive order last August permitting immigrants who entered the country illegally as children to work without fear of deportation for at least two years. Obama didn’t dare to even bring up gun control, a Democratic “third rail” that has cost the party elections and that actually might have been even less popular on the right than the president’s health care law. And yet, for reasons that have very little to do with Obama’s personal prestige or popularity—variously put in terms of a “mandate” or “political capital”—chances are fair that both will now happen.¶ What changed? In the case of gun control, of course, it wasn’t the election. It was the horror of the 20 first-graders who were slaughtered in Newtown, Conn., in mid-December. The sickening reality of little girls and boys riddled with bullets from a high-capacity assault weapon seemed to precipitate a sudden tipping point in the national conscience. One thing changed after another. Wayne LaPierre of the National Rifle Association marginalized himself with poorly chosen comments soon after the massacre. The pro-gun lobby, once a phalanx of opposition, began to fissure into reasonables and crazies. Former Rep. Gabrielle Giffords, D-Ariz., who was shot in the head two years ago and is still struggling to speak and walk, started a PAC with her husband to appeal to the moderate middle of gun owners. Then she gave riveting and poignant testimony to the Senate, challenging lawmakers: “Be bold.”¶ As a result, momentum has appeared to build around some kind of a plan to curtail sales of the most dangerous weapons and ammunition and the way people are permitted to buy them. It’s impossible to say now whether such a bill will pass and, if it does, whether it will make anything more than cosmetic changes to gun laws. But one thing is clear: The political tectonics have shifted dramatically in very little time. Whole new possibilities exist now that didn’t a few weeks ago.¶ Meanwhile, the Republican members of the Senate’s so-called Gang of Eight are pushing hard for a new spirit of compromise on immigration reform, a sharp change after an election year in which the GOP standard-bearer declared he would make life so miserable for the 11 million illegal immigrants in the U.S. that they would “self-deport.” But this turnaround has very little to do with Obama’s personal influence—his political mandate, as it were. It has almost entirely to do with just two numbers: 71 and 27. That’s 71 percent for Obama, 27 percent for Mitt Romney, the breakdown of the Hispanic vote in the 2012 presidential election. Obama drove home his advantage by giving a speech on immigration reform on Jan. 29 at a Hispanic-dominated high school in Nevada, a swing state he won by a surprising 8 percentage points in November. But the movement on immigration has mainly come out of the Republican Party’s recent introspection, and the realization by its more thoughtful members, such as Sen. Marco Rubio of Florida and Gov. Bobby Jindal of Louisiana, that without such a shift the party may be facing demographic death in a country where the 2010 census showed, for the first time, that white births have fallen into the minority. It’s got nothing to do with Obama’s political capital or, indeed, Obama at all.¶ The point is not that “political capital” is a meaningless term. Often it is a synonym for “mandate” or “momentum” in the aftermath of a decisive election—and just about every politician ever elected has tried to claim more of a mandate than he actually has. Certainly, Obama can say that because he was elected and Romney wasn’t, he has a better claim on the country’s mood and direction. Many pundits still defend political capital as a useful metaphor at least. “It’s an unquantifiable but meaningful concept,” says Norman Ornstein of the American Enterprise Institute. “You can’t really look at a president and say he’s got 37 ounces of political capital. But the fact is, it’s a concept that matters, if you have popularity and some momentum on your side.”¶ The real problem is that **the idea of political capital**—or mandates, or momentum—**is so poorly defined that presidents and pundits often get it wrong.** “Presidents usually over-estimate it,” says George Edwards, a presidential scholar at Texas A&M University. “The best kind of **political capital**—some sense of an electoral mandate to do something—is very rare. It almost never happens. In 1964, maybe. And to some degree in 1980.” For that reason, **political capital is a concept that misleads far more than it enlightens. It is distortionary**. It conveys the idea that we know more than we really do about the ever-elusive concept of political power, and it discounts the way unforeseen events can suddenly change everything. Instead, it suggests, erroneously**,** that a political figure has a concrete amount of political capital to invest**, just as someone might have real investment capital—that a particular leader can bank his gains, and the size of his account determines what he can do at any given moment in history**.¶ Naturally, any president has practical and electoral limits. Does he have a majority in both chambers of Congress and a cohesive coalition behind him? Obama has neither at present. And unless a surge in the economy—at the moment, still stuck—or some other great victory gives him more momentum, it is inevitable that the closer Obama gets to the 2014 election, the less he will be able to get done. Going into the midterms, Republicans will increasingly avoid any concessions that make him (and the Democrats) stronger.¶ But the abrupt emergence of the immigration and gun-control issues illustrates how suddenly shifts in mood can occur and how political interests can align in new ways just as suddenly. Indeed, **the pseudo-concept of political capital masks a larger truth about Washington that is kindergarten simple:** You just don’t know what you can do until you try. Or **as Ornstein** himself **once wrote** years ago, “Winning wins.” In theory, and in practice, **depending on Obama’s handling of any particular issue,** even in a polarized time, he could **still deliver on a lot of his second-term goals,** depending on his skill and the breaks. Unforeseen catalysts can appear, like Newtown. Epiphanies can dawn, such as when many Republican Party leaders suddenly woke up in panic to the huge disparity in the Hispanic vote.¶ Some **political scientists who study the elusive calculus of how to pass legislation and run successful presidencies say that political capital is**, at best, an empty concept, and that almost **nothing in the academic literature successfully quantifies or even defines it.** “It can refer to a very abstract thing, like a president’s popularity, but there’s no mechanism there. That makes it kind of useless,” says Richard Bensel, a government professor at Cornell University. Even Ornstein concedes that the calculus is far more complex than the term suggests. **Winning on one issue often** changes the calculation for the next issue**; there is never any known amount of capital**. “The idea here is**, if an issue comes up where the conventional wisdom is that president is not going to get what he wants, and he gets it, then each time that happens,** it changes the calculus of the other actors” Ornstein says. “**If they think he’s going to win, they may change positions to get on the winning side. It’s a** bandwagon effect**.”**¶ALL THE WAY WITH LBJ¶ Sometimes, **a clever practitioner of power can get more done just because he’s aggressive and knows the hallways of Congress well**. Texas A&M’s Edwards is right to say that the outcome of the 1964 election, Lyndon Johnson’s landslide victory over Barry Goldwater, was one of the few that conveyed a mandate. But one of the main reasons for that mandate (in addition to Goldwater’s ineptitude as a candidate) was President Johnson’s masterful use of power leading up to that election, and his ability to get far more done than anyone thought possible, given his limited political capital. In the newest volume in his exhaustive study of LBJ, The Passage of Power, historian Robert Caro recalls Johnson getting cautionary advice after he assumed the presidency from the assassinated John F. Kennedy in late 1963. Don’t focus on a long-stalled civil-rights bill, advisers told him, because it might jeopardize Southern lawmakers’ support for a tax cut and appropriations bills the president needed. “One of the wise, practical people around the table [said that] the presidency has only a certain amount of coinage to expend, and you oughtn’t to expend it on this,” Caro writes. (Coinage, of course, was what political capital was called in those days.) Johnson replied, “Well, what the hell’s the presidency for?”¶

#### drone courts popular in congress—particularly with Feinstein and King

Hosenball, 2-8-2013

[Mark, Reuters news service, Support grows for U.S. "drone court" to review lethal strikes, http://www.reuters.com/article/2013/02/09/us-usa-drones-idUSBRE91800B20130209] /Wyo-MB

During a fresh round of debate this week over President Barack Obama's claim that he can unilaterally order lethal strikes by unmanned aircraft against U.S. citizens, some lawmakers proposed a middle ground: a special federal "drone court" that would approve suspected militants for targeting.¶ While the idea of a judicial review of such operations may be gaining political currency, multiple U.S. officials said on Friday that imminent action by the U.S. Congress or the White House to create one is unlikely. The idea is being actively considered, however, according to a White House official.¶ At Thursday's confirmation hearing for CIA director nominee John Brennan, senators discussed establishing a secret court or tribunal to rule on the validity of cases that U.S. intelligence agencies draw up for killing suspected militants using drones.¶ The court could be modeled on an existing court which examines applications for electronic eavesdropping on suspected spies or terrorists.¶ Senator Dianne Feinstein, Democratic chairwoman of the Senate Intelligence Committee, said Thursday that she planned to "review proposals for ... legislation to ensure that drone strikes are carried out in a manner consistent with our values, and the proposal to create an analogue of the Foreign Intelligence Surveillance Court to review the conduct of such strikes."¶ Senator Angus King, a Maine independent, said during the hearing that he envisioned a scenario in which executive branch officials would go before a drone court "in a confidential and top-secret way, make the case that this American citizen is an enemy combatant, and at least that would be ... some check on the activities of the executive."

#### Feinstein key to agenda- can wrangle in both parties

Tate 13

(Curits, Mcclatchy Newspapers, “Sen. Dianne Feinstein presses her decades-long crusade on guns,” March 10, 2013, <http://www.mcclatchydc.com/2013/03/10/185261/sen-dianne-feinstein-presses-her.html#.Uhp4YpKThSQ>) /wyo-mm

Feinstein is a veteran lawmaker who knows how to work behind the scenes and across the aisle, which is how much of the real business of Capitol Hill gets done. “She’s developed a chain of colleagues she can call on,” Kennedy said. “She knows very well how to use her position on other committees.” Feinstein is an influential member. She ranks 14th in Senate seniority. Besides her seat on the Judiciary Committee, she serves on the powerful Appropriations Committee and chairs the Intelligence Committee. Her political roots took hold at a time before bitter partisanship began to color every debate, and even relationships on Capitol Hill. One of her closest friends has been Kay Bailey Hutchison, a Texas Republican who left the Senate in January. And Feinstein has warm relations with many more lawmakers, in an era fraught with political polarization. Sen. Jeff Sessions, R-Ala., a staunch conservative who serves alongside the liberal-leaning Feinstein on the Judiciary Committee, said that while they disagreed on many issues, including the assault weapons ban, he admired her ability to forge compromise. “I’d say on the 16 years I’ve been on it, she’s been one of the more effective Democratic senators at reaching across the aisle on key issues,” he said. “She battles for what she believes in, but she’s also very able at finding common ground and solving problems.”

#### PC low and fails for fiscal fights

Greg Sargent 9-12, September 12th, 2013, "The Morning Plum: Senate conservatives stick the knife in House GOP leaders," Washington Post, factiva

All of this underscores a basic fact about this fall's fiscal fights: Far and away the dominant factor shaping how they play out will be the divisions among Republicans. There's a great deal of chatter (see Senator Bob Corker for one of the most absurd examples yet) to the effect that Obama's mishandling of Syria has diminished his standing on Capitol Hill and will weaken him in coming fights. But those battles at bottom will be about whether the Republican Party can resolve its internal differences. Obama's "standing" with Republicans -- if it even could sink any lower -- is utterly irrelevant to that question.¶ The bottom line is that, when it comes to how aggressively to prosecute the war against Obamacare, internal GOP differences may be unbridgeable. Conservatives have adopted a deliberate strategy of deceiving untold numbers of base voters into believing Obamacare will be stopped outside normal electoral channels. Central to maintaining this fantasy is the idea that any Republican leader who breaks with this sacred mission can only be doing so because he or she is too weak and cowardly to endure the slings and arrows that persevering against the law must entail. GOP leaders, having themselves spent years feeding the base all sorts of lies and distortions about the law, are now desperately trying to inject a does of reality into the debate by pointing out that the defund-Obamacare crusade is, in political and practical terms alike, insane. But it may be too late. The time for injecting reality into the debate has long since passed.

#### No debt econ impact

Michael Tanner 11, National Review, “No Surrender on Debt Ceiling”, Jan 19, <http://www.nationalreview.com/articles/257433/no-surrender-debt-ceiling-michael-tanner>

Of course the Obama administration is already warning of Armageddon if Congress doesn’t raise the debt ceiling. Certainly it would be a shock to the economic system. The bond market could crash. The impact would be felt at home and abroad. But would it necessarily be worse than the alternative? While Congress has never before refused to raise the debt ceiling, it has in fact frequently taken its time about doing so. In 1985, for example, Congress waited nearly three months after the debt limit was reached before it authorized a permanent increase. In 1995, four and a half months passed between the time that the government hit its statutory limit and the time Congress acted. And in 2002, Congress delayed raising the debt ceiling for three months. It took three months to raise the debt limit back in 1985 as well. In none of those cases did the world end. More important, what will be the consequences if the U.S. government fails to reduce government spending? What happens if we raise the debt ceiling then continue merrily on our way spending more and running up ever more debt? Already Moody’s and Standard & Poor’s have warned that our credit rating might be reduced unless we get a handle on our national debt. We’ve heard a lot recently about the European debt crisis, but, as one senior Chinese banking official recently noted, in some ways the U.S. financial position is more perilous than Europe’s. “We should be clear in our minds that the fiscal situation in the United States is much worse than in Europe,” he recently told reporters. “In one or two years, when the European debt situation stabilizes, [the] attention of financial markets will definitely shift to the United States. At that time, U.S. Treasury bonds and the dollar will experience considerable declines.” Moreover, unless we do something, federal spending is on course to consume 43 percent of GDP by the middle of the century. Throw in state and local spending, and government at all levels will take 60 cents out of every dollar produced in this country. Our economy will not long survive government spending at those levels.