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### 1NC – Nonviolence K

The plans attempt to use law to create a legitimate form of violence normalizes it

Gregory 11 (Derek, Ph.D., Prof Department of Geography, University of British Columbia, “The everywhere war,” http://www.lsa.umich.edu/UMICH/eihs/Home/Events/gregory\_everywhere\_war.pdf)

I have argued elsewhere that the American way of war has changed since 9/11, though not uniquely because of it (Gregory 2010), and there are crucial continuities as well as differences between the Bush and Obama administrations: ‘The man who many considered the peace candidate in the last election was transformed into the war president’ (Carter 2011, 4). This requires a careful telling, and I do not mean to reduce the three studies I have sketched here to a single interpretative narrative. Yet there are connections between them as well as contradictions, and I have indicated some of these en route. Others have noted them too. Pakistan’s President has remarked that the war in Afghanistan has grave consequences for his country ‘just as the Mexican drug war on US borders makes a difference to American society’, and one scholar has suggested that the United States draws legal authority to conduct military operations across the border from Afghanistan (including the killing of bin Laden, codenamed ‘Geronimo’) from its history of extra-territorial operations against non-state actors in Mexico in the 1870s and 1880s (including the capture of the real Geronimo) (Margolies 2011). Whatever one makes of this, one of the most persistent threads connecting all three cases is the question of legality, which runs like a red ribbon throughout the prosecution of late modern war. On one side, commentators claim that new wars in the global South are ‘non-political’, intrinsically predatory criminal enterprises, that cartels are morphing into insurgencies, and that the origins of cyber warfare lie in the dark networks of cyber crime; on the other side, the United States places a premium on the rule and role of law in its new counterinsurgency doctrine, accentuates the involvement of legal advisers in targeting decisions by the USAF and the CIA, and even as it refuses to conﬁrm its UAV strikes in Pakistan provides arguments for their legality. The invocation of legality works to marginalise ethics and politics by making available a seemingly neutral, objective language: disagreement and debate then become purely technical issues that involve matters of opinion, certainly, but not values. The appeal to legality – and to the quasi-judicial process it invokes – thus helps to authorise a widespread and widening militarisation of our world. While I think it is both premature and excessive to see this as a transformation from governmentality to ‘militariality’ (Marzec 2009), I do believe that Foucault’s (2003) injunction – ‘Society must be defended’ – has been transformed into an unconditional imperative since 9/11 and that this involves an intensifying triangulation of the planet by legality, security and war. We might remember that biopolitics, one of the central projects of late modern war, requires a legal armature to authorise its interventions, and that necropolitics is not always outside the law. This triangulation has become such a common place and provides such an established base-line for contemporary politics that I am reminded of an interview with Zizek soon after 9/11 – which for him marked the last war of the twentieth century – when he predicted that the ‘new wars’ of the twenty-ﬁrst century would be distinguished by a radical uncertainty: ‘it will not even be clear whether it is a war or not’ (Deichmann et al. 2002).

#### THIS DEBATE is about ethics-vote negative to condemn the killing of others in favor of being open to them

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Now the whole earth had one language and the same words. And as they migrated from the east, they came upon a plain in the land of Shinar and settled there. And they said to one another, "Come, let us make bricks, and burn them thoroughly." And they had brick for stone, and bitumen for mortar. Then they said, "Come, let us build ourselves a city, and a tower with its top in the heavens, and let us make a name for ourselves; otherwise we shall be scattered abroad upon the face of the whole earth." The Lord came down to see the city and the tower which mortals had built. And the Lord said, ''Look, they are one people, and they have all one language; and this is only the beginning of what they will do; nothing that they propose to do will now be impossible for them. Come, let us go down, and confuse their language there, so that they will not understand one another's speech." So the Lord scattered them abroad from there over the face of all the earth, and they left off building the city. Therefore it was called Babel, because there the Lord confused the language of all the earth; and from there the Lord scattered them abroad over the face of all the earth. Genesis 11:19 1 The story of Babel is a tale for our times. It is a parable through which we might come to understand our situation. The citizens of Babel, it seems, sought to build a perfect city, a utopia whose technological prowess would make their name known throughout the earth. These citizens, we are told, sought to seize control of transcendence through the ideology of a single language and the common technological project of building a tower to heaven. God, however, upset their efforts by confusing their tongues, so that they could not understand each other. They became strangers to one another and so could not complete their task. They had to abandon all "final solutions" and settle for an unfinished city. The popular interpretation of this story is that the confusion of tongues was a curse and a punishment for the Page 2 human sin of pride. But I am convinced that this is a serious misunderstanding of its meaning. For this story must be interpreted within the tradition of stories that make up the canon of the Tanakh (Old Testament), where the command to welcome the stranger appears more often than any other commandment. 2 In the light of that emphasis, I would suggest that the point of the story is that human beings misunderstood where transcendence lay, and God simply redirected them to the true experience of transcendence, which can occur only when there are strangers to be welcomed into our lives. The moral of this story, as I read it, is that utopian transcendence is to be found not in a "finished world" of technological and ideological conformity but in an "unfinished world" of diversity, a world that offers us the opportunity to welcome the stranger. Indeed, our attempts to define a world through technological prowess and ideological uniformity have led us, more than once, to the brink of MAD-ness (mutually assured destruction) the brink of an apocalyptic nuclear annihilation. Our hope lies in seeing the utopian possibilities of a world of diversity the latent possibilities that can be actualized through an ethic of welcoming the stranger. This book follows upon and expands the argument of my previous book, Narrative Theology After Auschwitz: From Alienation to Ethics (Fortress, 1992). It is intended to be an experiment in theology of culture as an approach to comparative religious ethics through narrative. In Narrative Theology After Auschwitz I attempted to restructure the Christian narrative tradition in the light of Auschwitz through a dialogue with that strand of post- Holocaust Jewish theology and ethics that draws on the Jewish narrative tradition of chutzpah.3 That volume culminated in an ethic of personal and professional responsibility proposed as a strategy for restraining the human capacity for the demonic. This volume, The Ethical Challenge of Auschwitz and Hiroshima: Apocalypse or Utopia? continues the narrative ethics approach but extends the ethical focus of the discussion to encompass religion, technology, and public policy in a cross-cultural perspective. In this work, I attempt to do what narrative ethicists have said cannot be done; namely, construct a cross-cultural ethic of human dignity, human rights, and human liberation that is rooted in and respects the diversity of narrative traditions. Moreover, I have tried to do this without succumbing to either ethical relativism or ethical absolutism, even as I seek to directly confront the dominant narrative of our technological civilization. That narrative, I am convinced, is the Janus-faced myth of "Apocalypse or Utopia." This mythic narrative tends to render us Page 3 ethically impotent, for, mesmerized by the power of technology, we become trapped in the manic-depressive rhythms of a sacral awe; that is, of fascination and dread. When we are caught up in the utopian euphoria created by the marvelous promises of technology we do not wish to change anything. And when, in our darker moments, we fear that this same technology is out of control and leading us to our own apocalyptic self-destruction, we feel overwhelmed and unable to do anything. The paradox is that the very strength of our literal utopian euphoria sends us careening toward some literal apocalyptic "final solution." In Narrative Theology After Auschwitz I argued that the demonic narrative theme that dominated Auschwitz was "killing in order to heal." In this book I argue that this theme became globalized when it was incorporated into the Janus-faced technological mythos that emerged out of Hiroshima. This mythic narrative underlies and structures much of public policy in our nuclear age. In response to this demonic narrative, I propose a cross-cultural coalition for an ethic of human dignity, human rights, and human liberation at the intersection of those holy communities whose narrative traditions emphasize the importance of welcoming the stranger. My goal is to construct a bridge not only over the abyss between religions, East and West, but also between religious and secular ethics. The total project, then, is about religion, ethics, and public policy after Auschwitz and Hiroshima. It is about (a) rethinking the meaning of civilization and public order in an emerging pluralistic world civilization as we approach the end of a millenniumthe year 2000 C.E.; (b) the need for a cross-cultural ethic in a world wracked by ethical relativism and ideological conflict; and (c) sacred and secular public narratives in a technological civilization and the appropriate role for religion in the shaping of public values in a "secular" world. The perspective from which this book is written is that of theology. However, it is not "Christian" theology, although it is most certainly theology written by a Christian. It is not "confessional theology," but theology understood as an academic discipline within the humanities, whose purpose is the illumination of the human experience (individual and communal) of transcendence as self-transcendence. Needless to say, the same subject matter would be treated differently had this project been written by a Buddhist or some other more "secular" a-theist, 4 or by a Hindu, Jew, or Muslim rather than a Christian. And yet I intend it to be a theology that has something to say not only to Christians but also to Jews, Buddhists, and otherseven to ''secular" humanistic a-theists. What I am engaged in is "theology of culture," a discipline first Page 4 introduced by Paul Tillich in his 1920 essay, "On the Idea of a Theology of Culture," with which he inaugurated his career. 5 Theology of culture is an appropriate discipline for the "secular" university in an emerging world civilization. For, as Tillich insists, the theologian of culture is no ''confessional theologian" but rather a "free agent" who takes as his or her task the identification and elucidation of the relationship between religion and culture in all its diversity. Theology of culture could equally be called "philosophy of religion," provided that discipline were able to break free of its nearly exclusive bias as a tradition of commentary on the logic of Western theism rather than on religion as a transcultural human phenomenon. Theology of culture, as I understand it, exists at the intersection of philosophy and the history of religions, as a form of comparative religious ethics. It separates itself from some forms of comparative religious ethics in that it goes beyond description to prescription. Its task is nothing less than a total critique of culture. Doing ethics requires not just philosophical reflection but also historical, sociological, and psychological reflection. Tillich's proposal for a theology of culture draws these diverse elements into a unified whole that replaces traditional ethics with the new and uniquely modern task of the critique of culture. The critique of culture "as a whole" presents a unique problem. For if we live, move, and have our being within culturehow is it possible to transcend it so as to critique it? From what vantage point can we "stand outside it" so to speak? Such a critique presupposes the identification of values that, in some sense, transcend the cultures in which they are embodied. I believe such values can be identified. However, they do not exist in a vacuum. They are embodied in particular types of narrative carried by specific types of communal traditions that, in some sense, stand apart from the cultures in which they find themselves. The ultimate goal of theology of culture is to identify those religious experiences, forms of religious community and narrative traditions that have transcended the historical epoch and cultural milieu of their origin to influence other times and places. For these narrative traditions will have proven themselves culturally transcendent allies and therefore may offer possible norms for the critique of both religions and cultures. Although I attempt to identify the positive and negative value of several types of religious experience in this book, I do not pretend to have written it from some neutral Archimedean vantage point. As Tillich insisted, no theologian of culture can escape his or her own religious and cultural history. Indeed, every scholar in the social sciences and humanities is a "participant observer" in the human condition Page 5 being studied. There is no neutral vantage point from which to begin. As Alasdair MacIntyre and Stanley Hauerwas have both argued, no scholar lives in a storyless world, not even the Enlightenment rationalist who pretends to. One must acknowledge one's starting position and work outward from there. This is as true for the psychologist or anthropologist as it is for the political scientist, philosopher, and theologian. If we wish to speak of (or to) other storied worlds we must find a way to stretch our own narrative worlds to make a place for their otherness. That is in fact what I shall attempt to do. My own starting point is that of an alienated Christian, alienated from my own narrative traditions by my encounter with the Holocaust and the history of anti-Judaism that paved the way to it and by the processes of secularization in a technical civilization that led not only to Auschwitz but also Hiroshima. Confessionally, my stand in Christianity, like Tillich's, is that of a Lutheran. But like Tillich, I seek to be an objective scholar, making philosophically fair statements and evaluations about a wide diversity of religious and cultural phenomenon in order to construct a social ethic that can sustain a total critique of modern culture. Nevertheless, I am only too aware how vulnerable are the arguments and methodologies that I use in this book. Many specialists will no doubt have serious questions about my grasp of materials that touch upon their areas. I too have such questions. But I see no point in playing it safe, I mean to provoke discussion, and I hope the dialogue that follows shall enrich and correct my perspective. Moreover, I confess my own perspective and its limitations at the outset because I believe that after Auschwitz and Hiroshima it is dangerous to write in the third person, as if no one in particular were having these thoughts. In our world we each need to take responsibility for our thoughts and their social consequences. I reflect further on these matters in the Epilogue, and some may find it helpful to read that concluding essay immediately after reading this Prologue to understand more clearly what I am attempting to do in the body of the text itself. The best way to describe the "style" of the theology of culture proposed in these books is to suggest that it is a "decentered" or "alienated theology." Alienated theology is the opposite of apologetic theology. Apologetic theology typically seeks to defend the "truth" and ''superiority" of one's own tradition against the "false," "inferior," and "alien" views of other traditions. Alienated theology, by contrast, is theology done "as if" one were a stranger to one's own narrative traditions, seeing and critiquing one's own traditions from Page 6 the vantage point of the other's narrative traditions. It is my conviction that alienated theology is the appropriate mode for theology in an emerging world civilizationa civilization tottering in the balance between apocalypse and utopia. There are two ways to enter world history, according to the contemporary author John Dunne: you can be dragged in by way of world war or you can walk in by way of mutual understanding. By the first path, global civilization emerges as a totalitarian project of dominance that risks escalating into a nuclear apocalypse. By the second path, we prevent the first, creating global civilization through an expansion of our understanding of what it means to be human. This occurs when we pass over to an other's religion and culture and come back with new insight into our own. Gandhi is an example, passing over to the Sermon on the Mount and coming back to the Hindu Bhagavad Gita to gain new insight into it as a scripture of nonviolence. Gandhi never seriously considered becoming a Christian but his Hinduism was radically altered by his encounter with Christianity. One could say the same (reversing the directions) for Martin Luther King Jr., who was deeply influenced by Gandhi's understanding of nonviolent resistance in the Gita. When we pass over (whether through travel, friendship, or disciplined study and imagination) we become "strangers in a strange land" as well as strangers to ourselves, seeing ourselves through the eyes of another. Assuming the perspective of a stranger is an occasion for insight and the sharing of insight. Such crosscultural interactions build bridges of understanding and action between persons and cultures that make cooperation possible and conquest unnecessary. "Passing over" short circuits apocalyptic confrontation and inaugurates utopian new beginningsnew beginnings for the "post-modern'' world of the coming third millennium. Gandhi and King are symbols of a possible style for a postmodern alienated theology. To be an alien is to be a stranger. To be alienated is to be a stranger to oneself. We live in a world of ideological conflict in which far too many individuals (whether theists or a-theists) practice a "centered theology" in which they are too sure of who they are and what they must do. Such a world has far too many answers and not nearly enough questions and selfquestioning. A world divided by its answers is headed for an inevitable apocalyptic destiny. However, when we are willing to become strangers to ourselves (or when we unwillingly become so), new possibilities open up where before everything was closed and hopeless. At the heart of my position is the conviction that the kairos of our time calls forth the badly neglected Page 7 ethic of "welcoming the stranger" that underlies the biblical tradition and analogously "welcoming the outcast" that underlies the Buddhist tradition. This care for the stranger and the outcast, I shall argue, provides the critical norm for identifying authentic transcendence as self-transcendence. Centered theologies, whether sacred or secular, theist or a-theist, are ethnocentric theologies that can tolerate the alien or other, if at all, only as a potential candidate for conversion to sameness. Centered theologies are exercises in narcissism that inevitably lead down apocalyptic paths like those that led to Auschwitz and Hiroshima. Why? Because such theologies, whether sacred or "secular," cannot permit there to be others in the world whose way of being might, by sheer contrast, cause self-doubt and self-questioning. When as a student I read Paul Tillich, I found it hard to believe him when he said that the questions were more important than the answers. I was so taken with his answers that I was sure he was just trying to be modest. What really mattered were the answers. Since then, I have come to realize that answers always seem more important and more certain to those who have come by them without wrestling with the questions. I know now that Tillich was quite serious and quite rightthe questions are indeed more important. I have come to find a fullness in the doubts and questions of my life, which I once thought could be found only in the answers. After Auschwitz and Hiroshima, I distrust all final answersall final solutions. Mercifully, doubts and questions have come to be so fulfilling that I find myself suspicious of answers, not because they are necessarily false or irrelevant, but because even when relevant and true they are, and can be, only partial. It is doubt and questioning that always lures me on to broader horizons and deeper insights through an openness to the infinite that leaves me contentedly discontent. Alienated theology understands doubt and the questions that arise from it as our most fundamental experience of the infinite. For, our unending questions keep us open to the infinite, continually inviting us to transcend our present horizon of understanding. In a like manner, the presence of the stranger continuously calls us into question and invites us to transcend the present horizon of the egocentric and ethnocentric answers that structure our personal and cultural identities. An alienated theology understands that only a faith which requires one to welcome the alien or stranger is truly a utopian faith capable of transforming us into "new beings" who are capable of creating a new world of pluralistic human interdependence.

#### Nonviolence is the only political act—the aff is worse than the conservative status quo they critique because they actively empower it—try or die for an ethics of equality

May 7 (Todd May is Professor of Philosophy at Clemson University. He is the author of seven books of philosophy, most recently Gilles Deleuze: An Introduction (Cambridge, 2005) and The Philosophy of Foucault (Acumen, 2006), “Jacques Rancière and the Ethics of Equality,” Project Muse)

In political action, the tapestry of this weaving together of cognitive and affective elements around the presupposition of equality has a name, although that name is rarely reflected upon. It is solidarity. Political solidarity is nothing other than the operation of the presupposition of equality internal to the collective subject of political action. It arises in the ethical character of that collective subject, a subject that itself arises only on the basis of its action. When one joins a picket line, or speaks publicly about the oppression of the Palestinians or the Tibetans or the Chechnyans, or attends a meeting whose goal is to organize around issues of fair housing, or brings one's bicycle to a ride with Critical Mass, one is not—if one is engaged in what Rancière calls politics—doing so from a position above or outside those alongside whom one struggles. Rather, one joins the creation of a political subject (which does not mean sacrificing one's own being to it). One acts, in concert with others, on the presupposition of the equality of any and every speaking being. And here is where the justificatory character of the ethics of political action lies. It cannot lie, as we have seen, in an ethical framework that possesses an ultimate foundation. It lies instead in a principle—the presupposition of equality—that can ground and justify political action only to the extent to which it is accepted by those alongside whom and [End Page 33] against whom one struggles. It is, in that sense, an optional ethical principle. But, as we have also seen, this does not mean that it is an arbitrary one. In our world, the presupposition of equality is embedded deep within the ethical framework of most societies. Even when it is honored in the breach, it remains honored. Political action consists in narrowing the breach. There remain two questions to ask about this ethics. The first one is interpretive and can be answered quickly: What is the relationship of this ethics to a vision of contemporary anarchism? The second is normative, and can only be responded to, at least at this moment, with a theoretical gesture: What, if any, implications for the specifics of political action does this ethical framework have? The interpretive question concerns the relation of the ethics of Rancière's politics to anarchism. I hope that the bond between the two will be obvious to those who have either studied or acted within the framework of anarchism. Anarchism's rejection of an avant-garde politics, its concern with the process of political action, its sensitivity to various forms of domination both in society at large and in political communities themselves, and its orientation toward radical equality, are all accounted for in the ethics and politics of the presupposition of equality. What Rancière's work does politically and implies ethically is of a piece with the deepest concerns of much of contemporary anarchism. Moreover, he offers a coherent way to frame those concerns and to bring them forward theoretically. Unlike traditional Marxism, anarchism, in its concern for equality, has often been reluctant to engage in theoretical reflection. If what has been said here is correct, that reluctance is unwarranted. There is much to be understood in politics, and many who can contribute to that understanding. Among what is to be understood is the second question alluded to above: what, if anything, do the ethics of political action imply for the character of political action itself? I would suggest that the pre-supposition of equality among those who act cannot remain limited to those alongside whom one acts. It must also apply to one's adversaries. If those who have no part are to see themselves as equal to those who have a part, then they must also see those who have a part as equal to them. This has implications for political action. I would suggest that such a presupposition of equality among all parties must orient political action toward non-violent means. One must, insofar as possible, refrain from treating those against whom one struggles as beneath consideration, as open game, or as what Kant would call solely a means to one's own ends. This requires political action to be more than just a struggle for [End Page 34] suppression of the adversary, even where the adversary engages in cynical domination. It must be creative in its expression of the presupposition of equality. Nonviolence in politics is often confused with passivity. This is not the place to explain the nature and possibilities of nonviolent action,7 however it must be understood that nonviolence often lies at the opposite pole from political passivity, further away from it than violent resistance. Violent resistance remains in many cases the norm. One is dominated, so one dominates; one is oppressed, so one oppresses. In that sense, violence is always the easy political option. It reverses the power in a relationship. What nonviolence can achieve is something else: not a reversal of power, but an effacing of the terms in which a context of power has been conceived. In the framework of a political orientation whose task is to declassify, nonviolent action carries with it more radical possibilities for declassification than the simple inversion that is the standard consequence of violent resistance. If this line of thinking is right, or even if it is wrong in a fruitful way, then the perspective that Rancière has opened for us is not so much a framework within which we can fit our political thinking as it is a door through which we must walk in order better to reflect upon that thinking. The presupposition of equality opens political thought to new vistas—vistas that, given the history of the last century, should appear more attractive to us now than they might once have done. In this sense, anarchism lies before us rather than behind us, as a political task to be thought and engaged rather than as a historical footnote to be buried alongside other challenges to the pervasive and multifarious dominations of our world.

### 1NC – Congress CP

#### Text

#### Congress should create an independent review board for initiating offensive use of military force composed of individuals selected by the minority and majority leadership of the House and Senate. The committee should focus on transparency and accountability in the area of initiating offensive use of military force. The individuals on the review board should be drawn from the ranks of former intelligence and military officers. The review board should be given independent appropriations powers over relevant executive departments and agencies.

Creating an independent review board solves—provides transparency and accountability

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The transparency related accountability reforms specified above have the ability to expose wrongdoing; however that’s not the only goal of accountability. Accountability is also designed to deter wrongdoing. By exposing governmental activity, transparency oriented reforms can influence the behavior of all future public officials—to convince them to live up to public expectations. The challenge associated with the reforms articulated above is a bias towards the status quo. Very few incentives exist for elected officials to exercise greater oversight over targeted killings and interest group advocacy is not as strong in matters of national security and foreign affairs as it is in domestic politics. To overcome the bias towards the status quo, Congress should consider creating an independent review board composed of individuals selected by the minority and majority leadership of the House and Senate, thus ensuring bi-partisan representation. The individuals on the review board should be drawn from the ranks of former intelligence and military officers, lending their report enhanced credibility. These individuals should be responsible for publishing an annual report analyzing how well the government’s targeted killing program is performing. The goal would be a strategic assessment of costs and benefits, including the fiscal costs, potential blowback, collateral damage and other details that are currently held deep within the files of the targeting bureaucracy. This board, like many prior commissions can be successful because they signal the executive’s interest in maintaining credibility and winning the support of the public. It also shows his willingness to give up control of information that allows others to subject the executive branch to critiques. Similarly, Congress may prefer this solution because it allows them to claim they are holding the executive branch accountable while at the same time shifting the blame for poor accountability decisions to others. The board could review the program in its entirety, or could conduct audits on specified areas of the program.

Congressional oversight is perceived and comparatively more effective than legal restrictions

Kriner-prof poli sci, BU-9 89 B.U.L. Rev. 765

SYMPOSIUM THE MOST DISPARAGED BRANCH: THE ROLE OF CONGRESS IN THE TWENTY-FIRST CENTURY: PANEL VI: TOWARD A MORE RESPONSIBLE CONGRESS?: CAN ENHANCED OVERSIGHT REPAIR "THE BROKEN BRANCH"?

C. Failures of Oversight

Throughout American history, legislative oversight conducted by congressional committees has been one of the most powerful tools in Congress's arsenal to exercise a check on the executive branch and defend its institutional prerogatives. Particularly in times of national exigency - both military and economic - the need for Hamiltonian "energy" tilts the pendulum of power toward the executive branch. The very same collective action dilemmas and cumbersome institutional machinery that encourage such a shift to the executive also hinder Congress's capacity to police the executive branch and retain a check on delegated powers by acting legislatively. Instead, Congress has repeatedly turned to the oversight and investigative powers of its committees to police the executive branch. And, at least anecdotally, when Congress wields its oversight powers forcefully, it can lead to genuine changes in public policy. The War of 1812 and the accompanying expansion of presidential power strongly contributed to the initial evolution and growth of the standing committee system in the early-nineteenth century. 38 As the era of congressional dominance ended and presidential power grew in the early-twentieth century, Congress increasingly used its committee-based oversight powers to keep a watchful eye on the executive branch. For example, in the wake of the Spanish American War it fell to the executive to administer the nation's first major colonial acquisitions in the Philippines. The war undoubtedly bolstered presidential foreign policy power; yet, Congress retained some check on the exercise of this power through inquests into the conduct of the American occupation and continued oversight of its operations. In the aftermath of Teddy Roosevelt's bold assertions of unilateral presidential power, Congress struck back in the committee room with months of investigatory hearings into misconduct in the Interior Department and Forestry Bureau stemming from Roosevelt's proclamations and orders. Investigative oversight was also one of the primary means through which Congress pushed back at President Franklin Roosevelt's New Deal regime. The exponential growth in the size of government and its substantive scope fundamentally shifted the balance of power away from Capitol Hill and toward the other end of Pennsylvania Avenue. However, even in the midst of the Great Depression, Congress routinely used its investigative powers to exercise a check on the Administration's use of executive powers. Democratic Congresses launched sustained high profile investigations into the operation of many of Roosevelt's alphabet army of executive agencies including the National Recovery Administration, the Works Progress Administration and the Tennessee Valley Authority. 39 [\*774] Even today in the post-World War II era, many of the most potent symbols of congressional power in our system of separated institutions sharing power have emerged not from the chamber floors, but from Congress's committee rooms. In a diverse range of cases from investigations of misconduct by executive agencies to Iran Contra, from Watergate to Whitewater, Congress has used its bully pulpit again and again to expose executive wrongdoing, challenge presidential policies and even to bring presidential administrations to the brink of political disaster. To be sure, the vast majority of congressional oversight is a far cry from such high profile publicity probes aimed at extreme allegations of executive misconduct. However, even more mundane oversight can play an important role in maintaining congressional influence over the implementation of public policy. Indeed, even the anticipation of congressional oversight can be enough to keep an executive agency in line and improve its adherence to legislative intent. 40 Yet despite its political importance, there are reasons to believe that, on the metric of conducting rigorous oversight, the contemporary Congress is again a broken branch. Interestingly, a principal recommendation of the 9/11 Commission regarding Congress emphasized the critical importance of augmented congressional oversight of anti-terrorism policy. 41 Rather than advocating a further transferal of power to the executive to meet the exigent threat posed by global terrorism, the Commission called for the strengthening of the intelligence committees and emphasized the importance of legislative oversight of antiterrorism policy across levels of government. 42 The Commission bemoaned the lack of oversight in the pre-9/11 era; 43 and there are strong reasons to worry that Congress has done little to improve its oversight capacity - in the realm of military policy and terrorism as well as in other policy arenas - in recent years. The level and quality of congressional oversight and changes in it over time are inherently difficult concepts to measure. In a leading quantitative study of the volume of congressional oversight over time, Joel Aberbach found that congressional oversight increased significantly in the early 1970s, even before the Watergate scandal rocked Washington, and remained strong into the [\*775] 1990s. 44 More qualitative analyses, by contrast, have bemoaned a general decrease in quality oversight in recent years, a decline that reached its nadir during the first six years of the George W. Bush Administration. 45 However, what most sets trends in congressional oversight apart from the quality of legislative deliberation and the nature of widespread delegation of legislative powers to the executive branch is that congressional oversight has not monotonically decreased or increased over time. Rather, when we examine the intensity with which Congress has dedicated itself to its oversight responsibilities, we see a pattern much like that of a swinging pendulum; at times, Congress appears to use its investigative powers aggressively to police the executive while at others it takes a decidedly passive role and fails to meet normative standards of a responsible independent legislature. Perhaps nowhere is this variable nature more readily apparent than in the fluctuations in oversight of the war in Iraq over the preceding five years. The next Part examines these sharp temporal fluctuations in detail. However, the fact that Congress does, in certain political contexts, continue to use its oversight tools to check the executive branch and influence the scope and conduct of public policy raises the hope that Congress might be able to reform itself and bolster its institutional capacity for sustained oversight. The Essay returns to such reforms in the Conclusion.

### 1NC – Iran Diplomacy DA

#### Iran is looking to compromise on its nuclear program – Obama’s perceived flexibility is key

**Benen, MSNBC, 9-20-13**

(Steve, “When crises become opportunities”, <http://maddowblog.msnbc.com/_news/2013/09/20/20599445-when-crises-become-opportunities?lite>, ldg)

That said, while the domestic political establishment's attention seems focused elsewhere, there's reason to believe new opportunities are materializing in the region in ways that were hard to even imagine up until very recently. This morning, for example, the Organization for the Prohibition of Chemical Weapons (OPCW) announced that Syria has taken its first steps towards detailing its stockpiles. Michael Luhan, a spokesperson for the Hague-based chemical weapons regulator, said in a statement, "The OPCW has received an initial disclosure from the Syrian Government of its chemical weapons programme, which is now being examined by the Technical Secretariat of the Organisation." Meanwhile, Iranian President Hasan Rouhani has a new op-ed in the Washington Post arguing that the United States and the rest of the world "must work together to end the unhealthy rivalries and interferences that fuel violence and drive us apart" through a policy of "constructive engagement." The New York Times added that Iranian leaders, "seizing on perceived flexibility in a private letter from President Obama, have decided to gamble on forging a swift agreement over their nuclear program with the goal of ending crippling sanctions." David Sanger summarized the bigger picture nicely. Only two weeks after Washington and the nation were debating a unilateral military strike on Syria that was also intended as a forceful warning to Iran about its nuclear program, President Obama finds himself at the opening stages of two unexpected diplomatic initiatives with America's biggest adversaries in the Middle East, each fraught with opportunity and danger. Without much warning, diplomacy is suddenly alive again after a decade of debilitating war in the region. After years of increasing tension with Iran, there is talk of finding a way for it to maintain a face-saving capacity to produce a very limited amount of nuclear fuel while allaying fears in the United States and Israel that it could race for a bomb. The surprising progress has come so suddenly that a senior American diplomat described this week's developments as "head spinning." So what happens next? The consensus among many foreign policy observers is that developments in Syria and Iran are linked in ways that may or may not be helpful to the United States. Max Fisher explained well yesterday that President Obama's pragmatism "has sent exactly the right signals to Iran, particularly at this very sensitive moment." Obama has been consistently clear, even if some members of his administration were not, that his big overriding goal is for Syrian leader Bashar al-Assad to stop using chemical weapons. First he was going to do that with strikes, meant to coerce Assad. Then, in response to the Russian proposal, Obama signaled he would back off the strikes if Assad gave up his chemical weapons, which is exactly what Obama has always said he wants. He's been consistent as well as flexible, which gave Assad big incentives to cooperate when he might have otherwise dug in his heels. There are some awfully significant -- and promising -- parallels here with the U.S. standoff with Iran. Obama has been clear that he wants Iran to give up its rogue uranium-enrichment program and submit to the kind of rigorous inspections that would guarantee that its nuclear program is peaceful. He's also been clear that the United States is using severe economic sanctions to coerce Tehran to cooperate and that it would use military force if necessary. The implicit (and sometimes explicit) message to Iran has been: If you abandon your enrichment program, we'll make it worth your while by easing off. Here's where the parallel with Syria is really important: Iranian leaders distrust the United States deeply and fear that Obama would betray them by not holding up his end of the bargain. That's been a major hurdle to any U.S.-Iran nuclear deal. But seeing Assad's deal with Obama work out (so far) sends the message to Iran that it can trust the United States. It also sends the message that making concessions to the United States can pay off. Iran's supreme leader has been talking a lot lately about flexibility and diplomacy toward the West. So it's an ideal moment for Obama to be demonstrating flexibility and diplomacy toward the Middle East.

#### Uncertainty over war powers keeps Iran at the table. Obama needs to be perceived as having independent authority

**Zeisberg, Michigan political science professor, 9-25-13**

(Mariah, “Debate over War Powers may yield positive outcome”,

<http://blog.constitutioncenter.org/2013/09/debate-over-war-powers-resolution-may-yield-positive-outcome/>)

Uncertainty about what the Constitution requires is thick: even as President Obama called for legislative authorization to bolster the legitimacy of strikes, and even as he now appeals to the UN for a resolution authorizing military sanctions if Syria does not comply with the U.S.-Russia agreement for destroying its chemical weapons, the president nevertheless maintains that he has the authority to commit the U.S. to hostilities in Syria without Congressional (or UN) authorization. Robert Gates criticized the president for running a risk of looking “weak” if Congress did not authorize military action, and agreed with Leon Panetta that the president obviously has all power needed for strikes in Syria. On the other hand, constitutional scholars Louis Fisher, Stephen Griffin, and Sandy Levinson have argued that Obama’s constitutional grounding for independent strikes is either non-existent or extremely weak. Congress itself has been divided over whether authorization is necessary for a presidential strike in Syria. While the Constitution tells us that Congress has the power to “declare war,” the text nowhere defines what kinds of hostilities count as war – which has enabled some opportunism in the Obama administration, and in many other presidential administrations too. Even the War Powers Resolution restricts “hostilities” without defining the term, and there, too, Obama has been willing to press language to (or beyond) its absolute limit. Constitutional and statutory text that does not define the meaning of the key words that separate one institution’s authority from another necessarily insert some measure of uncertainty into the branches’ war powers regime. What to make of these tensions and ambiguities? Has the Constitution failed in its task to provide a definitive legal framework that can guide decision-makers about important questions such as which institution has the power to take the country to war? Isn’t the point of a Constitution to resolve this kind of conflict? If it is so pervasively difficult to read our political culture and know which branch has war authority, then does that mean that the Constitution has failed to do its job – or worse, that we are witnessing an epidemic of reckless infidelity to the Constitution’s mandates? In fact, I think that uncertainty as to the meaning of the Constitution’s war powers regime in Syria is not catastrophic but may actually carry benefits. As diplomacy around Syria unfolds, I want to draw attention to a few of the intersections between domestic constitutional debates and the conditions for effective international action. First, it is arguably the threat of intervention which moved Russia into high gear in negotiations with Syria. But President Obama needed a plausible claim of independent presidential empowerment for such a claim to be credible. At the same time, such a claim, unresisted, raises the specter of undefined aims, mission creep, costly wars without broad public support, unconsidered policy complexities, and troubling bellicose precedent that are a hallmark of presidentialism in war. This is, in part, why congressional mobilization to defend its institutional prerogatives has been so welcomed by some prominent war powers scholars. Obama’s subsequent willingness to back down, to accommodate claims to legislative empowerment – derided by many as a weak or vacillating choice — seems in turn to have created time and space for a diplomatic process to unfold in the place of a military one. Recent developments in that process include not only a Russian-brokered plan to confiscate all chemical weapons from the Assad regime but also statements by the Ayatollah Khamenei signaling openness to diplomacy and by President Rouhani that Iran would not develop a nuclear weapon. And now Obama is moving this technique of vacillating red lines up to the level of global institutions. On the one hand he is pressing the UN to back up the U.S.-Russia agreement with sanctions, but at the same time says that he reserves the power to act outside the UN, and has argued that “without a credible military threat, the Security Council had demonstrated no inclination to act at all.” We have yet to see what kind of domestic or international push-back would await him if he tried to translate this rhetorical willingness to act outside the UN into concrete action. Obama’s constitutional “vacillations” may end up being productive in sundering the Assad regime from its chemical weapons. Only time will tell. For constitutional scholars, it is worth noting the positive role that uncertainty and textual ambiguity can create in generating good international outcomes.

#### Iran proliferation causes nuclear war

**Edelman, Center for Strategic and Budgetary Assessments distinguished fellow, 2011**

(Eric, “the Dangers of a Nuclear Iran”, Foreign Affairs, January/February, ebsco, ldg)

The reports of the Congressional Commission on the Strategic Posture of the United States and the Commission on the Prevention Of Weapons of Mass Destruction Proliferation and Terrorism, as well as other analyses, have highlighted the risk that a nuclear-armed Iran could trigger additional nuclear proliferation in the Middle East, even if Israel does not declare its own nuclear arsenal. Notably, Algeria, Bahrain, Egypt, Jordan, Saudi Arabia,Turkey, and the United Arab Emirates— all signatories to the Nuclear Nonproliferation Treaty (npt)—have recently announced or initiated nuclear energy programs. Although some of these states have legitimate economic rationales for pursuing nuclear power and although the low-enriched fuel used for power reactors cannot be used in nuclear weapons, these moves have been widely interpreted as hedges against a nuclear-armed Iran. The npt does not bar states from developing the sensitive technology required to produce nuclear fuel on their own, that is, the capability to enrich natural uranium and separate plutonium from spent nuclear fuel. Yet enrichment and reprocessing can also be used to accumulate weapons-grade enriched uranium and plutonium—the very loophole that Iran has apparently exploited in pursuing a nuclear weapons capability. Developing nuclear weapons remains a slow, expensive, and di⁄cult process, even for states with considerable economic resources, and especially if other nations try to constrain aspiring nuclear states’ access to critical materials and technology. Without external support, it is unlikely that any of these aspirants could develop a nuclear weapons capability within a decade. There is, however, at least one state that could receive significant outside support: Saudi Arabia. And if it did, proliferation could accelerate throughout the region. Iran and Saudi Arabia have long been geopolitical and ideological rivals. Riyadh would face tremendous pressure to respond in some form to a nuclear-armed Iran, not only to deter Iranian coercion and subversion but also to preserve its sense that Saudi Arabia is the leading nation in the Muslim world. The Saudi government is already pursuing a nuclear power capability, which could be the first step along a slow road to nuclear weapons development. And concerns persist that it might be able to accelerate its progress by exploiting its close ties to Pakistan. During the 1980s, in response to the use of missiles during the Iran-Iraq War and their growing proliferation throughout the region, Saudi Arabia acquired several dozen css-2 intermediate-range ballistic missiles from China. The Pakistani government reportedly brokered the deal, and it may have also oªered to sell Saudi Arabia nuclear warheads for the css-2s, which are not accurate enough to deliver conventional warheads eªectively. There are still rumors that Riyadh and Islamabad have had discussions involving nuclear weapons, nuclear technology, or security guarantees. This “Islamabad option” could develop in one of several diªerent ways. Pakistan could sell operational nuclear weapons and delivery systems to Saudi Arabia, or it could provide the Saudis with the infrastructure, material, and technical support they need to produce nuclear weapons themselves within a matter of years, as opposed to a decade or longer. Not only has Pakistan provided such support in the past, but it is currently building two more heavy-water reactors for plutonium production and a second chemical reprocessing facility to extract plutonium from spent nuclear fuel. In other words, it might accumulate more fissile material than it needs to maintain even a substantially expanded arsenal of its own. Alternatively, Pakistan might oªer an extended deterrent guarantee to Saudi Arabia and deploy nuclear weapons, delivery systems, and troops on Saudi territory, a practice that the United States has employed for decades with its allies. This arrangement could be particularly appealing to both Saudi Arabia and Pakistan. It would allow the Saudis to argue that they are not violating the npt since they would not be acquiring their own nuclear weapons. And an extended deterrent from Pakistan might be preferable to one from the United States because stationing foreign Muslim forces on Saudi territory would not trigger the kind of popular opposition that would accompany the deployment of U.S. troops. Pakistan, for its part, would gain financial benefits and international clout by deploying nuclear weapons in Saudi Arabia, as well as strategic depth against its chief rival, India. The Islamabad option raises a host of difficult issues, perhaps the most worrisome being how India would respond. Would it target Pakistan’s weapons in Saudi Arabia with its own conventional or nuclear weapons? How would this expanded nuclear competition influence stability during a crisis in either the Middle East or South Asia? Regardless of India’s reaction, any decision by the Saudi government to seek out nuclear weapons, by whatever means, would be highly destabilizing. It would increase the incentives of other nations in the Middle East to pursue nuclear weapons of their own. And it could increase their ability to do so by eroding the remaining barriers to nuclear proliferation: each additional state that acquires nuclear weapons weakens the nonproliferation regime, even if its particular method of acquisition only circumvents, rather than violates, the NPT. n-player competition Were Saudi Arabia to acquire nuclear weapons, the Middle East would count three nuclear-armed states, and perhaps more before long. It is unclear how such an n-player competition would unfold because most analyses of nuclear deterrence are based on the U.S.- Soviet rivalry during the Cold War. It seems likely, however, that the interaction among three or more nuclear-armed powers would be more prone to miscalculation and escalation than a bipolar competition. During the Cold War, the United States and the Soviet Union only needed to concern themselves with an attack from the other. Multipolar systems are generally considered to be less stable than bipolar systems because coalitions can shift quickly, upsetting the balance of power and creating incentives for an attack. More important, emerging nuclear powers in the Middle East might not take the costly steps necessary to preserve regional stability and avoid a nuclear exchange. For nuclear-armed states, the bedrock of deterrence is the knowledge that each side has a secure second-strike capability, so that no state can launch an attack with the expectation that it can wipe out its opponents’ forces and avoid a devastating retaliation. However, emerging nuclear powers might not invest in expensive but survivable capabilities such as hardened missile silos or submarinebased nuclear forces. Given this likely vulnerability, the close proximity of states in the Middle East, and the very short flight times of ballistic missiles in the region, any new nuclear powers might be compelled to “launch on warning” of an attack or even, during a crisis, to use their nuclear forces preemptively. Their governments might also delegate launch authority to lower-level commanders, heightening the possibility of miscalculation and escalation. Moreover, if early warning systems were not integrated into robust command-and-control systems, the risk of an unauthorized or accidental launch would increase further still. And without sophisticated early warning systems, a nuclear attack might be unattributable or attributed incorrectly. That is, assuming that the leadership of a targeted state survived a first strike, it might not be able to accurately determine which nation was responsible. And this uncertainty, when combined with the pressure to respond quickly,would create a significant risk that it would retaliate against the wrong party, potentially triggering a regional nuclear war.

### 1NC – Debt Ceiling DA

#### Debt ceiling will be raised now-shutdown increase pressure on the GOP

**Klein, Washington Post, 9-28-13**

(Ezra, “The House GOP’s shutdown plan is great news”, <http://www.washingtonpost.com/blogs/wonkblog/wp/2013/09/28/the-house-gops-shutdown-plan-is-great-news/>, ldg)

House Republicans plan to attach a one-year delay of Obamacare to the continuing resolution. That sharply increases the chances of a government shutdown beginning Monday night. Good. Speaker Boehner's original plan was to pass a clean bill to fund the government and then attach the one-year delay of Obamacare to the debt-ceiling bill. It was a strategy that would minimize the chances of a shutdown but maximize the chances of a default. Boehner wanted that strategy because he thought Republicans had more leverage on the debt limit than they do on the shutdown. A shutdown, after all, is just bad for the economy. A default is catastrophic for it. You'd have to be insanely reckless to permit the federal government to default on its debts. And Boehner believes that House Republicans are insanely reckless and that President Obama isn't. But that strategy failed. Boehner's members refused to wait for the debt ceiling. They want their showdown now. And that's all for the better. Moving the one-year delay of Obamacare to the CR maximizes the chances of a shutdown but makes a default at least somewhat less likely. If a shutdown begins Monday night, Republicans and Democrats will have more than two weeks to resolve it before hitting the debt ceiling. As Alec Phillips put it in a research note for Goldman Sachs, "If a shutdown is avoided, it is likely to be because congressional Republicans have opted to wait and push for policy concessions on the debt limit instead. By contrast, if a shutdown occurs, we would be surprised if congressional Republicans would want to risk another difficult situation only a couple of weeks later. The upshot is that while a shutdown would be unnecessarily disruptive, it might actually ease passage of a debt limit increase." One way a shutdown makes the passage of a debt limit increase easier is that it can persuade outside actors to come off the sidelines and begin pressuring the Republican Party to cut a deal. One problem in the politics of the fiscal fight so far is that business leaders, Wall Street, voters and even many pundits have been assuming that Republicans and Democrats will argue and carp and complain but work all this out before the government closes down or defaults. A shutdown will prove that comforting notion wrong, and those groups will begin exerting real political pressure to force a resolution before a default happens.

#### Restrictions on authority are a loss that spills over to the debt ceiling

**Parsons, LA Times, 9-12-13**

(Christi, “Obama's team calls a timeout”, <http://www.latimes.com/nation/la-na-obama-congress-20130913,0,2959396.story>, ldg)

After a week in which President Obama narrowly averted a bruising defeat on Capitol Hill over a military strike on Syria, the decision had the feeling of a much-needed timeout. The messy debate over a resolution to authorize military force put a harsh light on the president's already rocky relationship with Congress. Despite a charm offensive earlier this year, complete with intimate dinners and phone calls, Obama faced contrary lawmakers in both parties, a climate that is certain to persist through the next round of legislative fights, if not to the end of his second term. In deciding to seek approval for military action, Obama banked on the long-standing deference to the commander in chief on matters of national defense. But by the time he pressed "pause" on the intense White House lobbying effort, he was finding as much defiance as deference. Although the White House cast the issue as a matter of national security and a crucial test of U.S. power, dozens of lawmakers from both parties were set to deliver a rare rebuke to a president on foreign policy. Even Democratic loyalists seemed unswayed by appeals to preserve the prestige of the presidency — and this president. Hawkish Republicans offering to reach across the aisle to support the president said they found the White House distant and uninterested. The canceled picnic punctuated a week of aggravated feelings. "We obviously have divided government. We have sometimes contentious, sometimes very effective relations with Congress. But we keep at it," said White House spokesman Jay Carney, who denied the picnic cancellation had anything to do with the state of relations between the two branches of government. On Capitol Hill, the week's episode strained Obama's traditional alliance with his fellow Democrats, many of whom were wary of another military involvement, unclear about the president's plans for a missile strike and surprised by his decision to ask them to vote on it. "Not only was it a hard ask, but it was not a well-prepared ask," said Sen. Sheldon Whitehouse (D-R.I.). "His willingness to back away from the ultimatum and pursue the disarmament proposal was extremely welcome, and I think that helped all of us in our relationship with him." Obama's relationship with his Republican critics was not helped. As lawmakers look ahead to the rest of the fall agenda, including the coming budget battles, the administration's performance this week will not be easy to forget, some said. "It's just more lack of confidence that they know what they're doing," said Sen. Tom Coburn (R-Okla.). "There's only so much political capital," said Sen. Rob Portman (R-Ohio). Democrats defended the president, blaming Republicans for a "knee-jerk" opposition to any initiative tied to this White House, a phenomenon that Obama aides regularly cite but that the president appears to have disregarded in his decision to put a use-of-force resolution before Congress. "Historically, when it comes to military force, Republicans and conservatives have led that. Now they're opposed to it," said Sen. Richard J. Durbin (D-Ill.). In a private meeting this week, Durbin said, Obama himself joked that "a lot of Republicans on Capitol Hill are discovering their inner doves on Syria." The next set of negotiations will be far more predictable and on familiar territory. By the end of the month, the president and Congress must agree on a plan to continue funding the government, or it will shut down. And by mid-October, they will have to agree to raise the debt limit, or risk a default. The White House has said it won't negotiate on the debt limit, as it did twice before, counting on the public and business groups to pressure Republicans. Democrats were hopeful the budget issues would put the White House back on more solid political footing. "I think the public has a heck of a lot more confidence in the president on economics and budget than [in] the House Republicans," said Sen. Carl Levin (D-Mich.). That may be wishful thinking, said Ross Baker, a political science professor at Rutgers University, who studies the Senate. "These things carry over. There's no firewall between issues," he said. "Failure in one area leads to problems in other areas." The debate over the war in Syria may be on an extended pause, although prospects of Obama returning to Congress to ask for a use-of-force authorization seem slim. A bipartisan group of senators is drafting an amended authorization, but the group is not expected to fully air its proposal until diplomatic talks conclude. There were some signs that the debate may have won the president some empathy, if not support. At a private lunch with Republican senators this week, Obama asked them not to undermine him on the world stage. Sen. Ron Johnson of Wisconsin, who is part of a group of GOP senators working with the White House on fiscal issues, said the appeal resonated.

#### Obama’s capital is key

**Allen, Politico, 9-19-13**

(Jonathan, “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.

#### Failure to raise the debt ceiling ensures collapse of the global economy, U.S. economic leadership, and free trade

**Davidson, NPR’s Planet Money co-founder, 9-10-13**

(Adam, “Our Debt to Society”, http://www.nytimes.com/2013/09/15/magazine/our-debt-to-society.html?pagewanted=all&\_r=0, ldg)

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

#### Nuclear war

Kemp 2010

Geoffrey, Director of Regional Strategic Programs at The Nixon Center, served in the White House under Ronald Reagan, special assistant to the president for national security affairs and senior director for Near East and South Asian affairs on the National Security Council Staff, Former Director, Middle East Arms Control Project at the Carnegie Endowment for International Peace, 2010, The East Moves West: India, China, and Asia’s Growing Presence in the Middle East, pg. 233-4

The second scenario, called Mayhem and Chaos, is the opposite of the first scenario; everything that can go wrong does go wrong. The world economic situation weakens rather than strengthens, and India, China, and Japan suffer a major reduction in their growth rates, further weakening the global economy. As a result, energy demand falls and the price of fossil fuels plummets, leading to a financial crisis for the energy-producing states, which are forced to cut back dramatically on expansion programs and social welfare. That in turn leads to political unrest: and nurtures different radical groups, including, but not limited to, Islamic extremists. The internal stability of some countries is challenged, and there are more “failed states.” Most serious is the collapse of the democratic government in Pakistan and its takeover by Muslim extremists, who then take possession of a large number of nuclear weapons. The danger of war between India and Pakistan increases significantly. Iran, always worried about an extremist Pakistan, expands and weaponizes its nuclear program. That further enhances nuclear proliferation in the Middle East, with Saudi Arabia, Turkey, and Egypt joining Israel and Iran as nuclear states. Under these circumstances, the potential for nuclear terrorism increases, and the possibility of a nuclear terrorist attack in either the Western world or in the oil-producing states may lead to a further devastating collapse of the world economic market, with a tsunami-like impact on stability. In this scenario, major disruptions can be expected, with dire consequences for two-thirds of the planet’s population.

### 1NC Intervention

#### We won’t start wars just because we can

**Brooks, Dartmouth government professor, 2012**

(Stephen, “Don’t Come Home America: The Case Against Retrenchment”, International Security, 37.3, lexis, ldg)

temptation. For many advocates of retrenchment, the mere possession of peerless, globe-girdling military capabilities leads inexorably to a dangerous expansion of U.S. definitions of national interest that then drag the country into expensive wars. 64 For example, sustaining ramified, long-standing alliances such as NATO leads to mission creep: the search for new roles to keep the alliance alive. Hence, critics allege that NATO’s need to “go out of area or out of business” led to reckless expansion that alienated Russia and then to a heedless broadening of interests to encompass interventions such as those in Bosnia, Kosovo, and Libya. In addition, peerless military power creates the temptation to seek total, non-Clausewitzian solutions to security problems, as allegedly occurred in Iraq and Afghanistan. 65 Only a country in possession of such awesome military power and facing no serious geopolitical rival would fail to be satisfied with partial solutions such as containment and instead embark on wild schemes of democracy building in such unlikely places. In addition, critics contend, the United States’ outsized military creates a sense of obligation to use it if it might do good, even in cases where no U.S. interests are engaged. As Madeleine Albright famously asked Colin Powell, “What’s the point of having this superb military you’re always talking about, if we can’t use it?” Undoubtedly, possessing global military intervention capacity expands opportunities to use force. If it were truly to “come home,” the United States would be tying itself to the mast like Ulysses, rendering itself incapable of succumbing to temptation. Any defense of deep engagement must acknowledge that it increases the opportunity and thus the logical probability of U.S. use of force compared to a grand strategy of true strategic disengagement. Of course, if the alternative to deep engagement is an over-the-horizon intervention stance, then the temptation risk would persist after retrenchment. The main problem with the interest expansion argument, however, is that it essentially boils down to one case: Iraq. Sixty-seven percent of all the casualties and 64 percent of all the budget costs of all the wars the United States has fought since 1990 were caused by that war. Twenty-seven percent of the causalities and 26 percent of the costs were related to Operation Enduring Freedom in Afghanistan. All the other interventions—the 1990–91 Persian Gulf War, the subsequent airstrike campaigns in Iraq, Somalia, Bosnia, Haiti, Kosovo, Libya, and so on—account for 3 percent of the casualties and 10 percent of the costs. 66 Iraq is the outlier not only in terms of its human and material cost, but also in terms of the degree to which the overall burden was shouldered by the United States alone. As Beckley has shown, in the other interventions allies either spent more than the United States, suffered greater relative casualties, or both. In the 1990–91 Persian Gulf War, for example, the United States ranked fourth in overall casualties (measured relative to population size) and fourth in total expenditures (relative to GDP). In Bosnia, European Union (EU) budget outlays and personnel deployments ultimately swamped those of the United States as the Europeans took over postconflict peacebuilding operations. In Kosovo, the United States suffered one combat fatality, the sole loss in the whole operation, and it ranked sixth in relative monetary contribution. In Afghanistan, the United States is the number one financial contributor (it achieved that status only after the 2010 surge), but its relative combat losses rank fifth. 67 In short, the interest expansion argument would look much different without Iraq in the picture. There would be no evidence for the United States shouldering a disproportionate share of the burden, and the overall pattern of intervention would look “unrestrained” only in terms of frequency, not cost, with the debate hinging on whether the surge in Afghanistan was recklessly unrestrained. 68 How emblematic of the deep engagement strategy is the U.S. experience in Iraq? The strategy’s supporters insist that Iraq was a Bush/neoconservative aberration; certainly, there are many supporters of deep engagement who strongly opposed the war, most notably Barack Obama. Against this view, opponents claim that it or something close to it was inevitable given the grand strategy. Regardless, the more important question is whether continuing the current grand strategy condemns the United States to more such wars. The Cold War experience suggests a negative answer. After the United States suffered a major disaster in Indochina (to be sure, dwarfing Iraq in its human toll), it responded by waging the rest of the Cold War using proxies and highly limited interventions. Nothing changed in the basic structure of the international system, and U.S. military power recovered by the 1980s, yet the United States never again undertook a large expeditionary operation until after the Cold War had ended. All indications are that Iraq has generated a similar effect for the post–Cold War era. If there is an Obama doctrine, Dominic Tierney argues, it can be reduced to “No More Iraqs.” 69 Moreover, the president’s thinking is reflected in the Defense Department’s current strategic guidance, which asserts that “U.S. forces will no longer be sized to conduct large-scale, prolonged stability operations.” 70 Those developments in Washington are also part of a wider rejection of the Iraq experience across the American body politic, which political scientist John Mueller dubbed the “Iraq Syndrome.” 71 Retrenchment advocates would need to present much more argumentation and evidence to support their pessimism on this subject.

#### Nonbinding action influences the executive-squo solves

**Weiner, Vanderbilt JD candidate, 2007**

(Michael, “A Paper Tiger with Bite: A Defense of the War Powers Resolution”, <http://www.vanderbilt.edu/jotl/manage/wp-content/uploads/Weiner.pdf>, ldg)

IV. CONCLUSION: THE EXONERATED WPR AND THE WOLF IN SHEEP'S CLOTHING The WPR is an effective piece of war powers legislation. As Part III made clear, no presidential unilateral use of force since 1973 has developed into a conflict that in any way resembles the WPR's impetus, Vietnam. Rather, the great majority of these conflicts have been characterized by their brevity, safety, and downright success. Yes, there have been tragic outcomes in Lebanon and Somalia; but what happened in response to those tragedies? In Lebanon, President Reagan actually submitted to being Congress's "messengerboy," 203 asking for its permission, per the WPR, to continue the operation. And in Somalia, at the first sight of a looming disaster, it was President Clinton who cut short the operation. Thus, from 1973 on, it is easy to argue that sitting Executives have made responsible use of their power to act unilaterally in the foreign affairs realm. The WPR has even contributed to a congressional resurgence in the foreign affairs arena. In many of these conflicts, we have seen Congress conducting numerous votes on whether and how it should respond to a unilaterally warring Executive. In some of the conflicts, Congress has come close to invoking the WPR against rather impetuous Executives. 20 4 In Lebanon, Congress actually succeeded in the task.20 5 It is this Note's contention, though, that even when Congress failed to legally invoke the WPR, these votes had normative effects on the Executives in power. Such votes demonstrate that Congress desires to be, and will try to be, a player in foreign affairs decisions. So, perhaps the enactment of the WPR, the rise of Congress (at least in the normative sense) and the successful string of unilateral presidential uses of force are just a series of coincidences. This Note, however, with common sense as its companion, contends that they are not. Rather, it is self-evident that the WPR has played a significant role in improving the implementation of presidential unilateral uses of force.

### 1NC Warfighting

#### Congressional involvement on every use of force emboldens enemies and damages presidential credibility-academic consensus.

Howell **et al., Chicago political science professor,** 2007

(William, While Dangers Gather: Congressional Checks on Presidential War Powers, google books, ldg)

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.**

#### Compromises speed and secrecy and causes isolation-that triggers prolif, terrorism and rogue state aggression

Yoo 12 (John, professor of law at the University of California, Berkeley, “War Powers Belong to the President,” <http://www.abajournal.com/magazine/article/war_powers_belong_to_the_president>)

This time, President Obama has the Constitution about right. His exercise of war powers rests firmly in the tradition of American foreign policy. Throughout our history, neither presidents nor Congresses have acted under the belief that the Constitution requires a declaration of war before the U.S. can conduct military hostilities abroad. We have used force abroad more than 100 times but declared war in only five cases: the War of 1812, the Mexican-American and Spanish-American wars, and World War I and II. Without any congressional approval, presidents have sent forces to battle Indians, Barbary pirates and Russian revolutionaries; to fight North Korean and Chinese communists in Korea; to engineer regime changes in South and Central America; and to prevent human rights disasters in the Balkans. Other conflicts, such as the 1991 Persian Gulf war, the 2001 invasion of Afghanistan and the 2003 Iraq war, received legislative “authorization” but not declarations of war. The practice of presidential initiative, followed by congressional acquiescence, has spanned both Democratic and Republican administrations and reaches back from President Obama to Presidents Abraham Lincoln, Thomas Jefferson and George Washington. 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.

#### Rogue states multiply and cause extinction

**Johnson, Forbes contributor and Presidential Medal of Freedom winner, 2013**

(Paul, “A Lesson For Rogue States”, 5-8, <http://www.forbes.com/sites/currentevents/2013/05/08/a-lesson-for-rogue-states/>, ldg)

Although we live in a violent world, where an internal conflict such as the Syrian civil war can cost 70,000 lives over a two-year period, there hasn’t been a major war between the great powers in 68 years. Today’s three superpowers–the U.S., Russia and China–have no conflicts of interest that can’t be resolved through compromise. All have hair-trigger nuclear alert systems, but the sheer scale of their armories has forced them to take nuclear conflict seriously. Thus, in a real sense, nuclear weapons have succeeded in abolishing the concept of a winnable war. The same cannot be said, however, for certain paranoid rogue states, namely North Korea and Iran. If these two nations appear to be prospering–that is, if their nuclear threats are winning them attention and respect, financial bribes in the form of aid and all the other goodies by which petty dictators count success–other prospective rogues will join them. One such state is Venezuela. Currently its oil wealth is largely wasted, but it is great enough to buy entree to a junior nuclear club. Another possibility is Pakistan, which already has a small nuclear capability and is teetering on the brink of chaos. Other potential rogues are one or two of the components that made up the former Soviet Union. All the more reason to ensure that North Korea and Iran are dramatically punished for traveling the nuclear path. But how? It’s of little use imposing further sanctions, as they chiefly fall on the long-suffering populations. Recent disclosures about life in North Korea reveal how effectively the ruling elite is protected from the physical consequences of its nuclear quest, enjoying high standards of living while the masses starve. Things aren’t much better in Iran. Both regimes are beyond the reach of civilized reasoning, one locked into a totalitarian vise of such comprehensiveness as to rule out revolt, the other victim of a religious despotism from which there currently seems no escape. Either country might take a fatal step of its own volition. Were North Korea to attack the South, it would draw down a retribution in conventional firepower from the heavily armed South and a possible nuclear response from the U.S., which would effectively terminate the regime. Iran has frequently threatened to destroy Israel and exterminate its people. Were it to attempt to carry out such a plan, the Israeli response would be so devastating that it would put an end to the theocracy forthwith. The balance of probabilities is that neither nation will embark on a deliberate war but instead will carry on blustering. This, however, doesn’t rule out war by accident–a small-scale nuclear conflict precipitated by the blunders of a totalitarian elite. Preventing Disaster The most effective, yet cold-blooded, way to teach these states the consequences of continuing their nuclear efforts would be to make an example of one by destroying its ruling class. The obvious candidate would be North Korea. Were we able to contrive circumstances in which this occurred, it’s probable that Iran, as well as any other prospective rogues, would abandon its nuclear aims. But how to do this? At the least there would need to be general agreement on such a course among Russia, China and the U.S. But China would view the replacement of its communist ally with a neutral, unified Korea as a serious loss. Compensation would be required. Still, it’s worth exploring. What we must avoid is a jittery world in which proliferating rogue states perpetually seek to become nuclear ones. The risk of an accidental conflict breaking out that would then drag in the major powers is too great. This is precisely how the 1914 Sarajevo assassination broadened into World War I. It is fortunate the major powers appear to have understood the dangers of nuclear conflict without having had to experience them. Now they must turn their minds, responsibly, to solving the menace of rogue states. At present all we have are the bellicose bellowing of the rogues and the well-meaning drift of the Great Powers–a formula for an eventual and monumental disaster that could be the end of us all.

#### And, Nuclear terrorism attacks escalate and cause extinction.

**Morgan, Hankuk University of Foreign Studies, 2009**

(Dennis, World on fire: two scenarios of the destruction of human civilization and possible extinction of the human race Futures, Volume 41, Issue 10, December, ldg)

In a remarkable website on nuclear war, Carol Moore asks the question “Is Nuclear War Inevitable??” In Section , Moore points out what most terrorists obviously already know about the nuclear tensions between powerful countries. No doubt, they’ve figured out that the best way to escalate these tensions into nuclear war is to set off a nuclear exchange. As Moore points out, all that militant terrorists would have to do is get their hands on one small nuclear bomb and explode it on either Moscow or Israel. Because of the Russian “dead hand” system, “where regional nuclear commanders would be given full powers should Moscow be destroyed,” it is likely that any attack would be blamed on the United States” Israeli leaders and Zionist supporters have, likewise, stated for years that if Israel were to suffer a nuclear attack, whether from terrorists or a nation state, it would retaliate with the suicidal “Samson option” against all major Muslim cities in the Middle East. Furthermore, the Israeli Samson option would also include attacks on Russia and even “anti-Semitic” European cities In that case, of course, Russia would retaliate, and the U.S. would then retaliate against Russia. China would probably be involved as well, as thousands, if not tens of thousands, of nuclear warheads, many of them much more powerful than those used at Hiroshima and Nagasaki, would rain upon most of the major cities in the Northern Hemisphere. Afterwards, for years to come, massive radioactive clouds would drift throughout the Earth in the nuclear fallout, bringing death or else radiation disease that would be genetically transmitted to future generations in a nuclear winter that could last as long as a 100 years, taking a savage toll upon the environment and fragile ecosphere as well. And what many people fail to realize is what a precarious, hair-trigger basis the nuclear web rests on. Any accident, mistaken communication, false signal or “lone wolf’ act of sabotage or treason could, in a matter of a few minutes, unleash the use of nuclear weapons, and once a weapon is used, then the likelihood of a rapid escalation of nuclear attacks is quite high while the likelihood of a limited nuclear war is actually less probable since each country would act under the “use them or lose them” strategy and psychology; restraint by one power would be interpreted as a weakness by the other, which could be exploited as a window of opportunity to “win” the war. In other words, once Pandora's Box is opened, it will spread quickly, as it will be the signal for permission for anyone to use them. Moore compares swift nuclear escalation to a room full of people embarrassed to cough. Once one does, however, “everyone else feels free to do so. The bottom line is that as long as large nation states use internal and external war to keep their disparate factions glued together and to satisfy elites’ needs for power and plunder, these nations will attempt to obtain, keep, and inevitably use nuclear weapons. And as long as large nations oppress groups who seek self-determination, some of those groups will look for any means to fight their oppressors” In other words, as long as war and aggression are backed up by the implicit threat of nuclear arms, it is only a matter of time before the escalation of violent conflict leads to the actual use of nuclear weapons, and once even just one is used, it is very likely that many, if not all, will be used, leading to horrific scenarios of global death and the destruction of much of human civilization while condemning a mutant human remnant, if there is such a remnant, to a life of unimaginable misery and suffering in a nuclear winter. In “Scenarios,” Moore summarizes the various ways a nuclear war could begin: Such a war could start through a reaction to terrorist attacks, or through the need to protect against overwhelming military opposition, or through the use of small battle field tactical nuclear weapons meant to destroy hardened targets. It might quickly move on to the use of strategic nuclear weapons delivered by short-range or inter-continental missiles or long-range bombers. These could deliver high altitude bursts whose electromagnetic pulse knocks out electrical circuits for hundreds of square miles. Or they could deliver nuclear bombs to destroy nuclear and/or non-nuclear military facilities, nuclear power plants, important industrial sites and cities. Or it could skip all those steps and start through the accidental or reckless use of strategic weapons

#### Obama will resist the plan-fights over war powers create intractable national diversions and impairs military decision making

**Lobel, Pittsburgh law professor, 2008**

(Jules, “Conflicts Between the Commander in Chief and Congress: Concurrent Power over the Conduct of War”, Ohio State Law Journal, vol 69, lexis, ldg)

The critical difficulty with a contextual approach is its inherent ambiguity and lack of clarity, which tends to sharply shift the balance of power in favor of a strong President acting in disregard of congressional will. For example, the application of the Feldman and Issacharoff test asking whether the congressional restriction makes realistic sense in the modern world would yield no coherent separation of powers answer if applied to the current Administration’s confrontation with Congress. It would undoubtedly embolden the President to ignore Congress’s strictures. The President’s advisors would argue that the McCain Amendment’s ban on cruel and inhumane treatment, or FISA’s requirement of a warrant, does not make realistic sense in the context of the contemporary realities of the war on terror in which we face a shadowy, ruthless nonstate enemy that has no respect for laws or civilized conduct, a conclusion hotly disputed by those opposed to the President’s policies. Focusing the debate over whether Congress has the power to control the treatment of detainees on the President’s claim that the modern realities of warfare require a particular approach will merge the separation of powers inquiry of who has the power with the political determination of what the policy ought to be. Such an approach is likely to encourage the President to ignore and violate legislative wartime enactments whenever he or she believes that a statute does not make realistic sense—that is, when it conflicts with a policy the President embraces. 53 The contextual approach has a “zone of twilight” quality that Justice Jackson suggested in Youngstown. 54 Often constitutional norms matter less than political realities—wartime reality often favors a strong President who will overwhelm both Congress and the courts. While it is certainly correct— as Jackson noted—that neither the Court nor the Constitution will preserve separation of powers where Congress is too politically weak to assert its authority, a fluid contextual approach is an invitation to Presidents to push beyond the constitutional boundaries of their powers and ignore legislative enactments that seek to restrict their wartime authority. Moreover, another substantial problem with a contextual approach in the war powers context is that the judiciary is unlikely to resolve the dispute. 55 The persistent refusal of the judiciary to adjudicate the constitutionality of the War Powers Resolution strongly suggests that courts will often refuse to intervene to resolve disputes between the President and Congress over the constitutionality of a statute that a President claims impermissibly interferes with her conduct of an ongoing war. 56 This result leaves the political branches to engage in an intractable dispute over the statute’s constitutionality that saps the nation’s energy, diverts focus from the political issues in dispute, and endangers the rule of law. Additionally, in wartime it is often important for issues relating to the exercise of war powers to be resolved quickly. Prompt action is not usually the forte of the judiciary. If, however, a constitutional consensus exists or could be consolidated that Congress has the authority to check the President’s conduct of warfare, that consensus might help embolden future Congresses to assert their power. Such a consensus might also help prevent the crisis, chaos, and stalemate that may result when the two branches assert competing constitutional positions and, as a practical matter, judicial review is unavailable to resolve the dispute. Moreover, the adoption of a contextual, realist approach will undermine rather than aid the cooperation and compromise between the political branches that is so essential to success in wartime. In theory, an unclear, ambiguous division of power between the branches that leaves each branch uncertain of its legal authority could further compromise and cooperation. However, modern social science research suggests that the opposite occurs. 57 Each side in the dispute is likely to grasp onto aspects or factors within the ambiguous or complex reality to support its own self-serving position. This self-serving bias hardens each side’s position and allows the dispute to drag on, as has happened with the ongoing, unresolved dispute over the constitutionality of the War Powers Resolution. Pg. 407-409

#### Crisis pressure and information asymmetry means Congress will defer to the executive

**Posner et al., Chicago law professor, 2011**

(Eric, The Executive Unbound, pg 7-10, ldg)

Having defined our terms as far as possible, our main critical thesis is that liberal legalism has proven unable to generate meaningful constraints on the executive. Two problems bedevil liberal legalism: delegation and emergencies. The first arises when legislatures enact statutes that grant the executive authority to regulate or otherwise determine policy, the second when external shocks require new policies to be adopted and executed with great speed. Both situations undermine the simplest version of liberal legalism, in which legislatures themselves create rules that the executive enforces, subject to review by the courts. Delegation suggests that the legislature has ceded lawmaking authority to the executive, de facto if not de jure,14 while in emergencies, only the executive can supply new policies and real-world action with sufficient speed to manage events. The two problems are related in practice. When emergencies occur, legislatures acting under real constraints of time, expertise, and institutional energy typically face the choice between doing nothing at all or delegating new powers to the executive to manage the crisis. As we will see, legislatures often manage to do both things; they stand aside passively while the executive handles the first wave of the crisis, and then come on the scene only later, to expand the executive's de jure powers, sometimes matching or even expanding the de facto powers the executive has already assumed. A great deal of liberal legal theory is devoted to squaring delegation and emergencies with liberal commitments to legislative governance. Well before World War I, the Madisonian framework of separated powers began to creak under the strain of the growing administrative state, typically thought to have been inaugurated by the creation of the Interstate Commerce Commission in 1887. For Madisonian theorists, delegation threatened the separation of powers by effectively combining lawmaking and law-execution in the same hands, and emergencies threatened legislative primacy by requiring the executive to take necessary measures without clear legal authorization, and in some cases in defiance of existing law. (We refer to the Madisonian tradition as it has developed over time and as it exists today, not to Madison himself, whose views before the founding were less legalistic than they would become during the Washington and Adams administrations.) As to both delegation and emergencies, Madisonian liberals have repeatedly attempted to compromise with the administrative state, retreating from one position to another and attempting at every step to limit the damage. In one prominent strand of liberal legal theory and doctrine, which has nominally governed since the early twentieth century, delegation is acceptable as long as the legislature supplies an "intelligible principle"15 to guide executive policymaking ex ante; this is the so-called "nondelegation doctrine." This verbal formulation, however, proved too spongy to contain the administrative state. During and after the New Deal, under strong pressure to allow executive policymaking in an increasingly complex economy, courts read the intelligible principle test so capaciously as to allow statutes delegating to the president and agencies the power to act in the "public interest," nowhere defined.'6 Before 1935, the U.S. Supreme Court mentioned nondelegation in dictum but never actually applied it to invalidate any statutes; in 1935, the Court invalidated two parts of the National Industrial Recovery Act on nondelegation grounds;" since then, the Court has upheld every challenged delegation. Subsequently, liberal legal theorists turned to the hope that legislatures could create administrative procedures and mechanisms of legislative and judicial oversight that would enforce legal constraints on the executive ex post, as a second-best substitute for the Madisonian ideal. In American administrative law, a standard account of the Administrative Procedure Act (APA), the framework statute for the administrative state, sees it as an attempt to translate liberal legalism into a world of large-scale delegation to the executive, substituting procedural controls and judicial review for legislative specification of policies. The APA applies to administrative action in a broad range of substantive areas, but does not apply to presidential action, so Congress has also enacted a group of framework statutes that attempt to constrain executive action in particular areas. Examples are the War Powers Resolution, which regulates the presidential commitment of armed forces abroad, the National Intelligence Act, which structures the intelligence agencies and attempts to require executive disclosure of certain intelligence matters to key congressional committees, and the Inspector General Act, which installs powerful inspectors general throughout the executive branch. As to emergencies, starting at least with John Locke's discussion of executive "prerogative," liberal political and constitutional theorists have struggled to reconcile executive primacy in crises with the separation of powers or the rule of law or both. Such questions have become all the more pressing in the twentieth and twenty-first centuries, when a series of wars, economic emergencies, and other crises have multiplied examples in which the executive proceeded with dubious legal authority or simply ignored the laws. Here too, the response has been a series of legal constraints, such as the APA's restrictions on emergency administrative action, and framework statutes such as the National Emergencies Act, which regulates the president's ability to invoke grants of emergency powers granted under other laws. One of our main claims is that these approaches are palliatives that have proven largely ineffective, and that fail to cure the underlying ills of liberal legalism. The same institutional and economic forces that produce the problems of delegation and emergencies also work to undermine legalistic constraints on the executive. The complexity of policy problems, especially in economic domains, the need for secrecy in many matters of security and foreign affairs, and the sheer speed of policy response necessary in crises combine to make meaningful legislative and judicial oversight of delegated authority difficult in the best of circumstances. In emergencies, the difficulties become insuperable—even under the most favorable constellation of political forces, in which the independently elected executive is from a different party than the majority of the Congress. Liberal legalism, in short, has proven unable to reconcile the administrative state with the Madisonian origins of American government. The constitutional framework and the separation-of-powers system generate only weak and defeasible constraints on executive action. Madisonian oversight has largely failed, and it has failed for institutional reasons. Both Congress and the judiciary labor under an informational deficit that oversight cannot remedy, especially in matters of national security and foreign policy, and both institutions experience problems of collective action and internal coordination that the relatively more hierarchical executive can better avoid. Moreover, political parties, uniting officeholders within different institutions, often hobble the institutional competition on which Madisonian theorizing relies.'8 Congressional oversight does sometimes serve purely political functions—legislators, particularly legislators from opposing parties, can thwart presidential initiatives that are unpopular—but as a legal mechanism for ensuring that the executive remains within the bounds of law, oversight is largely a failure. The same holds for statutory constraints on the executive—unsurprisingly, as these constraints are the product of the very Madisonian system whose failure is apparent at the constitutional level. In the terms of the legal theorist David Dyzenhaus, the APA creates a series of legal "black holes" and "grey holes" that either de jure or de facto exempt presidential and administrative action from ordinary legal requirements, and hence from (one conception of) the rule of law.19 The scope of these exemptions waxes and wanes with circumstances, expanding during emergencies and contracting during normal times, but it is never trivial, and the administrative state has never been brought wholly under the rule of law; periodically the shackles slip off altogether.

#### No transition wars-other powers will cling to the US in decline

**Snyder, Maryland PhD research scholar, 2012**

(Quddus, “The Bipolarity of a Unipolar World: Why Secondary Powers will Stand By America”, <http://www.cidcm.umd.edu/workshop/papers/the_bipolarity_of_a_unipolar_system.pdf>, DOA: 4-23-13, ldg)

The stability inherent in the relationship is threatened when one party fails to live up to its end of the bargain. If the US is in decline, it is likely to scale back its international commitments. It will be less willing to underwrite the security of the many secondary powers that rely on it. A declining US may be unable and unwilling to perform hegemonic functions to the extent that it was before. It is here that secondary powers face a choice: do I stay or do I go? Because of their flawed theoretical machinery, balance of power realists believe that secondary powers will turn on a declining US and try to oppose and weaken it. But this logic fails to account for the extent to which secondary powers do not fear the US, depend on it, and value the underlying bargain. Unlike the Soviet Union, the US will not suddenly implode. If there is a relative decline, it is likely to be slow. Though perhaps to a lesser extent, the US will still remain engaged. It will not suddenly withdraw into pre-World War II style isolation. Under these circumstances, secondary powers are likely to adopt a strategy of accommodation. Robert Kelly describes this as a kind of “bail in” behavior where secondary powers come to the aid of a struggling hegemon that they see as legitimate.52 The US will remain far stronger, at least militarily if not also economically, than most of the secondary powers for a long time to come. While it might not be able to do as much as it used to, the US will still be able to accomplish more than most. In effect, secondary powers are likely to reason that a weakened hegemon is still much better than no hegemon. The hegemonic bargain will not be abolished. It will be adjusted in two important ways. Secondary powers will do more in areas where their vital interests are at stake. This can be seen in the way France and Britain took the lead in the Libyan intervention. Or, in the way Turkey is taking charge in responding to the Syria crisis. The US will play a very large supporting role. As every NATO operation in the post-Cold War era has demonstrated, secondary powers must ultimately increase their own power capability. This is not to balance the US, but to make up the difference. Compensating for America’s lesser role, firstly, requires that secondary powers spend more on defense. The necessity of doing so will become increasingly evident as various crises threaten the interests of secondary powers and the US shows ever less enthusiasm for cleaning up the mess alone. Second, the difference can be made up through cooperation. Secondary powers are likely to move ever closer to a declining US. Deeper forms of policy coordination and the combining of capability can go a long way toward remedying individual power deficits—the animating idea behind NATO’s new concept of “smart defense.” Predicting NATO’s demise is a perennial realist pastime. As before, their predictions will be proven wrong again. Not only will NATO persist, but as the US declines it will become more important. Interestingly, just as the American decline debate was heating up, France rejoined NATO’s allied command in 2009. President Sarkozy explained that his country’s “strategy cannot remain stuck in the past when the conditions of our security have changed radically.”53 Sarkozy’s critics grumbled that France was cozying up to the US just as the world was moving out from underneath American domination. New life will be breathed into America’s alliances in the Asia Pacific region as well, as seen for example in the way Japan has recently been moving closer to the US. The US will find that secondary powers are willing to accommodate and compromise in ways that were perhaps unlikely under unipolarity. The main concern will not be the unilateral exercise of American power. Rather, secondary powers will worry about America’s level of commitment to them moving forward. America will no longer be able to stack the deck in some of the ways it has before. But happily, the US will find that it holds a number of high cards in negotiating the terms of cooperation with eager secondary powers because this time the US can credibly threaten to stand by and watch. All of this suggests that as the global field is leveled, secondary powers will not turn to balancing, but rather, they will adopt a strategy of bonding. From time to time, weaker states have bandwagoned with more powerful or threatening states, either to appease or gain from the spoils of a hegemon’s aggression.54 In this case, the US will grow less powerful and less threatening over time, suggesting altogether different motives. Bonding involves both policy accommodation and efforts to ‘move closer’ through deeper cooperative ties. The primary concern of secondary powers will be to keep the US engaged. After World War II, the European allies were mainly concerned about US abandonment. As Ikenberry explains, “The evolution in American policy…was a story of American reluctance and European persistence.”55 In an era of relative decline, American disengagement may again emerge as the principal problem facing many of the world’s secondary powers. This fear will move them to work ever harder to secure America’s commitment and support.

#### Power projection doesn’t matter-empirics go NEG

**Fettweis, Tulane political science professor, 2010**

(Christopher, Dangerous Times? The International Politics of Great Power Peace, p. 175-176, ldg)

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 evidence for the wisdom of internationalist strategies, then logical consistency demands that the lack thereof should at least pose a problem. As it stands, the only data we have regarding the likely systemic reaction to a more restrained United States suggests that 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. If the only thing standing between the world and chaos is the U.S. military presence, then an adjustment in grand strategy would be exceptionally counterproductive. But it is worth recalling that none of the other explanations for the decline of war—nuclear weapons, complex economic interdependence, international and domestic political institutions, evolution in ideas and norms— necessitate an activist America to maintain their validity. Were America to become more restrained, nuclear weapons would still affect the calculations of the would-be aggressor; the process of globalization would continue, deepening the complexity of economic interdependence; the United Nations could still deploy peacekeepers where necessary; and democracy would not shrivel where it currently exists. Most importantly, the idea that war is a worthwhile way to resolve conflict would have no reason to return. As was argued in chapter 2, normative evolution is typically unidirectional. Strategic restraint in such a world would be virtually risk-free.

#### Won’t go to war over food

Chang 2/21/11 Gordon G Chang, Graduated Cornell Law School “Global Food Wars” http://blogs.forbes.com/gordonchang/2011/02/21/global-food-wars/

In any event, food-price increases have apparently been factors in the unrest now sweeping North Africa and the Middle East. The poor spend up to half their disposable income on edibles, making rapid food inflation a cause of concern for dictators, strongmen, and assorted autocrats everywhere. So even if humankind does not go to war over bad harvests, Paskal may be right when she contends that climate change may end up altering the global map. This is not the first time in human history that food shortages looked like they would be the motor of violent geopolitical change. Yet amazing agronomic advances, especially Norman Borlaug’s Green Revolution in the middle of the 20th century, have consistently proved the pessimists wrong. In these days when capitalism is being blamed for most everything, it’s important to remember the power of human innovation in free societies—and the efficiency of free markets.

### 1NC SOP

#### Social science proves no modeling- US signals are dismissed

**Zenok, CFR fellow, 2013**

(Micah, “The Signal and the Noise”, 2-2, [www.foreignpolicy.com/articles/2013/02/20/the\_signal\_and\_the\_noise](http://www.foreignpolicy.com/articles/2013/02/20/the_signal_and_the_noise), ldg)

Later, Gen. Austin observed of cutting forces from the Middle East: "Once you reduce the presence in the region, you could very well signal the wrong things to our adversaries." Sen. Kelly Ayotte echoed his observation, claiming that President Obama's plan to withdraw 34,000 thousand U.S. troops from Afghanistan within one year "leaves us dangerously low on military personnel...it's going to send a clear signal that America's commitment to Afghanistan is going wobbly." Similarly, during a separate House Armed Services Committee hearing, Deputy Secretary of Defense Ashton Carter ominously warned of the possibility of sequestration: "Perhaps most important, the world is watching. Our friends and allies are watching, potential foes -- all over the world." These routine and unchallenged assertions highlight what is perhaps the most widely agreed-upon conventional wisdom in U.S. foreign and national security policymaking: the inherent power of signaling. This psychological capability rests on two core assumptions: All relevant international audiences can or will accurately interpret the signals conveyed, and upon correctly comprehending this signal, these audiences will act as intended by U.S. policymakers. Many policymakers and pundits fundamentally believe that the Pentagon is an omni-directional radar that uniformly transmits signals via presidential declarations, defense spending levels, visits with defense ministers, or troop deployments to receptive antennas. A bit of digging, however, exposes cracks in the premises underlying signaling theories. There is a half-century of social science research demonstrating the cultural and cognitive biases that make communication difficult between two humans. Why would this be any different between two states, or between a state and non-state actor? Unlike foreign policy signaling in the context of disputes or escalating crises -- of which there is an extensive body of research into types and effectiveness -- policymakers' claims about signaling are merely made in a peacetime vacuum. These signals are never articulated with a precision that could be tested or falsified, and thus policymakers cannot be judged misleading or wrong. Paired with the faith in signaling is the assumption that policymakers can read the minds of potential or actual friends and adversaries. During the cycle of congressional hearings this spring, you can rest assured that elected representatives and expert witnesses will claim to know what the Iranian supreme leader thinks, how "the Taliban" perceives White House pronouncements about Afghanistan, or how allies in East Asia will react to sequestration. This self-assuredness is referred to as the illusion of transparency by psychologists, or how "people overestimate others' ability to know them, and...also overestimate their ability to know others." Policymakers also conceive of signaling as a one-way transmission: something that the United States does and others absorb. You rarely read or hear critical thinking from U.S. policymakers about how to interpret the signals from others states. Moreover, since U.S. officials correctly downplay the attention-seeking actions of adversaries -- such as Iran's near-weekly pronouncement of inventing a new drone or missile -- wouldn't it be safer to assume that the majority of U.S. signals are similarly dismissed? During my encounters with foreign officials, few take U.S. government pronouncements seriously, and instead assume they are made to appease domestic audiences.

#### Preventive norms are locked in and the AFF doesn’t change it

**Fisk et al., Claremont political science PhD, 2013**

(Kerstin, “Actions Speak Louder Than Words: Preventive Self-Defense as a Cascading Norm”, 4-15, International Studies Perspectives, Wiley, ldg)

Preventive self-defense entails waging a war or an attack by choice, in order to prevent a suspected enemy from changing the status quo in an unfavorable direction. Prevention is acting in anticipation of a suspected latent threat that might fully emerge someday. One might rightfully point out that preventive strikes are nothing new—the Iraq War is simply a more recent example in a long history of the preventive use of force. The strategic theorist Colin Gray (2007:27), for example, argues that “far from being a rare and awful crime against an historical norm, preventive war is, and has always been, so common, that its occurrence seems remarkable only to those who do not know their history.” Prevention may be common throughout history, but this does not change the fact that it became increasingly difficult to justify after World War II, as the international community developed a core set of normative principles to guide state behavior, including war as a last resort. The threshold for war was set high, imposing a stringent standard for states acting in self-defense. Gray concedes that there has been a “slow and erratic, but nevertheless genuine, growth of a global norm that regards the resort to war as an extraordinary and even desperate measure” and that the Iraq war set a “dangerous precedent” (44). Although our cases do not provide a definitive answer for whether a preventive self-defense norm is diffusing, they do provide some initial evidence that states are re-orienting their military and strategic doctrines toward offense. In addition, these states have all either acquired or developed unmanned aerial vehicles for the purposes of reconnaissance, surveillance, and/or precision targeting. Thus, the results of our plausibility probe provide some evidence that the global norm regarding the use of force as a last resort is waning, and that a preventive self-defense norm is emerging and cascading following the example set by the United States. At the same time, there is variation among our cases in the extent to which they apply the strategy of self-defense. China, for example, has limited their adaption of this strategy to targeted killings, while Russia has declared their strategy to include the possibility of a preventive nuclear war. Yet, the preventive self-defense strategy is not just for powerful actors. Lesser powers may choose to adopt it as well, though perhaps only implementing the strategy against actors with equal or lesser power. Research in this vein would compliment our analyses herein. With the proliferation of technology in a globalized world, it seems only a matter of time before countries that do not have drone technology are in the minority. While preventive self-defense strategies and drones are not inherently linked, current rhetoric and practice do tie them together. Though it is likely far into the future, it is all the more important to consider the final stage of norm evolution—internalization—for this particular norm. While scholars tend to think of norms as “good,” this one is not so clear-cut. If the preventive self-defense norm is taken for granted, integrated into practice without further consideration, it inherently changes the functioning of international relations. And unmanned aerial vehicles, by reducing the costs of war, make claims of preventive self-defense more palatable to the public. Yet a global norm of preventive self-defense is likely to be destabilizing, leading to more war in the international system, not less. It clearly violates notions of just war principles—jus ad bellum. The United States has set a dangerous precedent, and by continuing its preventive strike policy it continues to provide other states with the justification to do the same.

#### SOP useless-not the lynchpin of government effectiveness

**Posner et al., Chicago law professor, 2010**

(Eric, the Executive Unbound, pg 17-8, ldg)

We begin with the constitutional framework, and with the official constitutional theory of liberal legalism. In this theory lawmaking powers are separated among three different branches-legislature, executive, and judiciary-in order to promote an institutional division of labor and to protect liberty The liberty-protecting function of the separation of powers, Madison suggested, is that the combination of powers in one institution would be "the very definition of tyranny". Mutual checking and monitoring by the branches of government would prevent concentration of power suppress the evils of factionalism, and conduce to better policymaking overall. This theory has collapsed. Its fit with reality is no longer merely imperfect, in the way that all regulative ideals are imperfect; rather it does not even approximate the political terrain it purports to cover. We will proceed to explain this conclusion in three steps. First, we examine the checking function of the separation of powers. Here Madison made two crucial mistakes: first in assuming that the individual ambitions of government officials would cause them to support the power of the institutions they occupy and second in assuming that some invisible-hand mechanism would cause the mutual contest among institutions to produce a socially beneficial system of mutual checks. Nothing in the actual separation-of-powers system, however, guarantees or even generally tends to produce socially beneficial results. In particular, we show that the system will predictably lead to suboptimal checking-to a political regime in which some institutions (such as legislature and judiciary) do too little to check the swelling power of others (such as the executive). Second, we examine the monitoring function of the separation of powers, focusing particularly on legislative and judicial monitoring of the executive. The vastly increased complexity and scale of the executive, since Madison's day ensures that the monitoring function is largely obsolete. In the administrative state, the scope of the executive's responsibility is vast, and legislative and judicial institutions lack the capacity to monitor any important fraction of what the executive does, even where opposing political parties occupy the executive and other branches, and even with the help of "fire alarms"-alerts from interest groups with stakes in particular issues.2 In many of the most important domains, and those most difficult to monitor-those involving intelligence, foreign affairs and national security or highly complex questions of economic policy-legislators and the courts are overmatched, for enduring structural reasons that prevail no matter what the contingent political constellation. We thus reject any strong version of the "congressional dominance" thesis-the idea that Congress, sometimes enlisting the aid of interest groups and the courts, exerts implicit but effective control over executive and administrative behavior.

#### US-EU Relations resilient

Hamilton et al. 10 (Daniel S. Hamilton is the Richard von Weizs踄ker Professor at the Paul H. Nitze School of Advanced International Studies (SAIS), Johns Hopkins University, and Founding Director of the Center for Transatlantic Relations, named by Foreign Policy magazine as one of the “Top 30 Global Go- To Think Tanks” in 2009 “Shoulder to Shoulder:Forging a Strategic U.S.–EU Partnership” transatlantic.sais-jhu.edu/.../books/shoulder-to-shoulder-book-finaltext.pdf //Donnie)

The sheer breadth and depth of the relationship means that no single framework will suffice. The U.S.-EU relationship is comprised of a plethora of networked links among similarlyminded governmental units or functionally similar entities— across the economic, judicial, legislative, political, and security realms that provide the hard wiring for transatlantic governance. Their informality, flexibility and potential for building trust may make them better suited than hierarchical structures when it comes to breaking deadlocks and stimulating cooperation on “intermestic” issues. Networks can be more inclusive of stakeholders outside of governments, and use a range of additional instruments for cooperation, from benchmarking, naming and shaming, and exchange of best practice to setting rules of the road or aligning procedural norms and standards. The key to more effective governance may lie in encouraging and orchestrating such networks, rather than seeking new formalistic structures to direct and control. Strengthening such bonds is important not only in terms of how Europeans and Americans relate to each other, but how the transatlantic partners together might best relate to rising powers. The U.S. and the EU are each enmeshed in a web of inter- continental networks— but the transatlantic relationship is the thickest weave in the web. We each have an interest in strengthening our other ties

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Fiat is ☹

Felice 8 (William F. Felice is a professor of political science at Eckerd College and a former trustee of the Carnegie Council, “Moral Responsibility in a Time of War,” http://www.maihold.org/mediapool/113/1132142/data/Felice.pdf)

There is, however, a psychological dimension to citizenship during a time of war. State authority during war tends to extract obedience as individuals set aside personal doubts and accept the decisions of the national leadership. In addition, strong societal pressures to conform are difficult, but not impossible, to resist in a time of war. Loyalty and the support of one's country are expected of all citizens, and especially Foreign Service officers. Such pressures are strongest, of course, within the military and the government, and can lead individuals to participate in acts that, on their own, they would detest. Even beyond those employed by the state, all citizens are confronted with the difficulty of breaking with societal expectations to "rally around the flag" and unify during a time of war. In addition, it is difficult for many in the United States to prioritize the human rights of individuals in Iraq, halfway around the world on another continent. If one's moral universe is one's family and nation, what happens to the human rights of strangers is really a secondary issue. It is unfortunate that these individuals must suffer, but the priority must be our family and country. Finally, and perhaps most importantly, during warfare there is also a lack of a sense of individual responsibility. The responsibility for war is said to rest with the president, the cabinet, and the U.S. Congress. Other individuals in the govemment or the military did not participate in these decisions, and therefore feel little moral responsibility. In addition, the tasks of war are so fragmented that it breeds a sense that no one has individual responsibility. Such fragmentations allows individuals to deny the importance of their own contribution—whether it was through voting, providing infrastructure, keeping the business of govemment running smoothly, and so on. All of these explanations give us a rationale for turning inward and failing to speak out against acts carried out in our name that we consider unjust. In this situation, citizens and govemment officials can lose an overall sense of moral responsibility, and instead focus on individual and family needs. We gradually lose our "ethical autonomy." We suddenly lack the ability to judge the moral behavior of our government and are unable to protect our moral integrity.

"rally around the flag" effect. n103 This surge of patriotic sentiment is temporary, n104 but very real. When this sentiment evaporates, the President can react

#### They are rallying around the flag by shifting who has the power to kill to preserve American identity instead of accepting our inevitable vulnerability, they are the groupthink they critique, this also link turns the cede the political offense because they depolitisize war powers

#### Who determines the words in the plan? How do we decide if the execption only in self defense includes preemption or not, this is the classic historical problem that has allowed for sovereign violence

### AT: Perm

#### 1. Either impossible or its severance---the alternative is NONVIOLENCE which clashes directly with their call to REFORM war powers to create better SELF DEFENSE; the 1AC creates a law that MAKES VIOLENCE LEGAL, whether it is more restricted than the status quo is irrelevant, the ethics of peace requires an uncompromising stand that refuses to let their war narrative justify the murder of others---that’s May,

#### 1.Legalizing Lawlessness—the affirmative seeks to take away war powers from the president to give them to congress, to make the “illegitimate war” into a just one. This presumes there is a time where war can be good/necessary which trades off with a nonviolent ethic.

#### 3.Systemic critique is the only way to limit sovereign violence, the affirmatives obsession with a particular subjective flashpoint distracts from a broader field of vision

Sass 12 (William, is a doctoral candidate in the Department of Communication Arts and Sciences at the Pennsylvania State University, “Critique of Charismatic Violence,” Project Muse.)

Hidden in plain sight: a sprawling bureaucracy designed to justify and deliver military violence—clothed in the new war lexicon—to the world. How might one critique this massive network of violence that has become so enmeshed in our contemporary geo-socio-political reality? Is there any hope for reversing the expansion of executive violence in the current political climate, in which the President enjoys minimal resistance to his most egregious uses of violence? How does exceptional violence become routine? Answers to these broad and difficult questions, derived as they are from the disorientingly vast and hyper-accelerated retrenchment of our current political situation, are best won through the broad strokes of what Slavoj Žižek calls "systemic" critique. For Žižek, looking squarely at interpersonal or subjective violences (e.g., torture, drone strikes), drawn as we may be by their gruesome and immediate appeal, distorts the critic's broader field of vision. For a fuller picture, one must pull one's critical focus back several steps to reveal the deep, objective structures that undergird the spectacular manifestations of everyday, subjective violence (

Žižek 2008, 1-2). Immediately, however, one confronts the limit question of Žižek's mandate: how does one productively draw the boundaries of a system without too severely dampening the force of objective critique? For practical purposes, this essay leaves off discussion of neoliberal economic domination, vital as it may be to a full accounting for the U.S.' latest and most desperate expressions of state solvency. Offered instead is a critique of the organizational violence of the U.S.' executive bureaucratic apparatus, an apparatus called into being by charismatic decree, made banal through quasi-legal codification, and guaranteed by popular disinterest. Considered also will be the peculiar, if also somewhat inevitable, continuity of the apparatus's growth under the Obama administration. Candidate Obama's pledge to transparency may now seem an example of truly "mere" [End Page 66] campaign rhetoric, but the extent to which his presidency has exceeded that of George W. Bush in terms of exceptional violence bears some attention. The central difference between the presidencies of Bush and Obama, I suggest, has been the discursive means by which their respective administrations have cultivated an image of charismatic rule. This essay proceeds in three steps. I begin by outlining a recent case of subjective violence, the assassination of Anwar al-Awlaki by drone strike, and then pull back to reveal the structural support for that strike. In the second section, taking Max Weber as my guide, I argue that bureaucratic domination is both the derivative speech act of, and the logic that underwrites, the violence of the modern liberal-democratic state. Under stable conditions, the state bureaucracy facilitates the hegemony of abstract, depersonalized, and mechanical Enlightenment legal-rationalism—what Foucault called liberal "governmentality"—by maintaining relative equilibrium between liberal autonomy and distributive justice among the citizenry. In other words, modern bureaucracy effectively mediates the two poles, "liberty" and "equality," that comprise what political theorists have called the liberal-democratic paradox (Mouffe 2009). When an event is framed as threatening to strip the state of its rhetorical power, however, the bureaucratic apparatus becomes the crucible for what I identify in the third section, with additional help from Carl Schmitt and Giorgio Agamben, as charismatic domination, or the rhetorical exploitation of a vulnerable population by a sovereign decider. Under these conditions, the state bureaucracy becomes a kind of "vanishing mediator" (Jameson 1988, 25-27), its energies redirected for exclusive and singular usage by the exceptional-charismatic sovereign. In the perpetual state of exception, the democratic paradox becomes subordinate to sovereign claims to total and indivisible control over the legitimate use of force. I conclude by outlining what I perceive as the best chances for stemming the growth of the national security bureaucracy, namely, relentless publicity.

### AT: Consequences First

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#### 4.Their impact calculus is blackmail---your only concern should be with acting ethically; not speculating about third parties

Ulrich Beck, Professor of Sociology at the Ludwig-Maximilian University in Munich, World Risk Society, 1999, pp. 137-8

Believed risks are the whip used to keep the present day moving along at a gallop. The more threatening the shadows that fall on the present day from a terrible future looming 'in the distance, the more compelling the shock that can be provoked by dramatizing risk today. This can be demonstrated not only with the discourse on the environmental crisis, but also, and perhaps even more emphatically, with the example of the discourse on globalization. For instance, the globalization of paid labour does not (as yeti exist to a large degree; it threatens or, more accuratelyl transnational management threatens us with it. The exchange of (expensive) labour in Europe for (cheap) labour in India or Korea, after all, amounts to at most 10 per cent (in Germany) and primarily affects the lower wage and skilled groups (Kommission fdr Zukunftsfragen, 1997: ch. 7). The brilliantly staged risk of globalization, however, has already become an instrument for reopening the issue of power in society. By invoking the horrors of globalization, everything can be called into question: trade unions, of course, but also the welfare state, maxims of national policy and, it goes without saying, welfare assistance. Moreover, all of this is done with an expression of regret that it is - unfortunately - necessary to terminate Christian compassion for the sake of Christian compassion. Established risk definitions are thus a magic wand with which a stagnant society can terrify itself and thereby activate its political centres and become politicized from within. The public (mass media) dramatization of risk is in this sense an antidote to current narrow-minded 'more-of-the-same' attitudes. A society that conceives of itself as a risk society is, to use a Catholic metaphor, in the position of the sinner who confesses his or her sins in order to be able to contemplate the possibility and desirability of a 'better' life in harmony with nature and the world's conscience. However, few sinners actually want to repent and instigate a change. Most prefer for nothing to happen whilst complaining about that very fact, because then everything is possible. Profession of sins and the identification with the risk society allow us simultaneously to enjoy both the bad good life and the threats to it.

### Works

#### When all you have is a hammer the whole world looks like a nail, the reason the affirmative sees all of these threats and thinks of them as absolute truths is because they only know how to relate to the world violently---only the alternative can create produce accurate knowledge that prevents miscalculated violent actions

Allen 7 (Douglas Allen Department of Philosophy, University of Maine “Mahatma Gandhi on Violence and Peace Education,” Project Muse)

Elsewhere I have written at length about Gandhi’s formulations of the absolute, especially his two major absolutes of satya (Truth—often equated with God and the spiritual Self) and ahim˙ sa¯ (Nonviolence, benevolent harmlessness—often equated with Love).9 Expressed very briefly, Gandhi has a view of ultimate reality formulated in terms of satya or Absolute Truth. Such truth, often stated in terms similar to key passages in the Upanishads, is experienced as a spiritual ‘‘Power’’ or force that is infinite, unconditioned, and beyond language and rational conceptualization. It manifests itself in terms of permanence underlying change, unity underlying diversity, and the most profound ethical and spiritual realization of the indivisible oneness and interconnectedness of all of reality. This is sometimes expressed as the identity or unity of Truth, God, and Self. Peace education must analyze how we are socialized and educated in ways that prevent us from realizing the reality or truth of the unity and interrelatedness of life. Gandhi is most famous for formulations and experiments in truth focusing on the other major absolute of ahim˙ sa¯ or Nonviolence and Love. As I have frequently noted, nonviolence and violence, and love and hate, have very broad and deep meanings, as evident in their multidimensional forms and structures of the status quo. Peace education must analyze how we are socialized and educated in violent ways that prevent us from realizing and living consistent with the reality of nonviolence and love. For Gandhi’s peace education, satya and ahim˙ sa¯ must be brought into an integral, dialectical, and mutually interacting and reinforcing relation. Most often, Gandhi presents satya as the end and ahim˙ sa¯ the means. As previously seen, we cannot use violent means to achieve ethical and spiritual ends. In the means-ends analysis, immoral violent means lead to immoral violent ends. However, Gandhi is also making a major ontological claim that goes beyond this ethical analysis. Nonviolence is a powerful bonding and unifying force that brings us together in caring, loving, cooperative relations; this allows us to realize and act consistent with the interconnectedness and unity of all life. Violence, in contrast, maximizes ontological separateness and divisiveness and is based on the fundamental belief that the other— whether the individual, ethnic, religious, or national target of my hatred and violence—is essentially different from me or us. In other words, in Gandhi’s peace education, violence and hatred are not only unethical but also inconsistent with the absolute truth of reality, whereas nonviolence and love are the ethical means for realizing the truth of reality. Gandhi also states that the absolute ideals of ahim˙ sa¯ and satya are convertible or interchangeable as means and ends. As just seen, nonviolence is the means for realizing the truth. As we are educated to become more nonviolent, we become more truthful. However, truth is also a means for becoming more loving and nonviolent. As we become more educated and enlightened as to the true nature of reality, we resist living under false illusions of violence and hatred. Focusing on the truth and living more truthfully serve as a means for allowing us to become increasingly more nonviolent in our relations with others and with nature. With this foundation of absolute truth, it is tempting to formulate Gandhi’s peace education in oversimplified and false ways by ignoring or devaluing his repeated emphasis on the following essential methodological and ontological claim: all of us exist in this world as relative, finite beings of limited, embodied consciousness. Our peace-education knowledge is always conditioned, imperfect, and perspectival. As Gandhi repeatedly tells us (see, e.g., Gandhi 1993, pp. xi–xii, and 1981, p. 199), he at most has limited ‘‘glimpses’’ of absolute truth and nonviolence. The peace education approach, the commitment to nonviolence, and the ethical and spiritual paths of human development and self-realization all express the attempt to move from one relative truth to a greater relative truth closer to the absolute regulative ideal. Here we can see the central place of empathy, care, mutuality, cooperation, and tolerance in Gandhi’s peace-education approach. One of the most arrogant and dangerous moves—as seen in the ethnocentrism of modern, post-Enlightenment Western models of education and of recent fundamentalist, anti-Enlightenment models of education—is to make what is relative into an absolute. Recognizing the specificity and complexity of our contextualized situatedness, we recognize that peace education allows us to grasp relative, partial truths. Our approach should be tolerant and open to other points of view; others have different relative perspectives and different glimpses of truth that we do not have. With relatively limited knowledge, we often misjudge situations and even misjudge our motives, and that is why we must learn from our errors in the movement toward greater truth and nonviolence.

### \*\*\*Warfighting

### 2NC Impact

#### Rouge states multiply and cause extinction; they don’t follow norms which means deterrence and economic interdependence don’t apply to them; they draw in great powers and make conflicts go nuclear, it’s a question of our speed and flexibility to decapitate them quickly before the conflict gets out of hand, they have no uniqueness, the US will get involved its just a question of doing it before its too late.

#### Non state actors and rogue actors are the only scenario for conflict

**Gable, US Army War College, 2011**

(William, “An Era of Persistent Conflict?”, <http://www.dtic.mil/cgi-bin/GetTRDoc?AD=ADA560155>, ldg)

Exceptional individuals are key contributors to the turmoil the U.S. experienced in the last decade through the present, and their objectives could portend continued conflict. While the existence of these exceptional individuals alone does not necessarily assure conflict, the ideologies they espouse are underpinned by religion adding a nondeterrable dimension to their struggle. The actual or perceived preponderance of U.S. power will not diminish the likelihood of future attacks. In fact, such attacks will only serve to enhance these organizations‘ status and power, fueling every aspect of their operations from recruiting to financing operations. Consequently, threats from non-state actors will continue. Depending on the potential destruction inflicted by any terrorist attack, the attacker‘s sanctuary, and the threat posed to the aforementioned governments, the U.S. may be compelled to fight wars similar to the war in Afghanistan. Conflict with another state is possible, though less likely. Although the relative decline of U.S. economic power in relation to China appears to constitute a potential ―window‖ or threat to peace, **both governments are aware of the risks and are working to mitigate them.** Moreover, **the U.S., China, and Russia represent deterrable nuclear powers,** states dissuaded from conflict with each other due to the potential costs of a nuclear exchange. Conflict between these states appears unlikely. However, existing theory suggests problems with nondeterrable states that are not responsive to punishment or are willing to take risks that prompt conflict**. North Korea and Iran seem to fit this description.** Their efforts to develop, acquire, and possibly proliferate nuclear weapons, combined with the potential threat posed by a non-state actor acquiring such weapons, **form conditions that indicate a strong possibility of war.** In particular, Iran‘s nuclear program presents a potentially ominous window. Should diplomacy, sanctions, and cyber attacks fail to sidetrack Iran‘s nuclear program, **the U.S. will be presented with an ever-narrowing window to act with force** to deny Iran this capability. This could result in conflict with Iran. While false optimism is a potent and pervasive cause of war, recent experience with war and the nature of these and likely future conflicts will diminish leaders support for initiating war. Similarly, the current economic conditions and concern over the national debt will dampen leaders‘ enthusiasm for wars. But existing theories that discuss these factors fail to consider the impact of non-state actors. Thus, conflict is still possible despite them. Overall, the combination of factors seems to indicate **continuing conflict with nonstate actors** and potential conflict with states over development and proliferation of nuclear weapons. These factors identify specific circumstances where U.S. involvement in war is likely, and represent the primary drivers for concluding that the current era will be one of persistent conflict. The U.S. government should use all of the elements of power to focus on these factors to prevent what history and theory suggest the inevitability of war.

### Turns Solvency – 2NC

#### No one will care about the plan in a crisis

**Young, Purdue associate fellow, 2013**

(Laura, “Unilateral Presidential Policy Making and the Impact of Crises”, Presidential Studies Quarterly, 43.2, JSTOR, ldg)

During periods of crisis, the time available to make decisions is limited. Because the decision-making process is often arduous and slow in the legislative branch, it is not uncommon for the executive branch to receive deference during a crisis because of its ability to make swift decisions. The White House centralizes policies during this time, and presidents seize these opportunities to expand their power to meet policy objectives. Importantly, presidents do so with limited opposition from the public or other branches of government (Howell and Kriner 2008). In fact, despite the opposition presidents often face when centralizing policies, research shows policies formulated via centralized processes during times of crisis receive more support from Congress and the American people (Rudalevige 2002, 148-49). For several reasons, a crisis allows a president to promote his agenda through unilateral action. First, a critical exogenous shock shifts attention and public opinion (Birkland 2004, 179). This shift is a phenomenon known as the “rally round the flag” effect (Mueller 1970). The rally effect occurs because of the public's increase in “its support of the president in times of crisis or during major international events” (Edwards and Swenson 1997, 201). Public support for the president rises because he is the leader and, therefore, the focal point of the country to whom the public can turn for solutions. Additionally, individuals are more willing to support the president unconditionally during such times, hoping a “united front” will increase the chance of success for the country (Edwards and Swenson 1997, 201). As a result, a crisis or focusing event induces an environment that shifts congressional focus, dispels gridlock and partisanship, and increases positive public opinion—each of which is an important determinant for successful expansion of presidential power (Canes-Wrone and Shotts 2004; Howell 2003). In other words, a crisis embodies key elements that the institutional literature deems important for presidential unilateral policy making. The president's ability to focus attention on a particular issue is also of extreme importance if he wishes to secure support for his agenda (Canes-Wrone and Shotts 2004; Edwards and Wood 1999; Howell 2003; Neustadt 1990). The role the media play is pivotal in assisting a president in achieving such a result because of its ability to increase the importance of issues influencing the attention of policy makers and the priorities of viewers. Although it is possible a president can focus media attention on the policies he wishes to pursue through his State of the Union addresses or by calling press conferences, his abilities in this regard are limited, and the media attention he receives is typically short lived (Edwards and Wood 1999, 328-29). High-profile events, on the other hand, are beneficial because they allow the president to gain focus on his agenda. This occurs because the event itself generates attention from the media without presidential intervention. Thus, the ability of crises to set the agenda and shift media and public attention provides another means for overcoming the constraints placed upon the president's ability to act unilaterally. Finally, Rudalevige finds support that a crisis increases the success of presidential unilateral power even if the policy process is centralized. A crisis allows little time to make decisions. As a result, “the president and other elected officials are under pressure to ‘do something’ about the problem at hand” (2002, 89, 148). Because swift action is necessary, presidents rely on in-house advice. As a result, the policy formation process is centralized, and the president receives deference to unilaterally establish policies to resolve the crisis. During a crisis, the president has greater opportunity to guide policy because the event helps him overcome the congressional and judicial obstacles that typically stand in his way.2 This affords the president greater discretion in acting unilaterally (Wildavsky 1966). It is possible the institutional make-up of the government will align so that the president will serve in an environment supportive of his policy decisions. It is also likely a president will have persuasive powers that enable him to gain a great deal of support for his policy agenda. An event with the right characteristics, however, enhances the president's ability to act unilaterally, regardless of the institutional make-up of government or his persuasive abilities.

### Deterrence Cred – 2NC

#### DA comes faster-the plan collapses perceptions of deterrence which makes attack on the US more likely --- also prevents new categories of responses

**Zeisberg, Princeton politics PhD, 2004**

(Mariah, “Interbranch Conflict And Constitutional Maintenance: The Case Of War Powers”, June, [www.brown.edu/Research/ppw/files/Zeisberg%20Ch5.doc](http://www.brown.edu/Research/ppw/files/Zeisberg%20Ch5.doc), ldg)

The first significant argument of pro-Presidency insularists is that flexibility is a prime value in the conduct of foreign affairs, and especially war. Implicit in this argument is the recognition that the executive is functionally superior to Congress in achieving flexibility and swiftness in war operations, a recognition I share. The Constitution cannot be meant to curtail the very flexibility that may be necessary to preserve the nation; and yet, according to the insularists, any general norm which would include Congress in decision-making about going to war could only undermine that flexibility. Writing on the War Powers Act, Eugene Rostow predicts that it would, “put the Presidency in a straightjacket of a rigid code, and prevent new categories of action from emerging, in response to the necessities of a tense and unstable world.” In fact, Rostow believes, “[t]he centralization of authority in the president is particularly crucial in matters of national defense, war, and foreign policy, where a unitary executive can evaluate threats, consider policy choices, and mobilize national resources with a speed and energy that is far superior to any other branch.” Pro-presidency insularists are fond of quoting Hamilton, who argued that “[o]f all the cares or concerns of government, the direction of war most peculiarly demands those qualities which distinguish the exercise of power by a single hand.” This need for flexibility, some insularists argue, is especially acute given modern conditions, where devastating wars can develop quickly. Today, “many foreign states have the power to attack U.S. forces - and some even the U.S. mainland - almost instantly,” and in such a world it is impracticable to require the President to seek advance authorization for hostilities. Such a requirement would simply be too risky to U.S. security. We furthermore face a nuclear age, and the system of deterrence that operates to contain that threat requires that a single person be capable of responding to nuclear attack with nuclear weapons immediately. Rostow writes, “the requirement for advance authorization would collapse the system of deterrence, making preemptive strikes by our enemies more likely.” Hence, “modern conditions” require the President to “act quickly, and often alone.” While this does not mean that Congress has no role to play in moments of crisis, it does mean that Congress should understand its role largely in terms of cooperating with the President to support his negotiations and decisions regarding relationships with foreign powers. Rostow writes, “Congress should be able to act effectively both before and after moments of crisis or potential crisis. It may join the President in seeking to deter crisis by publicly defining national policy in advance, through the sanctioning of treaties or other legislative declarations. Equally, Congress may participate formally in policymaking after the event through legislative authorization of sustained combat, either by means of a declaration of war, or through legislative action having more limited legal and political consequences. Either of these devices, or both in combination, should be available in situations where cooperation between the two branches is indicated at many points along an arc ranging from pure diplomacy at one end to a declaration of war at the other.” In other words, for Congress to understand itself as having any justifiable role in challenging executive security determinations, especially at moments of crisis, would be to undermine the strength that the executive requires in order to protect the nation. Conflict in this domain represents political degradation.

### Chilling Effect – 2NC

#### Plan freezes all military options

**Howell et al., Chicago political science professor, 2007**

(William, While Dangers Gather : Congressional Checks on Presidential War Powers, pg 23, ldg)

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.

#### Wouldn’t pursue necessary interventions even if the president would win-doesn’t want the fight or strategy changes

**Heder, BYU JD, 2010**

(Adam, “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>, ldg)

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

### A2: Group Think

#### Groupthink theory is wrong

**Hempell, User Experience Consulting Senior Information Architect, 2004**

(Anthony, “Groupthink: An introduction to Janis' theory of concurrence-seeking tendencies in group work”, 3-3, http://www.anthonyhempell.com/papers/groupthink/)

In the thirty years since Janis first proposed the groupthink model, there is still little agreement as to the validity of the model in assessing decision-making behaviour (Park, 2000). Janis' theory is often criticized because it does not present a framework that is suitable for empirical testing; instead, the evidence for groupthink comes from largely qualitative, historical or archival methods (Sunstein, 2003). Some critics go so far as to say that Janis's work relies on "anecdote, casual observation, and intuitive appeal rather than rigorous research" (Esser, 1998, cited in Sunstein, 2003, p.142). While some studies have shown support for the groupthink model, the support tends to be mixed or conditional (Esser, 1998); some studies have revealed that a closed leadership style and external threats (in particular, time pressure) promote groupthink and defective decision making (Neck & Moorhead, 1995, cited by Choi & Kim, 1999); the effect of group cohesiveness is still inconclusive (Mullen, Anthony, Salas & Driskel, 1994, cited by Choi & Kim, 1999). Janis's model tends to be supported by studies that employ a qualitative case-study approach as opposed to experimental research, which tends to either partially support or not support Janis's thesis (Park, 2000). The lack of success in experimental validation of groupthink may be due to difficulties in operationalizing and conceptualizing it as a testable variable (Hogg & Hains, 1998; Park, 2000). Some researchers have criticized Janis for categorically denouncing groupthink as a negative phenomenon (Longley & Pruitt, 1980, cited in Choi & Kim, 1999). Sniezek (1992) argues that there are instances where concurrence-seeking may promote group performance. When used to explain behaviour in a practical setting, groupthink has been frames as a detrimental group process; the result of this has been that many corporate training programs have created strategies for avoiding groupthink in the workplace (Quinn, Faerman, Thompson & McGrath, 1990, cited in Choi & Kim, 1999). Another criticism of groupthink is that Janis overestimates the link between the decision-making process and the outcome (McCauley, 1989; Tetlock, Peterson, McGuire, Chang & Feld, 1992; cited in Choi & Kim, 1999). Tetlock et al argue that there are many other factors between the decision process and the outcome. The outcome of any decision-making process, they argue, will only have a certain probability of success due to various environmental factors (such as luck). A large-scale study researching decision-making in seven major American corporations concluded that decision-making worked best when following a sound information processing method; however these groups also showed signs of groupthink, in that they had strong leadership which attempted to persuade others in the group that they were right (Peterson et al, 1998, cited in Sunstein, 2003). Esser (1998) found that groupthink characteristics were correlated with failures; however cohesiveness did not appear to be a factor: groups consisting of strangers, friends, or various levels of previous experience together did not appear to effect decision-making ability. Janis' claims of insulation of groups and groups led by autocratic leaders did show that these attributes were indicative of groupthink symptoms. Moorhead & Montanari conducted a study where they concluded that groupthink symptoms had no significant effect on group performance, and that "the relationship between groupthink-induced decision defects and outcomes were not as strong as Janis suggests" (Moorhead & Montanari, 1986, p. 399; cited by Choi & Kim, 1999).

### Circumvention – 2NC

#### Presidents always resist restrictions on war authority-Obama will try to carve out exceptions and do whatever he wants because he’ll have a plausible constitutional interpretation

#### Either Congress will give in OR they will dig in their heels which damages war time compromise key to battlefield success and slow down resolution- that’s Lobel

#### Congress can’t assert themselves-Executive controls information, crisis pressure hurts deliberation and incentivizes deference and statutes always have grey areas that the executive exploits-that’s Posner

#### Crisis pressure and information asymmetry means Congress will defer to the executive

**Posner et al., Chicago law professor, 2011**

(Eric, The Executive Unbound, pg 7-10, ldg)

Having defined our terms as far as possible, our main critical thesis is that liberal legalism has proven unable to generate meaningful constraints on the executive. Two problems bedevil liberal legalism: delegation and emergencies. The first arises when legislatures enact statutes that grant the executive authority to regulate or otherwise determine policy, the second when external shocks require new policies to be adopted and executed with great speed. Both situations undermine the simplest version of liberal legalism, in which legislatures themselves create rules that the executive enforces, subject to review by the courts. Delegation suggests that the legislature has ceded lawmaking authority to the executive, de facto if not de jure,14 while in emergencies, only the executive can supply new policies and real-world action with sufficient speed to manage events. The two problems are related in practice. When emergencies occur, legislatures acting under real constraints of time, expertise, and institutional energy typically face the choice between doing nothing at all or delegating new powers to the executive to manage the crisis. As we will see, legislatures often manage to do both things; they stand aside passively while the executive handles the first wave of the crisis, and then come on the scene only later, to expand the executive's de jure powers, sometimes matching or even expanding the de facto powers the executive has already assumed. A great deal of liberal legal theory is devoted to squaring delegation and emergencies with liberal commitments to legislative governance. Well before World War I, the Madisonian framework of separated powers began to creak under the strain of the growing administrative state, typically thought to have been inaugurated by the creation of the Interstate Commerce Commission in 1887. For Madisonian theorists, delegation threatened the separation of powers by effectively combining lawmaking and law-execution in the same hands, and emergencies threatened legislative primacy by requiring the executive to take necessary measures without clear legal authorization, and in some cases in defiance of existing law. (We refer to the Madisonian tradition as it has developed over time and as it exists today, not to Madison himself, whose views before the founding were less legalistic than they would become during the Washington and Adams administrations.) As to both delegation and emergencies, Madisonian liberals have repeatedly attempted to compromise with the administrative state, retreating from one position to another and attempting at every step to limit the damage. In one prominent strand of liberal legal theory and doctrine, which has nominally governed since the early twentieth century, delegation is acceptable as long as the legislature supplies an "intelligible principle"15 to guide executive policymaking ex ante; this is the so-called "nondelegation doctrine." This verbal formulation, however, proved too spongy to contain the administrative state. During and after the New Deal, under strong pressure to allow executive policymaking in an increasingly complex economy, courts read the intelligible principle test so capaciously as to allow statutes delegating to the president and agencies the power to act in the "public interest," nowhere defined.'6 Before 1935, the U.S. Supreme Court mentioned nondelegation in dictum but never actually applied it to invalidate any statutes; in 1935, the Court invalidated two parts of the National Industrial Recovery Act on nondelegation grounds;" since then, the Court has upheld every challenged delegation. Subsequently, liberal legal theorists turned to the hope that legislatures could create administrative procedures and mechanisms of legislative and judicial oversight that would enforce legal constraints on the executive ex post, as a second-best substitute for the Madisonian ideal. In American administrative law, a standard account of the Administrative Procedure Act (APA), the framework statute for the administrative state, sees it as an attempt to translate liberal legalism into a world of large-scale delegation to the executive, substituting procedural controls and judicial review for legislative specification of policies. The APA applies to administrative action in a broad range of substantive areas, but does not apply to presidential action, so Congress has also enacted a group of framework statutes that attempt to constrain executive action in particular areas. Examples are the War Powers Resolution, which regulates the presidential commitment of armed forces abroad, the National Intelligence Act, which structures the intelligence agencies and attempts to require executive disclosure of certain intelligence matters to key congressional committees, and the Inspector General Act, which installs powerful inspectors general throughout the executive branch. As to emergencies, starting at least with John Locke's discussion of executive "prerogative," liberal political and constitutional theorists have struggled to reconcile executive primacy in crises with the separation of powers or the rule of law or both. Such questions have become all the more pressing in the twentieth and twenty-first centuries, when a series of wars, economic emergencies, and other crises have multiplied examples in which the executive proceeded with dubious legal authority or simply ignored the laws. Here too, the response has been a series of legal constraints, such as the APA's restrictions on emergency administrative action, and framework statutes such as the National Emergencies Act, which regulates the president's ability to invoke grants of emergency powers granted under other laws. One of our main claims is that these approaches are palliatives that have proven largely ineffective, and that fail to cure the underlying ills of liberal legalism. The same institutional and economic forces that produce the problems of delegation and emergencies also work to undermine legalistic constraints on the executive. The complexity of policy problems, especially in economic domains, the need for secrecy in many matters of security and foreign affairs, and the sheer speed of policy response necessary in crises combine to make meaningful legislative and judicial oversight of delegated authority difficult in the best of circumstances. In emergencies, the difficulties become insuperable—even under the most favorable constellation of political forces, in which the independently elected executive is from a different party than the majority of the Congress. Liberal legalism, in short, has proven unable to reconcile the administrative state with the Madisonian origins of American government. The constitutional framework and the separation-of-powers system generate only weak and defeasible constraints on executive action. Madisonian oversight has largely failed, and it has failed for institutional reasons. Both Congress and the judiciary labor under an informational deficit that oversight cannot remedy, especially in matters of national security and foreign policy, and both institutions experience problems of collective action and internal coordination that the relatively more hierarchical executive can better avoid. Moreover, political parties, uniting officeholders within different institutions, often hobble the institutional competition on which Madisonian theorizing relies.'8 Congressional oversight does sometimes serve purely political functions—legislators, particularly legislators from opposing parties, can thwart presidential initiatives that are unpopular—but as a legal mechanism for ensuring that the executive remains within the bounds of law, oversight is largely a failure. The same holds for statutory constraints on the executive—unsurprisingly, as these constraints are the product of the very Madisonian system whose failure is apparent at the constitutional level. In the terms of the legal theorist David Dyzenhaus, the APA creates a series of legal "black holes" and "grey holes" that either de jure or de facto exempt presidential and administrative action from ordinary legal requirements, and hence from (one conception of) the rule of law.19 The scope of these exemptions waxes and wanes with circumstances, expanding during emergencies and contracting during normal times, but it is never trivial, and the administrative state has never been brought wholly under the rule of law; periodically the shackles slip off altogether.

#### They assume Congress will pass very specific authorization-instead they are going to pass ambiguous statutes that let the President do whatever he wants

**Mitchell, GMU law professor, 2009**

(Jonathan, “Legislating Clear-Statement Regimes in National-Security Law”, January, <http://works.bepress.com/cgi/viewcontent.cgi?article=1000&context=jonathan_mitchell>, ldg)

The executive branch’s interpretive theories were far-reaching, and its approach to constitutional avoidance and implied repeal were irreconcilable with the Supreme Court’s precedents. But they provided some political cover for the President by giving his actions a veneer of legality, and may even have protected executive-branch employees from the fear of criminal liability or political reprisals.22 To prevent the executive from continuing to evade Congress’s codified clear-statement requirements in this manner, many proposals have sought to provide more narrow and explicit clear statement requirements in Congress’s framework legislation as well as provisions that withhold funding from activities that Congress has not specifically authorized. For example, Senator Arlen Specter proposed new provisions to FISA stating that no provision of law may repeal or modify FISA unless it “expressly amends or otherwise specifically cites this title,” and that “no funds appropriated or 23 otherwise made available by any Act” may be expended for electronic surveillance conducted outside of FISA. Congress failed 24 to enact Senator Specter’s proposal, but it did enact an amendment to FISA that made the clear-statement regime more explicit, specifying that “[o]nly an express statutory authorization for electronic surveillance” may authorize electronic surveillance outside of FISA’s procedures. And numerous commentators have 25 argued for new provisions in the War Powers Resolution that would withhold funds from military ventures that Congress has not specifically authorized. Yet such proposals are unable to counter 26 the executive branch’s aggressive interpretive doctrines. Executive branch lawyers will remain able to concoct congressional “authorization” from vague statutory language by repeating their assertions that codified clear-statement requirements “bind future Congresses” or that ambiguous language in later-enacted statutes implicitly repeals restrictions in Congress’s framework legislation. Future legislators will continue to acquiesce to the President’s unilateralism when it is politically convenient to do so. And the 27 federal courts’ willingness to enforce clear-statement regimes against the President in national-security law bears no relationship to the codified clear-statement requirements in framework legislation or treaties.28 Congress could produce more effective clear-statement regimes if it precommitted itself against enacting vague or ambiguous legislation from which executive-branch lawyers might claim implicit congressional “authorization” for certain actions. Rather than merely enacting statutes that instruct the executive not to construe ambiguous statutory language as authorizing military hostilities or warrantless electronic surveillance, Congress could establish point-of-order mechanisms that impose roadblocks to enacting such vague legislation in the first place. A point-of-order 29 mechanism would empower a single legislator to object to legislation that authorizes military force, or that funds the military or intelligence agencies. But the point of order would be valid only if the legislation fails to explicitly prohibit or withhold funding for military hostilities beyond sixty days, or warrantless electronic surveillance, unless the bill includes the specific authorizing language that Congress’s framework legislation requires. This device would reduce the likelihood of Congress ever enacting vague or ambiguous legislation that the executive might use to claim “authorization” for extended military hostilities or warrantless electronic surveillance. It would also induce legislators to confront presidents who act without specific congressional authorization by empowering a single legislator to object to legislation necessary to fund the President’s unauthorized endeavors. Yet the political branches have never established such an enforcement mechanism for the clear-statement requirements in national-security legislation, even though they have established such point-of-order devices to enforce precommitments in framework legislation governing the federal budget process. The result is a regime of 30 faint-hearted clear-statement regimes in national-security law—framework legislation that codifies strongly worded clearstatement rules but that lacks any mechanism to induce compliance by future political actors. This may be a calculated choice of members of Congress, or it may reflect the President’s influence in the legislative process. But no one should think that simply legislating more narrow or explicit clear-statement requirements, or adding funding restrictions to Congress’s framework legislation, will prevent the executive from continuing to infer congressional authorization from vague or ambiguous statutory language.

#### There’s no political cost because congress can’t exact it

Kriner, Boston political science professor, 2010

(Douglas, After the Rubicon: Congress, Presidents, and the Politics of Waging War, p. 41-2, ldg)

However, if Congress can exert influence over military policymaking only by taking a leading role and exercising these formal legislative mechanisms to mandate its preferred policy course, then **there are reasons to be skeptical of its ultimate influence.** Throughout American history, presidents have deployed American military forces across the globe to pursue a variety of policy objectives. Yet, in all but the rarest of cases, Congress has failed to avail itself of any of these tools to limit the president's authority as commander in chief. When presidents request a congressional authorization to use force, **it is almost always forthcoming**. When they act unilaterally without prior congressional assent, they almost always **evade legislative sanction**. Congress has invoked the War Powers Resolution's withdrawal clock only once, and even then it simultaneously authorized an eighteen-month deployment for the Marine mission in Lebanon. And, as recent debates concerning the war in Iraq have demonstrated, in almost every case of interbranch conflict over military policy, the power of the purse has proven to be a blunt instrument whose costs, both strategic and political, have virtually precluded its successful use.5 Given this record of congressional acquiescence to presidential initiatives and the reality that when members of Congress do rise up against the president's policies they consistently fail to write their preferences into law, why would presidents ever adjust their military policies in response to or anticipation of congressional opposition? What costs can the legislature impose on the president to dissuade him from pursuing his chosen policy course, regardless of legislative unease? If the only way in which Congress can affect the president's strategic calculus in the military arena is by legally compelling him to abandon his preferred policies, then Congress is indeed all but impotent in military affairs. **A host of factors** combine to hinder Congress from acting legislatively to constrain the commander in chief. Collective-action problems necessarily plague any effort by 535 atomized, individual ac tors to protect their institutional prerogatives as legislators in military affairs.6 More importantly, the partisan incentives of many members of Congress to support a president of their own party often overwhelm their interest in maintaining the power stakes of their institution. This reality, coupled with a legislative process riddled with transaction costs and supermajoritarian requirements, virtually precludes Congress from building the requisite majorities, or in some cases supermajorities, needed to chart a military course independent of the president.' Finally, the courts have long been reticent to intervene and protect legislative prerogatives in war powers that Congress itself is loath to assert.8 For all of these reasons, presidents act in the military arena secure in the knowledge that they can operate as they please with little risk of Congress exercising its constitutional and statutory prerogatives to compel them to do otherwise. If Congress does retain any influence in the military arena, it must be able to affect presidents' decision calculus through other, more indirect means.

#### FJ

Entin 12 (Jonathan L. Entin is Associate Dean for Academic Affairs (School of Law), David L. Brennan Professor of Law, and Professor of Political Science, Case Western Reserve University, “War Powers, Foreign Affairs, and the Courts: Some Institutional Considerations,” http://law.case.edu/journals/JIL/Documents/45CaseWResJIntlL1&2.21.Article.Entin.pdf)

Beyond the limitations of the Supreme Court rulings, the judiciary probably will not contribute very much to the debate. Various procedural and jurisdictional obstacles make it difficult for courts to address the merits of disputes about war powers and foreign affairs. Even if those obstacles can be surmounted, those who decry what they view as presidential excess should note that the judiciary typically has taken a deferential role in reviewing challenges to executive action. A. Standing Because the judicial power of the United States encompasses only cases and controversies,12 neither Congress nor the president could obtain an advisory opinion about war powers or foreign affairs, even if they were so inclined. To satisfy the requirement of standing, an appropriate plaintiff must allege a legally cognizable injury that was caused by the defendant and could be redressed by a suitable judicial remedy.13 Most citizens will lack standing to challenge military actions or foreign policy decisions because they would be asserting a generalized grievance. This was the basis for rejecting a challenge to the constitutionality of the Vietnam War. The plaintiffs in Schlesinger v. Reservists Committee to Stop the War14 claimed that members of Congress who were members of the military reserve were susceptible to undue influence by the executive branch, but the Supreme Court never reached the merits. The Court concluded that the plaintiffs lacked standing because they were asserting “an interest shared by all citizens.” 15 Although most citizens would be foreclosed from suing, perhaps a member or group of members of Congress might have standing. Legislators might try to assert that executive actions infringed their constitutional authority. This possibility seems to have been foreclosed by Raines v. Byrd, 16 which held that individual members of Congress lacked standing to challenge the constitutionality of the Line Item Veto Act.17 The challengers, four Senators and two Representatives,18 could not and did not allege that their votes against the measure had been “completely nullified”; 19 they opposed the bill and “simply lost.” 20 Accordingly, these individual legislators lacked standing.21

#### They assume Congress wants to assert themselves-they don’t.

**Nzelibe, Northwestern law professor, 2007**

(Jide, “Are Congressionally Authorized Wars Perverse?”, Stanford Law Review, lexis, ldg)

These assumptions are all questionable. As a preliminary matter, there is not much causal evidence that supports the institutional constraints logic. As various commentators have noted, Congress's bark with respect to war powers is often much greater than its bite. Significantly, skeptics like Barbara Hinckley suggest that any notion of an activist Congress in war powers is a myth and members of Congress will often use the smokescreen of "symbolic resolutions, increase in roll calls and lengthy hearings, [and] addition of reporting requirements" to create the illusion of congressional participation in foreign policy.' 0 Indeed, even those commentators who support a more aggressive role for Congress in initiating conflicts acknowledge this problem," but suggest that it could be fixed by having Congress enact more specific legislation about conflict objectives and implement new tools for monitoring executive behavior during wartime. 12 Yet, even if Congress were equipped with better institutional tools to constrain and monitor the President's military initiatives, it is not clear that it would significantly alter the current war powers landscape. As Horn and Shepsle have argued elsewhere: "[N]either specificity in enabling legislation ... nor participation by interested parties is necessarily optimal or self-fulfilling; therefore, they do not ensure agent compliance. Ultimately, there must be some enforcement feature-a credible commitment to punish ....Thus, no matter how much well-intentioned and specific legislation Congress passes to increase congressional oversight of the President's military initiatives, it will come to naught if members of Congress lack institutional incentives to monitor and constrain the President's behavior in an international crisis. Various congressional observers have highlighted electoral disincentives

that members of Congress might face in constraining the President's military initiatives. 14 Others have pointed to more institutional obstacles to congressional assertiveness in foreign relations, such as collective action problems. 15 Generally, lawmaking is a demanding and grueling exercise. If one assumes that members of Congress are often obsessed with the prospect of reelection, 16 then such members will tend to focus their scarce resources on district-level concerns and hesitate to second-guess the President's response in an international crisis. 17 Even if members of Congress could marshal the resources to challenge the President's agenda on national issues, the payoff in electoral terms might be trivial or non-existent. Indeed, in the case of the President's military initiatives where the median voter is likely to defer to the executive branch's judgment, the electoral payoff for members of Congress of constraining such initiatives might actually be negative. In other words, regardless of how explicit the grant of a constitutional role to Congress in foreign affairs might be, few members of Congress are willing to make the personal sacrifice for the greater institutional goal. Thus, unless a grand reformer is able to tweak the system and make congressional assertiveness an electorally palatable option in war powers, calls for greater congressional participation in war powers are likely to fall on deaf ears. Pg. 912-913

#### They assume Congress is on the same page-they aren’t.

**Devins, William and Mary government professor, 2009**

(Neal, “Presidential Unilateralism and Political Polarization: Why Today's Congress Lacks the Will and the Way to Stop Presidential Initiatives”, <http://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=1025&context=facpubs>, ldg)

In highlighting differences between the Watergate-era Congress and the modem Congress, Part III will examine the profound role that political polarization has played in defining today's Congress. Initially, I will call attention to how political polarization makes it impossible for Democrats and Republicans in Congress to work together. I will then extend that lesson to the highly partisan impeachment of President Clinton and, more importantly, to the ways in which modem day Presidents have assumed more and more power through unilateral action. Making matters worse (at least if you think Congress should stand as a check to presidential unilateralism), members of Congress see little personal gain in standing together to assert Congress's institutional prerogatives. On national security matters, today's Congress-unlike the post-1969 Viet Nam era Congress-sees little benefit in asserting legislative prerogatives. Put another way: Today's Congress, unlike the Watergate-era, has neither the will nor the way to check presidential initiatives

#### Obama would just commit forces then Congress would give up-best academic position

**Kriner, Boston political science professor, 2010**

(Douglas, After the Rubicon: Congress, Presidents, and the Politics of Waging War, pg 6-8, ldg)

The role that Congress plays in deciding whether a war is continued or concluded is of intrinsic interest to academics, policymakers, and casual observers of contemporary American politics alike. Yet the belief that Congress retains some capacity to shape the conduct of military affairs after a venture is launched is also a critically important and untested proposition underlying most theories **asserting** congressional influence over the initiation of military action. Why, according to this emerging literature, do presidents facing a strong opposition party in Congress use force less frequently than do their peers with strong partisan majorities in Congress? The most commonly offered answer is that presidents anticipate Congress's likely reaction to a prospective use of force and respond accordingly.14 Presidents who confront an opposition-led Congress anticipate that it is more willing and able to challenge the administration's conduct of military action than a Congress controlled by their partisan allies. Therefore, the frequency with which presidents use force abroad covaries with the strength of their party in Congress. However, this anticipatory logic requires that Congress has the ability to raise the costs of military action for the president, once that action has begun. If Congress lacks this capacity, presidents have little reason to adjust their willingness to initiate the use of force in anticipation of an adverse congressional response." As a result, determining whether and how Congress can influence the scope and duration of ongoing military operations is critically important even to evaluating prior research that asserts congressional influence over the initiation of military actions. Without it, such analyses rest on shaky ground. Unfortunately, because the dynamics change dramatically once American troops are deployed abroad, simply drawing lessons from existing studies of interbranch dynamics in military policymaking at the conflict initiation phase and applying them to the conflict conduct phase is unlikely to offer much insight." The decision-making environment at the conflict conduct phase differs from that at the conflict initiation phase along at least three key dimensions: the incentives and constraints governing congressional willingness to challenge presidential discretion; the relative institutional capacities of the executive and legislative branches to affect military policymaking; and finally, the ability of unfolding conflict events to change further the political and strategic environment in which the two branches vie for power. With regard to the political constraints that limit would-be adversaries in Congress, the president may **be in an even stronger position** after American troops are deployed in the field. Ordering troops abroad is akin to other unilateral presidential actions; by seizing his office's capacity for independent action, a president can dramatically **change the status quo** and fundamentally alter the political playing field on which Congress and other actors must act to challenge his policies.17 Once the troops are overseas, the political stakes for any congressional challenge to the president's policies are inexorably raised; any such effort is subject to potentially ruinous charges of failing to support the troops. Georgia Senator Richard Russell's conversion from opposition to U.S. intervention in Vietnam in the early 196os to stalwart support for staying the course after Lyndon Johnson's escalation of the American commitment there illustrates this change: "We are there now, and the time for debate has passed. Our flag is committed, and—more importantly—American boys are under fire."" Russell's sentiment was loudly echoed forty years later in the allegations by the Bush administration and its partisan allies in Congress that any legislative efforts to curtail the war in Iraq undermined the troops. As a result of these potentially **intense political costs**, there are reasons to question whether Congress can mount an effective challenge to the policies of the commander in chief. If it cannot, this would compel a reassessment of prior theories asserting congressional influence over the initiation of military actions through the logic of anticipated response. Certainly, more empirical analysis is needed to answer this question.

#### If Congress really cared, the status quo would solve-the plan doesn’t change this.

**Yoo, Berkeley law professor, 2011**

(John, “Antiwar Senator, War-Powers President”, 3-25, <http://aei.org/article/politics-and-public-opinion/judicial/constitutional/antiwar-senator-war-powers-president/>, ldg)

Our Constitution sets out specific procedures for passing laws, appointing officers, and making treaties. There are none for waging war. The Constitution declares that 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"—exactly the limits desired by antiwar critics, complete with an exception for self-defense. But even these limits are absent when it comes to war waged by the president. The Framers wanted Congress and the president to struggle over war through the political process, not the courts. Congress is too fractured, slow **and** inflexible to manage war. Its loose, decentralized structure would paralyze American policy while foreign threats loom. The Framers understood that Congress's real power would lie in the purse. During the 1788 Virginia ratifying convention, Patrick Henry attacked the Constitution for failing to limit presidential militarism. James Madison replied: "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." If Congress opposes action, it can reduce funding for the military, eliminate units, or freeze supplies. Congress ended U.S. involvement in Vietnam by cutting off funds for the war. Our Constitution has succeeded because it favors swift presidential action in war, later checked **by Congress's funding power.** Unfortunately, Mr. Obama's desire to work through the United Nations has only substituted one source of delay and unaccountability for another. While he wasted weeks negotiating with the Arab League, NATO allies and finally the U.N. Security Council to win the international approval he so desperately seeks, Moammar Gadhafi reversed his battlefield losses and drove the rebels into one last holdout in Benghazi. The Constitution centralized the management of war in the president precisely to avoid the delays and mistakes of decision-making by committee. While Mr. Obama has done well to part ways with antiwar Democrats, he has shown that he still has to learn the ways of the executive.

## \*\*\*1NR

### \*\*\*Iran DA

### 1NR Impact Overview

#### Iran nuclearization kills U.S. hegemony and credibility

Daremblum 2011

Jaime, Hudson Institute Senior Fellow and directs the Center for Latin American Studies, Iran Dangerous Now, Imagine It Nuclear, http://www.hudson.org/index.cfm?fuseaction=publication\_details&id=8439

What would it mean if such a regime went nuclear? Let's assume, for the sake of argument, that a nuclear-armed Iran would never use its atomic weapons or give them to terrorists. Even under that optimistic scenario, Tehran's acquisition of nukes would make the world an infinitely more dangerous place. For one thing, it would surely spark a wave of proliferation throughout the Greater Middle East, with the likes of Turkey, Egypt, and Saudi Arabia - all Sunni-majority Muslim countries - going nuclear to counter the threat posed by Shiite Persian Iran. For another, it would gravely weaken the credibility of U.S. security guarantees. After all, Washington has repeatedly said that the Islamic Republic will not be permitted to get nukes. If Tehran demonstrated that these warnings were utterly hollow, rival governments and rogue regimes would conclude that America is a paper tiger. Once Tehran obtained nuclear weapons, it would have the ultimate trump card, the ultimate protection against outside attack. Feeling secure behind their nuclear shield, the Iranians would almost certainly increase their support for global terrorism and anti-American dictatorships. They would no longer have to fear a U.S. or Israeli military strike. Much like nuclear-armed North Korea today, Iran would be able to flout international law with virtual impunity. If America sought to curb Iranian misbehavior through economic sanctions, Tehran might well respond by flexing its muscles in the Strait of Hormuz. As political scientist Caitlin Talmadge explained in a 2008 analysis, "Iranian closure of the Strait of Hormuz tops the list of global energy security nightmares. Roughly 90 percent of all Persian Gulf oil leaves the region on tankers that must pass through this narrow waterway opposite the Iranian coast, and land pipelines do not provide sufficient alternative export routes. Extended closure of the strait would remove roughly a quarter of the world's oil from the market, causing a supply shock of the type not seen since the glory days of OPEC." Think about that: The world's leading state sponsor of terrorism has the ability to paralyze the global economy, and, if not stopped, it may soon have nuclear weapons. As a nuclear-armed Iran steadily expanded its international terror network, the Western Hemisphere would likely witness a significant jump in terrorist activity. Tehran has established a strategic alliance with Venezuelan leader Hugo Chávez, and it has also developed warm relations with Chávez acolytes in Bolivia, Ecuador, and Nicaragua while pursuing new arrangements with Argentina as an additional beachhead in Latin America Three years ago, the U.S. Treasury Department accused the Venezuelan government of "employing and providing safe harbor to Hezbollah facilitators and fundraisers." More recently, in July 2011, Peru's former military chief of staff, Gen. Francisco Contreras, told the Jerusalem Post that "Iranian organizations" are aiding and cooperating with other terrorist groups in South America. According to Israeli intelligence, the Islamic Republic has been getting uranium from both Venezuela and Bolivia. Remember: Tehran has engaged in this provocative behavior without nuclear weapons. Imagine how much more aggressive the Iranian dictatorship might be after crossing the nuclear Rubicon. It is an ideologically driven theocracy intent on spreading a radical Islamist revolution across the globe. As the Saudi plot demonstrates, no amount of conciliatory Western diplomacy can change the fundamental nature of a regime that is defined by anti-Western hatred and religious fanaticism.

#### The DA turns preventative war doctrine and SOP

Katyal 13 (Neal Kumar, Georgetown University Law Center, review of Jack Goldsmith’s Power and Constraint: The Accountable Presidency After 9/11, “Book Review: Stochastic Constraint”, 126 Harv. L. Rev. 990-1010 (2013))

He identifies several mechanisms Congress has established and the Executive has self-imposed to check military wartime activities. Covert actions must be approved via formal findings, congressional intelligence committees must be informed of all intelligence activities, detention now involves extensive paperwork and legalistic standards, and inspectors general conduct reviews of CIA activities (pp. 87–88, 99, 155). Goldsmith describes the exponential increase in the number of lawyers employed by the executive and military departments as a significant check on executive discretion (pp. 125–35). These mechanisms not only lead to increased reporting but also provide a deterrent effect — the presidential synopticon described by Goldsmith and mentioned earlier in this Review — inducing executive branch officials to second guess themselves before undertaking decisions that they will soon have to explain to Congress and other bodies. These existing mechanisms work well now, in a time of relative calm. But if another grave threat to national security emerges, as it undoubtedly will, there is no guarantee that these accountability programs will be left in place and will work. Indeed, Goldsmith himself suggests that they will not.48 The suspension of these checks and the resulting increase in executive power would mean the cycle will repeat itself, for to reinstate those same checks we would have to relitigate, repass, or rescind legislation, and rely once again on the press and courts to uncover abuse of this broad power. Given Goldsmith’s prognosis, it is worth thinking now about ways to try to lace an understanding of Goldsmith’s cycle into legislative and judicial decisionmaking in times of crisis, in order to catalyze the start of stage three and allow a quick exit from stage two’s unilateral regime.

### 1NR A2: Waxman – Opposition Now

#### Congress would sign off on a deal now

**Bloomberg 9-28-13**

(“Nuclear Nuts & Bolts, Politics Loom Over Iran Talks”, <http://www.bloomberg.com/news/2013-09-28/nuclear-nuts-bolts-politics-loom-over-iran-talks.html>, ldg)

“Obama has made a huge public commitment to pursuing these negotiations with Iran,” Mann said. “He will keep doing so until he reaches an agreement or decides it is futile.” Aaron David Miller, a former Mideast adviser to several U.S. administrations, said there’s no foreign policy issue in Congress today on which there’s more “unanimity and consensus than hammering Iran on the nuclear issue.” Congressional Hawks Miller, now a vice president at the Woodrow Wilson International Center for Scholars in Washington, said in an interview that “Congress will watch Obama on Iran like the literal and figurative hawks they are.” The upshot is that Obama won’t be able “to agree to a questionable deal on the nuclear issue -- even if he were desperate for one.” At the same time, Miller said, “It’s very tough for Congress to totally restrict a president” from easing sanctions as part of an acceptable deal. Miller said he sees no way that Obama would accept a bad deal, given bipartisan concern in Washington, as well as on the part of key ally Israel, whose leader, Netanyahu, will visit the U.S. next week. Charlie Cook, editor and publisher of the Washington-based Cook Political Report, said that despite the focus on Iran in foreign policy circles, Obama needn’t worry about the issue as his Democratic Party faces midterm congressional elections next year. “The American public is not in the least bit engaged on the Iran nuclear issue, not paying attention at all,” Cook said in an interview. “Between a possible government shutdown, debt ceiling, concerns about the economy and a little hangover from the Syria issue, this is not an issue on the public’s radar screen.” Not Top 10 As for pressure on the president from lawmakers, Cook said that while some members of Congress follow the issue closely, “this is pretty far down the pecking order of immediacy -- not Topic 1, 2, or even 10,” he said.

### 1NR A2: Congress Solves

#### The link alone kills U.S. credibility and Iranian diplomacy

**Alterman, CSIS Middle East program director, 9-4-13**

(Jon, “US-Iran Nuclear Deal Hinges On Syria Vote”, [www.al-monitor.com/pulse/originals/2013/09/us-iran-nuclear-deal-hinges-on-syria-vote.html](http://www.al-monitor.com/pulse/originals/2013/09/us-iran-nuclear-deal-hinges-on-syria-vote.html), ldg)

There is, however, an even more stark consequence of Obama losing the Syria vote in Congress. Should the White House, with its immense power and prestige, fail to build sufficient support, leaders around the world will conclude that this president can be defied with impunity. If he cannot win the support of those close to him, what hope does he have of winning over those at a distance?

The consequence here would be a combination of much more difficult diplomacy and even more bad behavior around the world that requires diplomacy to address. Hard-liners in Iran and their allies around the Middle East would certainly be emboldened, and regional states would be far less likely to rely on US cues in managing their own issues. Arab-Israeli negotiations, as well, would be dealt a fundamental blow, as each party would retreat to its own maximal position. China, Russia and a host of other countries are watching closely as well.

#### The plan is a signal of weakness vis-à-vis Iran

**Miller, Woodrow Wilson International Center for Scholars new indicatives vice president, 9-26-13**

(Aaron, “Dealing with Iran: Get ready for a wild ride”, <http://www.latimes.com/opinion/commentary/la-oe-miller-iran-nuclear-negotiations-20130926,0,6474158.story>, ldg)

U.S. diplomacy must take these fears into account, both for their merits and for political reasons. Washington will have to negotiate not just for itself but for its vulnerable allies. And Israel is the key. The task will be to determine what the Israelis really need, and then to reconcile those needs with U.S. goals, making it unmistakably clear that the president will not participate in a charade that allows the Iranians to run down the diplomatic clock while continuing to develop nuclear weapons capacity. In the end, the president needs to be willing — and make his willingness clear — to use any means, including force, to prevent Iran from making weapons. Iranian President Hassan Rouhani and President Obama both have tough domestic politics to deal with. Even though Iran's supreme leader, Ayatollah Ali Khamenei, empowered Rouhani to launch his diplomatic bid, that hardly means he's a believer in an enhanced U.S.-Iranian relationship. Indeed, tension in that relationship may actually serve to consolidate Khamenei's control. Sanctions have created pressure to reach an agreement with the U.S. But suspicious hard-liners, including Khamenei, will be watching and weighing both U.S. diplomacy and Rouhani's own capacity to negotiate carefully and avoid missteps or traps.

#### Congress isn’t unitary – it reveals splits that diminish coercive diplomacy

**Kahn, Yale law and humanities professor, 2000**

(Paul, “The Seventh Annual Fritz B. Burns Leclture The War Powers Resolution And Kosovo: War Powers And The Millennium” 34 Loy. L.A. L. Rev. 11, lexis

With respect to foreign affairs, however, these techniques of congressional decision-making work poorly. The differentiation that marks the parties as distinct and separate, and is domestically an initial step toward compromise, serves the same differentiating function in foreign policy, but there it tends to freeze party positions. Treaties come before the Senate too late in the process for compromise to be an option, particularly when they are multiparty covenants. n62 Moreover, compromises can look like concessions of U.S. interests to foreign states, rather than a distribution among competing elements of the polity. Nor is there a great deal of pressure to compromise. Rejecting foreign policy initiatives is a way of preserving the [\*30] status quo, and preserving the international status quo is rarely a policy for which one is held politically accountable. It is hard to make an issue out of a failure to change the conditions that prevail internationally, when the country is enjoying power, prestige, and wealth. Unable to compromise, the Senate can end up doing nothing, and then treaty ratification fails. Difference leads to stalemate, rather than to negotiation. The problem is greatly exacerbated by the two-thirds requirement for ratification. n63 This structural bias toward inaction accounts in part for the use of executive agreements in place of treaties. n64 These agreements make use of some of the tactical advantages of presidential initiative. Many of the structural problems remain, however, when executive agreements require subsequent congressional approval. If the issue involves the use of force, compromise is particularly difficult. A compromise that produces a less substantial response to a foreign policy crisis can look like a lack of commitment. Disagreement now threatens to appear to offer an "exploitable weakness" to adversaries. Congress cannot simply give the president less of what he wants, when what he wants is a military deployment. There cannot easily be compromises on a range of unrelated issues in order to achieve support for a military deployment. While that may happen, it has the look of disregard for the national interests and of putting politics ahead of the public interest. Nor can Congress easily adopt the technique of the expert commission. n65 The timeframe of a crisis usually will not allow it. More importantly, the military - particularly in the form of the Joint Chiefs of Staff - has already preempted the claim of expertise, as well as the claim to be "apolitical." [\*31] Finally, there is little room for the private lobbyist with respect to these decisions. Congress, in short, is not capable of acting because it only knows how to reach compromise across dissensus. When disagreement looks unpatriotic, and compromise appears dangerous, Congress is structurally disabled. This produces the double consequence for American foreign policy of a reluctance to participate in much of the global development of international law - outside of those trade and finance arrangements that are in our immediate self-interest - and a congressional abdication of use of force decisions to the president. The same structural incapacities are behind these seemingly contradictory results. The vices of congressional decision-making in this area are balanced by the corresponding presidential virtues. The president can formulate a policy; the president need not compromise to act; the president can publicly claim responsibility for a position without having to distinguish his position from that of his political opponents; and the president almost inevitably can speak with the support of military experts. Because the president can do all of this, he is uniquely accountable for foreign policy decisions, especially on the use of force. n66 There is little doubt that the president believes he will be held politically accountable for American foreign policy decisions to use force. The recent loss of seventeen servicemen in Somalia deeply affected the methods of military deployment, precisely because of a fear that the public would not approve military losses outside of a narrow range of vital national interests. n67 The Clinton policy on the use of force, whatever else we may think about it, is directly responsive [\*32] to an assessment of what is politically acceptable. n68 This dynamic of public accountability is not likely to be improved by requiring congressional action. If the president is publicly accountable, then it is not necessarily the case that Congress's failure has produced a sort of democracy deficit. Indeed, our most compelling problem today is not democratic accountability for the use of force, but Congress's structural weakness in assessing American participation in an emerging global order. To insist that the constitutional text requires congressional approval of any commitment of American military forces that places them at risk would put the war-declaring function in the same position as the treaty-making function. The consequence would be an effective withdrawal of American forces from an active international role. One unfortunate consequence of our domestic, ideological wars of the '60s and the '70s, and particularly of our experience over Vietnam, is an academic tendency to argue for the further democratization of use of force decisions. This is the lens through which the war-declaring power of Congress is viewed. For the reasons sketched above, however, the political and institutional underpinnings for such a view are unrealistic. More importantly, we are already at a point at which there is too much "public accountability," given the ends for which force is deployed today. The democratization of the war powers is a Cold War agenda that no longer makes sense in a post-Cold War era. To understand this we have to investigate the changing character of the international legal order.

#### Plan freezes all military options

**Howell et al., Chicago political science professor, 2007**

(William, While Dangers Gather : Congressional Checks on Presidential War Powers, pg 23, ldg)

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.

### 1NR A2: Formal Authorization Key

#### Congress is already on board for sanctions - cross-apply the Bloomberg evidence from above – only question if they are on board for military action for coercive diplomacy – they are not cool with that

**Ross, Washington Institute for Near East Policy counselor, 9-9-13**

(Dennis, “Blocking action on Syria makes an attack on Iran more likely”, <http://www.washingtonpost.com/opinions/blocking-action-on-syria-makes-an-attack-on-iran-more-likely/2013/09/09/dd655466-1963-11e3-8685-5021e0c41964_story.html>)

Still, for the opponents of authorization, these arguments are portrayed as abstractions. Only threats that are immediate and directly affect us should produce U.S. military strikes. Leaving aside the argument that when the threats become immediate, we will be far more likely to have to use our military in a bigger way and under worse conditions, there is another argument to consider: should opponents block authorization and should the president then feel he cannot employ military strikes against Syria, this will almost certainly guarantee that there will be no diplomatic outcome to our conflict with Iran over its nuclear weapons. I say this for two reasons. First, Iran’s President Rouhani, who continues to send signals that he wants to make a deal on the nuclear program, will inevitably be weakened once it becomes clear that the U.S. cannot use force against Syria. At that point, paradoxically, the hard-liners in the Iranian Revolutionary Guard Corps and around the Supreme Leader will be able to claim that there is only an economic cost to pursuing nuclear weapons but no military danger. Their argument will be: Once Iran has nuclear weapons, it will build its leverage in the region; its deterrent will be enhanced; and, most importantly, the rest of the world will see that sanctions have failed, and that it is time to come to terms with Iran. Under those circumstances, the sanctions will wither. What will Rouhani argue? That the risk is too high? That the economic costs could threaten regime stability? Today, those arguments may have some effect on the Ayatollah Ali Khamenei precisely because there is also the threat that all U.S. options are on the table and the president has said he will not permit Iran to acquire nuclear weapons. Should he be blocked from using force against Syria, it will be clear that all options are not on the table and that regardless of what we say, we are prepared to live with an Iran that has nuclear arms. Israel, however, is not prepared to accept such an eventuality, and that is the second reason that not authorizing strikes against Syria will likely result in the use of force against Iran. Indeed, Israel will feel that it has no reason to wait, no reason to give diplomacy a chance and no reason to believe that the United States will take care of the problem. Prime Minister Benjamin Netanyahu sees Iran with nuclear weapons as an existential threat and, in his eyes, he must not allow there to be a second Holocaust against the Jewish people. As long as he believes that President Obama is determined to deal with the Iranian threat, he can justify deferring to us. That will soon end if opponents get their way on Syria. Ironically, if these opponent succeed, they may prevent a conflict that President Obama has been determined to keep limited and has the means to do so. After all, even after Israel acted militarily to enforce its red line and prevent Syria’s transfer of advanced weapons to Hezbollah in Lebanon, Assad, Iran and Hezbollah have been careful to avoid responding. They have little interest in provoking Israeli attacks that would weaken Syrian forces and make them vulnerable to the opposition. For all the tough talk about what would happen if the United States struck targets in Syria, the Syrian and Iranian interest in an escalation with the United States is also limited. Can the same be said if Israel feels that it has no choice but to attack the Iranian nuclear infrastructure? Maybe the Iranians will seek to keep that conflict limited; maybe they won’t. Maybe an Israeli strike against the Iranian nuclear program will not inevitably involve the United States, but maybe it will — and maybe it should.

### 1NR A2: Syria

#### Syria doesn’t take out the DA – Obama asserted independent authority during Syria to engage in coercive diplomacy, Congress unravels this only

**York, Washington Examiner, 9-18-13**

(Byron, “Sen. Lindsey Graham to seek authorization for U.S. attack on Iran”, http://washingtonexaminer.com/sen.-lindsey-graham-to-seek-authorization-for-u.s.-attack-on-iran/article/2536040)

Sen. Lindsey Graham is one of the strongest advocates of an American military strike against the Assad regime in Syria. He was unhappy when President Obama decided to seek congressional authorization for an attack, and then unhappy when his fellow lawmakers voiced disapproval of the president's plan. Graham believes the diplomatic path chosen by the administration will lead to a debacle. Given all that, Graham now says he will work with a bipartisan group of senators to craft a resolution authorizing the president to use military force -- not against the Syrian regime but against Iran. In an appearance on Fox News' Huckabee program over the weekend, Graham argued that such a resolution is essential, because American inaction in Syria will encourage Iran to go forward with its nuclear weapon program, eventually leading toward a Mideast conflagration if the U.S. doesn't intervene. "Look how we've handled the chemical weapons threat in Syria," Graham said. "If we duplicate that with the Iranians, they're going to march toward a nuclear weapon and dare Israel to attack them. So in the next six months, our friends in Israel are going to have to take the Iranians on, unless the United States can send a clear signal to Iran, unlike what we've sent to Syria. "The mixed message and the debacle called Syria can't be repeated when it comes to Iran," Graham continued. "So here's what I’m going to do. I'm going to get a bipartisan coalition together. We're going to put together a use-of-force resolution allowing our country to use military force as a last resort to stop the Iranian nuclear program, to make sure they get a clear signal that all this debacle about Syria doesn't mean we're confused about Iran." After Graham repeated his intention to draft a use-of-force resolution, Huckabee stepped in to make sure everyone understood. "Lindsey, I want to clarify," Huckabee said. "You actually are going to seek sort of a pre-emptive approval to give the president a loaded weapon so that he feels the absolute freedom and support of a bipartisan Congress to take whatever action, including military, against Iran to prevent them from having nuclear weapons?" "That's exactly right," said Graham. Graham knows that Congress, particularly the House, was moving strongly against authorizing Obama to use force in Syria. And that was after a chemical weapons attack that clearly violated the president's "red line" in the Syrian civil war. Given that, congressional authorization for an attack on Iran seems far-fetched at best -- a reality Graham seemed to acknowledge. "I'm going to need your help, Mike," Graham said. "I'm going to need your audience's help. Every friend of Israel needs to rally behind this endeavor. Israel feels abandoned after Syria, and I want to send a signal to Tehran and Jerusalem and Tel Aviv that we're not going to leave our friends in Israel behind. And to the ayatollahs: If you march toward a nuclear weapon, all options are on the table, including the military option."

### 1NR A2: No Prolif

#### Iran prolif causes nuke war and destroys US credibility and deterrence

Wall Street Journal 2011

If Iran Gets the Bomb, http://online.wsj.com/article/SB10001424052970204224604577027842025797760.html

Advocates of a "containment" strategy toward a nuclear Iran argue that its behavior would differ little from what it is today. By this logic, the U.S. and its allies would warn Iran that it would face nuclear annihilation if it crossed certain red lines, such as passing a bomb to terrorists, and Iran wouldn't dare breach them. But those red lines would be hard to credit once the U.S. squandered its credibility by allowing Iran to go nuclear after spending a decade warning that such an outcome was "unacceptable." Would the U.S. really risk nuclear war with a fanatical regime for the sake of, say, Bahrain, or even Israel? We doubt it, and so would every power in the region. One certain result would thus be a nuclear proliferation spiral in the Middle East, in which Saudi Arabia, Turkey and probably Egypt would acquire nuclear arsenals of their own. That would be an odd outcome for an Administration that has made nuclear arms control a cornerstone of its foreign policy. Then again, not every country in the region would have the will or wherewithal to stand up to Iran. Some could no doubt be bullied or induced to cooperate with it, especially as the U.S. presence in the region diminishes after withdrawals from Iraq and Afghanistan. Those Iranian neighbors could fall into its orbit, thereby extending Tehran's strategic reach from Kabul to Beirut. Containment advocates also assert that Iran would never use its nuclear weapons, since it would invite devastating reprisals. But the power of nuclear weapons lies in the fact of their possession even if they are never used. Iran could use ambiguous threats or work through proxies to both provoke and deter its adversaries in the region, including the U.S. Iran's prestige would also be immensely bolstered, both at home and abroad, by developing nuclear weapons in the teeth of international opposition. It is perilous, in any case, to assume that Iran is a "normal" regime that wouldn't dare use nuclear weapons. Iran's regime was born in revolutionary religious fervor and routinely vows to annihilate Israel and its "Great Satan" protector, the U.S. Iran is also a regime shaped by a messianic cult of martyrdom, one that sent thousands of children to clear mine fields during the Iran-Iraq war. Sometimes such governments mean what they say even if the rest of the world won't believe it. The Nazis did. In the case of the assassination plot against the Saudi ambassador, one plausible explanation is that the strike was ordered by a faction within the regime trying to undermine its internal rivals. What does that say about the unity of command needed to secure a nuclear arsenal? Another argument for containment is that the Iranian regime is destined to collapse and so we can afford to wait it out. But tyrannical regimes with a fanatical will to power have a way of holding on against the odds: Look at the Kim dynasty in North Korea. Nuclear weapons would not save the mullahs from an internal uprising in the Libyan mold, though it's worth noting that Gadhafi would still be in power had he not abandoned his nuclear programs. It's also worth wondering what a regime faced with such an uprising would do with its nuclear weapons if it believed it was on the verge of collapse. All of this adds up to far more dangerous world—in which Iran becomes a regional hegemon, Israel faces a threat to its very existence, the Middle East embarks on a nuclear arms race, America's freedom of action is curtailed, and the dangers of a nuclear exchange rise to levels above what they were even during the early Cold War. \*\*\* The question for the world, and especially for the Obama Administration, is whether those dire consequences are worse than the risks of a pre-emptive strike. We think we know what the Israelis will decide, especially if they conclude that President Obama stays on his current course. Opponents of a pre-emptive strike say it would do no more than delay Iran's programs by a few years. But something similar was said after Israel's strike on Iraq's Osirak reactor in 1981, without which the U.S. could never have stood up to Saddam after his invasion of Kuwait. In life as in politics, nothing is forever. But a strike that sets Iran's nuclear programs back by several years at least offers the opportunity for Iran's democratic forces to topple the regime without risking a wider conflagration. No U.S. President could undertake a strike on Iran except as a last resort, and Mr. Obama can fairly say that he has given every resort short of war an honest try. At the same time, no U.S. President should leave his successor with the catastrophe that would be a nuclear Iran. A nuclear Iran on Mr. Obama's watch would be fatal to more than his legacy.

#### escalation inevitable- Iran would face use-it-or-lose-it pressure, no hotlines exist, and Iran’s command-and-control weakness risks unauthorized escalation.

Kahl 12 (Colin, Senior Fellow at the Center for a New American Security, Not Time to Attack Iran, Foreign Affairs, 00157120, Mar/Apr2012, Vol. 91, Issue 2)

Kroenig's discussion of timing is not the only misleading part of his article; so is his contention that the United States could mitigate the "potentially devastating consequences" of a strike on Iran by carefully managing the escalation that would ensue. His picture of a clean, calibrated conflict is a mirage. Any war with Iran would be a messy and extraordinarily violent affair, with significant casualties and consequences. According to Kroenig, Iran would not respond to a strike with its "worst forms of retaliation, such as closing the Strait of Hormuz or launching missiles at southern Europe" unless its leaders felt that the regime's "very existence was threatened." To mitigate this risk, he claims, the United States could "make clear that it is interested only in destroying Iran's nuclear program, not in overthrowing the government." But Iranian leaders have staked their domestic legitimacy on resisting international pressure to halt the nuclear program, and so they would inevitably view an attack on that program as an attack on the regime itself. Decades of hostility and perceived U.S. efforts to undermine the regime would reinforce this perception. And when combined with the emphasis on anti-Americanism in the ideology of the supreme leader and his hard-line advisers, as well as their general ignorance about what drives U.S. decision-making, this perception means that there is little prospect that Iranian leaders would believe that a U.S. strike had limited aims. Assuming the worst about Washington's intentions, Tehran is likely to overreact to even a surgical strike against its nuclear facilities. Kroenig nevertheless believes that the United States could limit the prospects for escalation by warning Iran that crossing certain "redlines" would trigger a devastating U.S. counter-response. Ironically, Kroenig believes that a nuclear-armed Iran would be deeply irrational and prone to miscalculation yet somehow maintains that under the same leaders, Iran would make clear-eyed decisions in the immediate aftermath of a U.S. strike. But the two countries share no direct and reliable channels for communication, and the inevitable confusion brought on by a crisis would make signaling difficult and miscalculation likely. To make matters worse, in the heat of battle, Iran would face powerful incentives to escalate. In the event of a conflict, both sides would come under significant pressure to stop the fighting due to the impact on international oil markets. Since this would limit the time the Iranians would have to reestablish deterrence, they might choose to launch a quick, all-out response, without care for redlines. Iranian fears that the United States could successfully disrupt its command-and-control infrastructure or preemptively destroy its ballistic missile arsenal could also tempt Iran to launch as many missiles as possible early in the war And the decentralized nature of Iran's Islamic Revolutionary Guard Corps, especially its navy, raises the prospect of unauthorized responses that could rapidly expand the fighting in the crowded waters of the Persian Gulf. Controlling escalation would be no easier on the U.S. side. In the face of reprisals by Iranian proxies, "token missile strikes against U.S. bases and ships," or "the harassment of commercial and U.S. naval vessels," Kroenig says that Washington should turn the other cheek and constrain its own response to Iranian counterattacks. But this is much easier said than done. Just as Iran's likely expectation of a short war might encourage it to respond disproportionately early in the crisis, so the United States would also have incentives to move swiftly to destroy Iran's conventional forces and the infrastructure of the Revolutionary Guard Corps. And if the United States failed to do so, proxy attacks against U.S. civilian personnel in Lebanon or Iraq, the transfer of lethal rocket and portable air defense systems to Taliban fighters in Afghanistan, or missile strikes against U.S. facilities in the Gulf could cause significant U.S. casualties, creating irresistible political pressure in Washington to respond.

Add to this the normal fog of war and the lack of reliable communications between the United States and Iran, and Washington would have a hard time determining whether Tehran's initial response to a strike was a one-off event or the prelude to a wider campaign. If it were the latter, a passive U.S. approach might motivate Iran to launch even more dangerous attacks -- and this is a risk Washington may choose not to take. The sum total of these dynamics would make staying within Kroenig's proscribed limits exceedingly difficult. Even if Iran did not escalate, purely defensive moves that would threaten U.S. personnel or international shipping in the Strait of Hormuz -- the maritime chokepoint through which nearly 20 percent of the world's traded oil passes -- would also create powerful incentives for Washington to preemptively target Iran's military. Of particular concern would be Iran's "anti-access/area-denial" capabilities, which are designed to prevent advanced navies from operating in the shallow waters of the Persian Gulf. These systems integrate coastal air defenses, shore-based long-range artillery and anti-ship cruise missiles, Kilo-class and midget submarines, remote-controlled boats and unmanned kamikaze aerial vehicles, and more than 1,000 small attack craft equipped with machine guns, multiple-launch rockets, anti-ship missiles, torpedoes, and rapid-mine-laying capabilities. The entire 120-mile-long strait sits along the Iranian coastline, within short reach of these systems. In the midst of a conflict, the threat to U.S. forces and the global economy posed by Iran's activating its air defenses, dispersing its missiles or naval forces, or moving its mines out of storage would be too great for the United States to ignore; the logic of preemption would compel Washington to escalate. Some analysts, including Afshin Molavi and Michael Singh, believe that the Iranians are unlikely to attempt to close the strait due to the damage it would inflict on their own economy. But Tehran's saber rattling has already intensified in response to the prospect of Western sanctions on its oil industry. In the immediate aftermath of a U.S. strike on Iran's nuclear program, Iranian leaders might perceive that holding the strait at risk would encourage international pressure on Washington to end the fighting, possibly deterring U.S. escalation. In reality, it would more likely have the opposite effect, encouraging aggressive U.S. efforts to protect commercial shipping. The U.S. Navy is capable of keeping the strait open, but the mere threat of closure could send oil prices soaring, dealing a heavy blow to the fragile global economy. The measures that Kroenig advocates to mitigate this threat, such as opening up the U.S. Strategic Petroleum Reserve and urging Saudi Arabia to boost oil production, would be unlikely to suffice, especially since most Saudi crude passes through the strait. Ultimately, if the United States and Iran go to war, there is no doubt that Washington will win in the narrow operational sense. Indeed, with the impressive array of U.S. naval and air forces already deployed in the Gulf, the United States could probably knock Iran's military capabilities back 20 years in a matter of weeks. But a U.S.-Iranian conflict would not be the clinical, tightly controlled, limited encounter that Kroenig predicts. SPILLOVER Keeping other states in the region out of the fight would also prove more difficult than Kroenig suggests. Iran would presume Israeli complicity in a U.S. raid and would seek to drag Israel into the conflict in order to undermine potential support for the U.S. war effort among key Arab regimes. And although it is true, as Kroenig notes, that Israel remained on the sidelines during the 1990-91 Gulf War, the threat posed by Iran's missiles and proxies today is considerably greater than that posed by Iraq two decades ago. If Iranian-allied Hezbollah responded to the fighting by firing rockets at Israeli cities, Israel could launch an all-out war against Lebanon. Syrian President Bashar al-Assad might also try to use the moment to divert attention from the uprising in his country, launching his own assault on the Jewish state. Either scenario, or their combination, could lead to a wider war in the Levant. Even in the Gulf, where U.S. partners are sometimes portrayed as passive, Iranian retaliation might draw Saudi Arabia and the United Arab Emirates into the conflict. The Saudis have taken a much more confrontational posture toward Iran in the past year, and Riyadh is unlikely to tolerate Iranian attacks against critical energy infrastructure. For its part, the UAE the most hawkish state in the Gulf, might respond to missiles raining down on U.S. forces at its Al Dhafra Air Base by attempting to seize Abu Musa, Greater Tunb, and Lesser Tunb, three disputed Gulf islands currently occupied by Iran. A strike could also set off wider destabilizing effects. Although Kroenig is right that some Arab leaders would privately applaud a U.S. strike, many on the Arab street would reject it. Both Islamist extremists and embattled elites could use this opportunity to transform the Arab Spring's populist anti-regime narrative into a decidedly anti-American one. This would rebound to Iran's advantage just at the moment when political developments in the region, chief among them the resurgence of nationalism in the Arab world and the upheaval in Syria, are significantly undermining Iran's influence. A U.S. strike could easily shift regional sympathies back in Tehran's favor by allowing Iran to play the victim and, through its retaliation, resuscitate its status as the champion of the region's anti-Western resistance. THE COST OF BUYING TIME Even if a U.S. strike went as well as Kroenig predicts, there is little guarantee that it would produce lasting results. Senior U.S. defense officials have repeatedly stated that an attack on Iran's nuclear facilities would stall Tehran's progress for only a few years. Kroenig argues that such a delay could become permanent. "Those countries whose nuclear facilities have been attacked -- most recently Iraq and Syria," he writes, "have proved unwilling or unable to restart their programs." In the case of Iraq, however, Saddam Hussein restarted his clandestine nuclear weapons program after the 1981 Israeli attack on the Osirak nuclear reactor, and it required the Gulf War and another decade of sanctions and intrusive inspections to eliminate it. Iran's program is also more advanced and dispersed than were Iraq's and Syria's, meaning it would be easier to reconstitute. A U.S. strike would damage key Iranian facilities, but it would do nothing to reverse the nuclear knowledge Iran has accumulated or its ability to eventually build new centrifuges. A U.S. attack would also likely rally domestic Iranian support around nuclear hard-liners, increasing the odds that Iran would emerge from a strike even more committed to building a bomb. Kroenig downplays the "rally round the flag" risks by noting that hard-liners are already firmly in power and suggesting that an attack might produce increased internal criticism of the regime. But the nuclear program remains an enormous source of national pride for the majority of Iranians. To the extent that there is internal dissent over the program, it is a discussion about whether the country should acquire nuclear weapons or simply pursue civilian nuclear technology. By demonstrating the vulnerability of a non-nuclear-armed Iran, a U.S. attack would provide ammunition to hard-liners who argue for acquiring a nuclear deterrent. Kroenig suggests that the United States should essentially ignore "Iran's domestic political tussles" when pursuing "its vital national security interest in preventing Tehran from developing nuclear weapons." But influencing Iranian opinion about the strategic desirability of nuclear weapons might ultimately offer the only enduring way of keeping the Islamic Republic on a peaceful nuclear path. Finally, if Iran did attempt to restart its nuclear program after an attack, it would be much more difficult for the United States to stop it. An assault would lead Iran to distance itself from the IAEA and perhaps to pull out of the Nuclear Non-proliferation Treaty altogether. Without inspectors on the ground, the international community would struggle to track or slow Tehran's efforts to rebuild its program.