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### 1

**1NC Congress CP**

#### The United States federal judiciary should restrict the war powers authority of the President of the United States to use indefinite detention without criminal trial.

#### The United States Congress utilizing its appropriations power should order that individuals detained under the war powers authority of the President of the United States be given criminal trials. Implementation should include watchdog provisions.

#### Solves the case

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3 U.C. Davis J. Int'l L. & Pol'y 107

ARTICLE: Presidential Independence and the Power of the Purse \*

II. STATUTORY RESTRICTIONS Through its prerogative to authorize programs and appropriate funds, Congress can define and limit presidential power by withholding all or part of an appropriation. 20 It may attach "riders" to appropriations measures to proscribe specific actions. 21 It has become the custom in Congress to admit certain "limitations" in an appropriations bill. Since Congress, under its rules, may decline to appropriate for a purpose authorized by law, "so it may by limitation prohibit the use of the money for part of the purpose while appropriating for the remainder of it." 22 It is sometimes argued that the power of the purse is ineffective in [\*111] restraining presidential wars. Senator Jacob Javits said that Congress "can hardly cut off appropriations when 500,000 American troops are fighting for their lives, as in Vietnam." 23 The short answer is that Congress can and has used the power of the purse to restrict presidential war power. If members of Congress are worried about American troops fighting for their lives in a futile war that is unrelated to American national interests, those lives are not protected by voting for continued funding. The proper and sensible action is to terminate appropriations and bring the troops home. Members need to make that case to their constituents. It can be done. Congress used the power of the purse to end the war in Vietnam. 24 In 1976, by adopting the Clark amendment, 25 Congress prohibited the Central Intelligence Agency (CIA) from operating in Angola other than to gather intelligence. Legislation also prohibited the CIA from conducting military or paramilitary operations in Angola and denied any appropriated funds to finance directly or indirectly any type of military assistance to Angola. 26 Beginning in 1982, Congress drafted increasingly tighter language to prohibit the use of appropriated funds to assist the Contras in Nicaragua. In 1986, Congress placed language in an appropriations bill to restrict the President's military role in Central America by stipulating that U.S. personnel "may not provide any training or other service, or otherwise participate directly or indirectly in the provision of any assistance, to the Nicaraguan democratic resistance pursuant to this title within those areas of Honduras and Costa Rica which are within 20 miles of the border with Nicaragua." 27 The statute defined U.S. personnel to mean "any member of the United States Armed Forces who is on active duty or is performing inactive duty training" and any employee of any department, agency, or other component of the executive branch. 28 The clear purpose was to prevent military activities in Honduras and Costa Rica from spilling over into Nicaragua. The Reagan Administration never offered any constitutional objections to this statutory restriction. Statutory restrictions were again used in 1991, when Congress authorized President Bush to use military force against Iraq. The statutory authority was explicitly linked to UN Security Council Resolution 678, which was adopted to expel Iraq from Kuwait. 29 Thus, the legislation did not [\*112] authorize any wider action, such as using U.S. forces to invade and occupy Iraq, perhaps by reaching as far into the country as Baghdad. Two years later, Congress established a deadline for U.S. troops to leave Somalia. No funds could be used for military action after March 31, 1994, unless the President requested an extension from Congress and received express statutory authority. 30 From 1993 to 1995, Congress considered, but discarded, language to prohibit the use of appropriated funds for the invasion of Haiti and the deployment of U.S. ground troops to Bosnia. 31 Congress has ample authority to control covert funding. The CIA uses a contingency fund to initiate covert operations before notifying Congress. If administrations abuse this authority and claim a constitutional right not to notify Congress, even within forty-eight hours or some minimal period, Congress can abolish the contingency fund and force the President to seek congressional approval in advance for each covert action. 32 With regard to war powers in general, Congress may pass a concurrent resolution (not subject to the President's veto) stating that it shall not be in order in either House to consider any bill, joint resolution or amendment that provides funding to carry out any military actions inconsistent with an enabling statute, such as the War Powers Resolution. Under the ruling of INS v. Chadha, 33 concurrent resolutions may not direct the President or the executive branch, but they can control the internal procedures of Congress.

### 2

Court Capital

#### Court will uphold treaty power in Bond now but it’s close.

Greve 2013

Michael S., professor at George Mason University School of Law, Straight Up, With Multiple Twists: Bond v. United States, January 21 2013, http://www.libertylawsite.org/2013/01/21/straight-up-with-multiple-twists-bond-v-united-states/

In truth, you don’t have to read Missouri so broadly. The treaty at issue dealt with things that cross international and national borders. There was no daylight between the treaty and the implementing legislation. And the state’s federalism argument was, as Holmes noted, a “thin reed.” There, in a nutshell, you have “proper” bounds of the treaty power. (For more on this, see the exchange between Rick Pildes, Nick Rosenkranz and Ilya Somin on the volokhconspiracy.) Having articulated those bounds, you could then say—as the Bond cert petition argues—that at the very least, courts should read treaties and implementing statutes to avoid constitutional doubts. The exemption for “peaceful” uses indicates that Congress intended to combat the spread of chemical weapons and materials for war-like purposes, as opposed to arming criminal prosecutors with yet another all-purpose club. The argument is more difficult than one might think. The government’s ready reply is that you can’t use a constitutional avoidance canon to create doubt where none exists. Holland isn’t really an issue here because Congress didn’t do anything that it could not also do under the Commerce Clause. Congress in its infinite wisdom decided that it needed a closed and complete regulatory system, just as it does for purposes of, say, the Controlled Substances Act. Under that statute, the plants on your window sill are fair game for the feds, see Raich. Well then: so is the stuff under your kitchen sink. No point in speculating about the outcome. This much, one can say with a tolerable degree of confidence: The justices know this case. Four justices on one side or the other voted to grant because they want to get to the grand themes of Missouri, and they would not have done so if they weren’t reasonably sure of a fifth vote on the merits. The difficulty of obtaining at least an implicit “fifth” precommitment is to my mind the readiest explanation for the multiple relists. (If someone has a better guess, let’s hear it.) If that’s right, the briefing and argument task is to shake or hold that vote, however it cuts. One more point of near-certainty: whichever way the case goes, what the justices say along the way will shape the contours of treaty law and its constitutional boundaries for many, many years to come.

#### Aff is a massive change – kills court capital and will be ignored by the President.

Devins 2010

Neal, Professor of Law at William and Mary, Talk Loudly and Carry a Small Stick: The Supreme Court and Enemy Combatants, http://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=1024&context=facpubs

Without question, there are very real differences between the factual contexts of Kiyemba and Bush-era cases. These differences, however, do not account for the striking gap between accounts of Kiyemba as likely inconsequential and Bush-era cases as "the most important decisions" on presidential power "ever., 20 In the pages that follow, I will argue that Kiyemba is cut from the same cloth as Bush-era enemy combatant decision making. Just as Kiyemba will be of limited reach (at most signaling the Court's willingness to impose further limits on the government without forcing the government to meaningfully adjust its policymaking), Bush-era enemy combatant cases were modest incremental rulings. Notwithstanding claims by academics, opinion leaders, and the media, Supreme Court enemy combatant decision making did not impose significant rule of law limits on the President and Congress. Bush-era cases were certainly consequential, but they never occupied the blockbuster status that so many (on both the left and the right) attributed to them. Throughout the course of the enemy combatant dispute, the Court has never risked its institutional capital either by issuing a decision that the political branches would ignore, or by compelling the executive branch to pursue policies that created meaningful risks to national security. The Court, instead, took limited risks to protect its turf and assert its power to "say what the law is." That was the Court's practice during the Bush years, and it is the Court's practice today.

#### Upholding Missouri v Holland is key to treaties but capital is key.

Spiro 2008

Peter J., Professor of Law, Temple University, Resurrecting Missouri v. Holland, Missouri Law Review http://law.missouri.edu/lawreview/files/2012/11/Spiro.pdf

Even with respect to the Children’s Rights Convention, the balance may change. At both levels, the game is dynamic. On the international plane, as more attention is focused on human rights regimes, the costs of nonparticipation rise. Other countries and other international actors (human rights NGOs, for example) will train a more focused spotlight on U.S. nonparticipation.28 From a human rights perspective, it’s low-hanging fruit; the mere fact that the United States finds itself alone with Somalia outside the regime suffices to demonstrate the error of the American stance as a leading example of deplored American exceptionalism. For progressive advocacy groups focusing on children’s rights, the Convention is emerging as an agenda item.29 More powerful actors, including states and such major human rights groups as Amnesty International and Human Rights Watch, may be unlikely to put significant political resources into the effort, but there is the prospect of a drumbeat effect and accompanying stress to U.S. decisionmakers. 30 In the wake of international opprobrium associated with post-9/11 antiterror strategies, U.S. conformity with human rights has come under intensive international scrutiny. That scrutiny is spilling over into other human rights-related issues; there will be no more free passes for the United States when it comes to rights.31 Human rights may present the most obvious flash point along the Holland front, but it will not be the only one. As Antonia Chayes notes, “resentment runs deep” against U.S. treaty behavior.32 International pressure on the United States to fully participate in widely-subscribed international treaty regimes, some of which could constitutionally ride on the Treaty Power alone, will grow more intense. At the same time that the international price of non-participation rises, a subtle socialization may be working to lower the domestic cost of exercising Holland-like powers. Globalization is massaging international law into the sinews of American political culture. The United States may not have ratified the Convention on the Rights of the Child, for example, but it has acceded to Hague Conventions on abduction33 and adoption,34 as well as optional protocols to the Children’s Rights Convention itself,35 and has enthusiastically pursued an agreement on the transboundary recovery of child support.36 As international law becomes familiar as a tool of family law, the Children’s Convention will inevitably look less threatening even against America’s robust sentiments regarding federalism. Regimes in other areas should be to similar effect and will span the political divide. It is highly significant, for instance, that conservative Americans have become vocal advocates of international regimes against religious persecution, a key factor in the aggressive U.S. stance on Darfur.37 To the extent that conservatives see utility in one regime they will lose traction with respect to principled category arguments against others. Which is not at all to say that Holland will be activated with consensus support. A clear assertion of the Treaty Power against state prerogatives would surely provoke stiff opposition in the Senate and among anti-internationalist conservatives, setting the scene for a constitutional showdown.38 The adoption of a treaty regime invading protected state powers would require the expenditure of substantial political capital. Any president taking the Treaty Power plunge would be well advised to choose a battle to minimize policy controversy on top of the constitutional one. A substantively controversial regime depending on Holland’s authority (say, relating to the death penalty) would increase the risk of senatorial rebuke. Perhaps the best strategy would be to plant the seeds of constitutional precedent in the context of substantively obscure treaties, ones unlikely to attract sovereigntist flak. If a higher profile treaty implicating Holland were then put on the table, earlier deployments would undermine opposition framed in constitutional terms. Such was the case with the innovation of congressional-executive agreements, which, before their use in adopting major institutional regimes in the wake of World War II, had been used with respect to minor agreements in the interwar years.39 In contrast to the story of congressional-executive agreements, advocates of an expansive Treaty Power will have the advantage of Holland itself, that is, a Supreme Court decision on point and not superseded by a subsequent ruling. That would lend constitutional credibility to the proposed adoption of any agreement requiring the Treaty Power by way of constitutional support. But it wouldn’t settle the question in the face of the consistent practice described above. Holland is an old, orphaned decision, creating ample space for contemporary rejection. An anti-Holland posture, the decision’s status as good law notwithstanding, would also be bolstered by the highly credentialed revisionist critique.40 That of course begs the question of what the Supreme Court would do with the question were it presented. The Court could reaffirm Holland, in which case its resurrection would be official and the constitutional question settled, this time (one suspects) for good. That result would comfortably fit within the tradition of the foreign affairs differential (in which Holland itself is featured).41 One can imagine the riffs on Holmes, playing heavily to the imperatives of foreign relations and the increasing need to manage global challenges effectively. The opinion might not write itself, but it would require minimal creativity. Recent decisions, Garamendi notably among them,42 would supply an updated doctrinal pedigree. And since the question would come to the Court only after a treaty had garnered the requisite two-thirds’ support in the Senate, the decision would not likely require much in the way of political fortitude on the Court’s part. It would also likely draw favorable international attention, reaffirming the justices’ membership in the global community of courts.43 IV. CONCLUSION:CONSTITUTIONAL LIFE WITHOUT MISSOURI V. HOLLAND Holland’s judicial validation would hardly be a foregone conclusion. The Supreme Court has grown bolder in the realm of foreign relations. Much of this boldness has been applied to advance the application of international norms to U.S. lawmaking, the post-9/11 terror cases most notably among them.44 The VCCR decisions, on the other hand, have demonstrated the Court’s continued resistance to the application of treaty obligations on the states. In Medellín, where the Court found the President powerless to enforce the ICJ’s Avena decision on state courts, that resistance exhibited itself over executive branch objections. The Court rebuffed the President with the result of retarding the imposition of international law on the states and at the risk of offending powerful international actors.

#### Treaties are key to cooperation on every issue – solve extinction

Koh and Smith 2003

Harold Hongju Koh, Professor of International Law, and Bernice Latrobe Smith, Yale Law School; Assistant Secretary of State for Democracy, Human Rights and Labor, “FOREWORD: On American Exceptionalism,” May 2003, 55 Stan. L. Rev. 1479

Similarly, the oxymoronic concept of "imposed democracy" authorizes top-down regime change in the name of democracy. Yet the United States has always argued that genuine democracy must flow from the will of the people, not from military occupation. 67 Finally, a policy of strategic unilateralism seems unsustainable in an interdependent world. For over the past two centuries, the United States has become party not just to a few treaties, but to a global network of closely interconnected treaties enmeshed in multiple frameworks of international institutions. Unilateral administration decisions to break or bend one treaty commitment thus rarely end the matter, but more usually trigger vicious cycles of treaty violation. In an interdependent world, [\*1501] the United States simply cannot afford to ignore its treaty obligations while at the same time expecting its treaty partners to help it solve the myriad global problems that extend far beyond any one nation's control: the global AIDS and SARS crises, climate change, international debt, drug smuggling, trade imbalances, currency coordination, and trafficking in human beings, to name just a few. Repeated incidents of American treaty-breaking create the damaging impression of a United States contemptuous of both its treaty obligations and treaty partners. That impression undermines American soft power at the exact moment that the United States is trying to use that soft power to mobilize those same partners to help it solve problems it simply cannot solve alone: most obviously, the war against global terrorism, but also the postwar construction of Iraq, the Middle East crisis, or the renewed nuclear militarization of North Korea.

### 3

**Debt Ceiling Disad**

#### Obama strategically avoided defeat on Syria and Summers-the plan signals weakness the GOP will exploit on debt ceiling

**Garrett, National Journal, 9-17-13**

(Major, “A September to Surrender: Syria and Summers Spell Second-Term Slump”, <http://www.nationaljournal.com/all-powers/a-september-to-surrender-syria-and-summers-spell-second-term-slump-20130917>, ldg)

And Senate Democrats were Obama’s undoing in both cases. Among the reasons Obama sought an eleventh-hour deal with Russia over Syria’s chemical weapons was the certainty he would lose a vote in the Democratically controlled Senate to authorize military force. Majority Leader Harry Reid was a distant and uncertain trumpet. Sen. Chuck Schumer, D-N.Y., gave wide and therefore dismissive berth to Obama. Senate Majority Whip Dick Durbin of Illinois, who has lost clout by degrees to Schumer in the past two years, was deeply reluctant but came around. Meanwhile, rank-and-file Democrats were either silent on, or sprinting away from, Syria. The weekend before Obama’s address to the nation, at least 16 Senate Democrats were solidly in the “no” or “lean no” column. Some whip counts had the number in the low 20s. Even after Obama pleaded with publicly undecided Democrats to remain silent, Sen. Tammy Baldwin of Wisconsin announced her opposition. The White House was not close in the Senate. Suddenly, all the brave West Wing puffery about winning in the Senate and not waiting for action in the House (the 1999 “Kosovo precedent” became the policy shop’s retro “Blurred Lines” smash hit of the late summer) began to wilt. By the time Senate Minority Leader Mitch McConnell announced his opposition on Syria, it was as anticlimactic as the new Crossfire. Senate Democrats would not follow Obama into battle—no matter how much Syria wasn’t Afghanistan, Iraq, or Libya. (Hell, it wasn’t even Grenada.) Democrats would not follow Obama to uphold human rights, advance nonproliferation, or avenge a sarin massacre hauntingly reminiscent of World War I. And they would not follow Obama on naming Lawrence Summers the next Federal Reserve chairman. Senate Democrats, led by Sherrod Brown of Ohio, had for months organized against Summers. Brown’s office collected upward of 20 Democratic signatures urging Obama to appoint Summers’s top rival, Federal Reserve Vice Chair Janet Yellen. The letter and incessant yammering from Senate Democrats infuriated Obama and transformed his preference for Summers from a notion to an imperative. White House aides had been told (and Reid said so publicly) that if Obama nominated Summers, even pro-Yellen Democrats would vote to confirm. But that was on confirmation, not committee consideration. Senate Banking Committee Democrats refused to give up their prerogatives, and when Sen. Jon Tester, D-Mont., announced Friday that he would become the fourth committee Democrats to oppose Summers, the die was cast. There are no “obstructionist” Republican fingerprints on the conspicuous and power-depleting defeats for Obama. He never sought a vote on Syria and therefore was not humiliated. The same is true for Summers. But Obama lost ground on both fronts and ultimately surrendered to political realities that, for the first time in his presidency, were determined by his own obdurate party. This does not mean Obama will lose coming fights over the sequester, shutdown, or debt ceiling. But he is visibly weaker, and even his sense of victory in Syria is so unidimensional, it has no lasting sway in either Democratic cloakroom. More important, Democrats are no longer afraid to defy him or to disregard the will of their constituents—broadly defined in the case of Syria; activist and money-driving in the case of Summers. This, of course, indirectly announces the beginning of the 2016 presidential campaign and an intra-party struggle over the post-Obama Democratic matrix. This shift—a tectonic one—will give Republicans new opportunities on the fiscal issues and in coming debates over immigration and implementation of Obamacare. Republicans have never known a world where Democratic defections were so unyielding and damaging.

#### 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.

#### 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 U**nited **S**tates, 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**.

#### Economic decline increases the propensity for conventional and nuclear conflict

Harris and Burrows 09 PhD European History @ Cambridge, counselor in the National Intelligence Council (NIC) & member of the NIC’s Long Range Analysis Unit

Mathew, and Jennifer “Revisiting the Future: Geopolitical Effects of the Financial Crisis” <http://www.ciaonet.org/journals/twq/v32i2/f_0016178_13952.pdf>

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

### 4

#### Failure to specify their agent is illegitimate and a voting issue-the resolution was written to give you flexibility of choice but you need to pick one—it’s the core of all of our ground

Kurr et al 13 (Jeff Kurr—Baylor University Kevin D. Kuswa, PhD—Fresno State Paul E. Mabrey III—James Madison University “Agents Wording Paper: Passive Voice, the Judiciary, and Other Odds and Ends,” <http://www.cedadebate.org/forum/index.php?action=dlattach;topic=4848.0;attach=1690>)

In short, this topic is all about the agent of action. The “object to be reduced” is the power possessed by a particular agent (the President) and the controversy is how the other governmental agents can restrict the authority held by the executive. Who should do the restraining? Congress? The Court? Other entities? The Executive herself? These are key questions. This topic literature is uniquely about the agent/actor question surrounding the restraint of presidential war powers. The fact that the literature is so divided and diverse on possible ways that certain agents should restrict PWP, may mean that we should privilege the agent by not specifying. Furthermore, the problem concerning the ability to generate good solvency (i.e., the president will ignore, congress doesn't act, courts fail etc.) means we should err on the side aff choice/flexibility in terms of being able to choose the means of defending the resolution through the agent the aff selects.

### Credibility

#### 1. Court proceedings lead to compromising intelligence AND freezes future cooperation

**Friedman et al., National Strategy Forum president and chair, 2009**

(Richard, “Trying Terrorists in Article III Courts Challenges and Lessons Learned”, July, <http://prawfsblawg.blogs.com/files/trying-terrorists-art-iii-report-final.pdf>, ldg)

There was substantial agreement among the workshop participants that the government faces unique foreign relations and intelligence issues when using classified and sensitive evidence obtained through foreign liaison relations for terrorism trials in a public Article III court. Some discussants agreed that these issues were partly legal and partly political, and that all of these issues have the potential to threaten either successful prosecution or important intelligence relations. The following is a brief account of many discussants’ concerns with the foreign relations and intelligence challenges of trying terrorists in Article III courts. First, the disclosure of evidence in some terrorism trials may force a decision about whether to expose important intelligence gathering priorities, methods, and sources. This exposure may lead to conflicting interests between U.S. intelligence and law enforcement agencies; the risk of conflict is no less substantial when using sensitive evidence as opposed to classified evidence.17 In addition, it is not always clear at the outset which intelligence information will be valuable in the future, meaning that intelligence agencies are resistant to disclosing any intelligence information unless its secrecy can be adequately safeguarded and its use will result in meaningful benefits to the government. Second, the use of classified and sensitive evidence obtained from the intelligence arm of a foreign government can pose an obstacle to future cooperation between the United States and the foreign government. Intelligence information is often shared between governments with the express understanding that such cooperation will remain secret. In terrorism trials, the prosecution may face the dilemma of either (i) turning over the evidence of foreign cooperation and thereby undermining the trust of the foreign government, (ii) proceeding with litigation on a more restricted set of evidence, or, in some rare cases, (iii) withdrawing some charges against the defendant. Third, where a secret informant only cooperates with U.S. intelligence under assurances that she will never be identified or have to testify in an American courtroom, prosecutors and intelligence officials may be faced with losing a valuable intelligence source for the purpose of prosecuting a single (or a small group of) terrorist suspect(s). The higher value the informant, the less likely the intelligence service will agree to such disclosure, meaning that the prosecution may be forced to proceed on significantly less evidence. This problem also arises where the source is a foreign intelligence agent barred from testifying in an American courtroom by her own government. A few discussants argued, however, that these were merely practical barriers for the prosecution that can be, and in past cases have been, overcome, for example, by renegotiating with an intelligence source or engaging in diplomacy with a foreign government on a case-bycase basis. Some discussants urged that criminal prosecutors often handle issues pertaining to reluctant and secret witnesses, meaning that prosecutors can continue to do so in terrorism trials. However, other discussants disagreed, asserting that the national security, intelligence, and foreign relations implications of handling secret witnesses in terrorism trials are different and more complex than secrecy considerations typically at issue in traditional criminal trials.

#### Intelligence cooperation solves WMD use

**Yoo, Berkley law professor, 2004**

(John, “War, Responsibility, and the Age of Terrorism”, UC-Berkeley Public Law and Legal Theory Research Paper Series, <http://works.bepress.com/cgi/viewcontent.cgi?article=1015&context=johnyoo>, ldg)

Third, the nature of warfare against such unconventional enemies may well be different from the set-piece battlefield matches between nation-states. Gathering intelligence, from both electronic and human sources, about the future plans of terrorist groups may be the only way to prevent September 11-style attacks from occurring again. Covert action by the Central Intelligence Agency or unconventional measures by special forces may prove to be the most effective tool for acting on that intelligence. Similarly, the least dangerous means for preventing rogue nations from acquiring WMD may depend on secret intelligence gathering and covert action, rather than open military intervention. A public revelation of the means of gathering intelligence, or the discussion of the nature of covert actions taken to forestall the threat by terrorist organizations or rogue nations, could render the use of force ineffectual or sources of information useless. Suppose, for example, that American intelligence agencies detected through intercepted phone calls that a terrorist group had built headquarters and training facilities in Yemen. A public discussion in Congress about a resolution to use force against Yemeni territory and how Yemen was identified could tip-off the group, allowing terrorists to disperse and to prevent further interception of their communications.

#### 2. Plan opens the US to lawfare

**Rivkin et al., Baker Hostetler appellate co-chair, 2007**

(David, “Lawfare”, the Wall Street Journal, proquest, ldg)

The term "lawfare" describes the growing use of international law claims, usually factually or legally meritless, as a tool of war. The goal is to gain a moral advantage over your enemy in the court of world opinion, and potentially a legal advantage in national and international tribunals. Al Qaeda, of course, is an experienced lawfare practitioner. Its training manual, seized by British authorities in Manchester, England, openly instructs detained al Qaeda fighters to claim torture and other types of abuse as a means of obtaining a moral advantage over their captors. That advice has been routinely followed by detainees at Guantanamo Bay, who have succeeded in generating incessant demands -- from European officials among others -- for the base's closure and their own liberation. These efforts, however, pale to insignificance when compared to the blizzard of litigation initiated in the U.S. federal courts on behalf of al Qaeda and Taliban detainees. The suits range from habeas corpus petitions to free captured enemy combatants -- cases that were dismissed by the U.S. Court of Appeals in Washington, D.C. last Tuesday -- to tort suits seeking monies from U.S. government officials, to challenges regarding the detainees' conditions of confinement. There was a quixotic attempt to save Saddam Hussein's life by asking a federal court in Washington, D.C. to "stay" his execution by the Baghdad government. Several suits seek to hold the U.S. liable for the alleged misconduct of other governments. Of these, the lawsuit by Canadian Maher Arar, ostensibly tortured after being "rendered" to Syria, is the best known. The most significant common thread among all these actions is the clear desire to portray U.S. government actions as illegal and unprecedented. In fact, it is the claims for extensive due process rights for captured enemy combatants that are unprecedented. Combatants, whether the regular soldiers of sovereign states, irregular guerillas or terrorists, have never enjoyed the right to contest the legality of their detention in the civilian courts, or to a criminal trial. The Supreme Court reaffirmed these traditional rules in Hamdi v. Rumsfeld (2004), where a clear majority held that captured al Qaeda operatives could constitutionally be held as enemy combatants for the duration of hostilities without the due process required for individuals accused of criminal violations. The only process the court considered necessary was an opportunity to contest, before military authorities, the factual basis of their classification as enemy combatants with a limited opportunity for judicial review. Nevertheless, lawyers for the detainees continue to demand a full- fledged criminal process in the civilian courts for their clients. Former Clinton Attorney General Janet Reno has argued in a friend of the court brief that one detainee (Ali Saleh Kahlah al-Marri) should be entirely removed from the military justice system, even though he already has received far more extensive judicial process than that required by the Hamdi decision. Similarly, in a grim echo of domestic prisoners-rights cases, lawyers for another detainee, Saifullah Paracha, have demanded that he be transferred from Guantanamo Bay to a civilian U.S. hospital for a common medical procedure -- a cardiac catheterization. Perhaps the most pernicious ongoing lawfare example is the effort to hold U.S. officials financially liable for their wartime conduct based on the theories developed in Bivens v. Six Unknown Named Agents (1971). In that case, the Supreme Court permitted a civil damage suit against individual federal drug enforcement agents for allegedly violating the plaintiff's constitutional rights, in particular the Fourth Amendment guarantee against unreasonable searches and seizures. Several Bivens actions have been filed on behalf of foreign combatants captured, detained and later released by U.S. forces. None have been particularly successful -- so far -- but the determined effort to use legal principles developed in the context of civilian law-enforcement operations on U.S. soil against officials directing an ongoing armed conflict overseas reveals an unsettling policy agenda. These efforts are of a piece with a similar "progressive" movement -- ongoing at least since the end of World War II -- to remake the traditional laws of war, attempting to import into the area of armed conflict concepts and norms from the world of domestic law enforcement. Thus, leftist NGOs routinely demand that irregular enemy combatants like al Qaeda and the Taliban be treated as POWs or criminal defendants, claim that military force can be applied only to the minimum amounts necessary to neutralize a particular opponent (rather than with a view to achieving ultimate victory), and have sought to ban an increasing number of weapons and weapons systems as being "inherently indiscriminate." The effect of this lawfare effort, were it successful, would be to make it exceptionally difficult -- if not impossible -- for a law- abiding state to wage war in anything like the traditional manner, bringing the full weight of the national armed forces to bear against an enemy, without prompting charges of war crimes and efforts to intimidate individual officials with prosecutions on ersatz "war crimes" theories. In fact, the criminalization of traditional warfare seems to be the goal. Unfortunately, the progressive humanitarians (as they would certainly describe themselves) have embarked on this campaign to criminalize warfare (a kind of judicially enforced Kellog-Briand Pact), without giving much thought to alternatives for ensuring the welfare and security of the civilian populations that the armed forces of states, and of the U.S. in particular, are raised and maintained to protect. To the extent that terrorist combatants are given the rights of criminal defendants, their ability to sustain long-term hostilities, and to reach their civilian targets, is increased. Lawfare designed to delegitimize the use of American military force, and the American way of war, certainly has the potential to undermine public support for the war effort, both at home and abroad. Recognizing the stakes involved, the U.S. should be as committed to winning the lawfare battle as the ground combat in Afghanistan and Iraq.

#### Creates a chilling effect spilling over to multiple operations

**Goldsmith, Harvard law professor, 2012**

(Jack, Power and Constraint: The Accountable Presidency After 9/11, 229-230, ldg)

A related cost of lawfare is the weakening of wartime presidential initiative and dispatch. When more eyes have to review an operation in advance, it takes longer. Covert operations have many layers of review and approval beginning with many in the CIA and moving up through other bureaucracies to the President. Decisions on the targets in this war often go through a similarly extensive review process for targets off the traditional battlefield, and less extensive but still elaborate reviews for targets on a traditional battlefield. In general, all military and intelligence actions of any significance have elaborate and law-heavy preclearance processes. These up-front reviews delay action and can be so burdensome to negotiate that they result in otherwise useful and appropriate actions not being taken at all. Another factor slowing down and sometimes precluding executive action is the anticipated personal and professional costs of accountability. The rise of powerful, networked, and harshly critical NGOs has meant that not only top government officials, but midlevel ones as well, are subject to vivid, reputation-harming charges published globally on the Internet, as well as the possibility of lawsuits in the United States and abroad. The "mere threat of lawsuits and legal charges effectively bullies American decision makers, alters their actions, intimidates our security forces, and limits our country's ability to gather intelligence," says Donald Rumsfeld, lamenting lawfare's effect.59

### I/D

#### 3. No impact to soft power

**Drezner, Tufs international politics professor, 2011**

(Daniel, “Does Obama Have a Grand Strategy?”, July/August, <http://www.foreignaffairs.com/print/67869>, ldg)

What went wrong? The administration, and many others, erred in believing that improved standing would give the United States greater policy leverage. The United States' standing among foreign publics and elites did rebound. But this shift did not translate into an appreciable increase in the United States' soft power. Bargaining in the G-20 and the UN Security Council did not get any easier. Soft power, it turns out, cannot accomplish much in the absence of a willingness to use hard power. The other problem was that China, Russia, and other aspiring great powers did not view themselves as partners of the United States. Even allies saw the Obama administration's supposed modesty as a cover for shifting the burden of providing global public goods from the United States to the rest of the world. The administration's grand strategy was therefore perceived as promoting narrow U.S. interests rather than global public goods.

#### 4. Human rights violations don’t spillover

Downs and Jones 2002

Downs is Professor, Department of Politics, New York University. Jones is Assistant Professor, Department of Mathematics, Montclair State University, and Visiting Scholar, Department of Politics, New York University, Reputation, Compliance, and International Law, Journal of Legal Studies 31 S1

The connection between the value of a relationship and the perceived opportunity costs associated with a contemplated defection has two effects on the extent to which reputation sustains international law. The first is perverse, if unremarkable. The fact that the reputational consequences of defecting from an important relationship are larger than those of defecting from a less important relationship means that reputation protects strong states more than weak states. This is really not so surprising. The reputational implications of a firm’s violating a contract with its most important client are greater than they would be if the client were unimportant. However, the fact that reputation protects most those who require the least protection is still disconcerting. The tendency of the magnitude of the reputational implications of a defection to be directly proportionate to the value of a relationship also implies that the contribution that reputation makes to sustain international law cooperation is greatest in connection with agreements that states think are the most beneficial.37 Conversely, it has the least effect in connection with agreements that produce the smallest amount of benefits. This predicts that the average compliance rate will be somewhat higher in connection with relatively important agreements. It also may help account for why the quality of the compliance data that are available is so frequently related to the importance of the agreement. From a reputational standpoint, the utility of the cooperation that an agreement represents or the opportunity cost of defecting from it is only half the story. Its reputational consequences are also a function of the extent to which the stochastic cost function that leads to defection from it is correlated with those connected with other regimes. While little is known about this, it seems likely that trade agreements are quite “central” in this respect, since many of the shocks that affect trade agreements such as recessions also affect compliance with agreements in other areas. Security agreements also have a claim to centrality. Major shocks in that area are likely to affect trade agreements as well as human rights agreements.38 Defections from environmental agreements, at least at the present time, seem to have more narrow implications for treaties in other areas, as have human rights treaties. Hence, their reputational consequences, at least in the rational choice sense, should be more restricted.39 It follows, ceteris paribus, that reputation promotes compliance with international law most in trade and security and least in environmental regulation and human rights. The most important reputational consequences are those connected with the most important agreements in these areas.

#### No spillover – multiple other violations.

McGinniss and Somin 2007

John, Law Prof @ Northwestern, and Ilya, Asst Law Prof @ George Mason, SHOULD INTERNATIONAL LAW BE PART OF OUR LAW? Stanford Law Review, Vol. 59, No. 5, pp. 1175-1247, March 2007

The aftermath of the Supreme Court’s decision in Hamdan v. Rumsfeld is likely to make the question of the status of raw international in domestic jurisprudence even more salient.10 In Hamdan, the Court did rely on international law to hold that the President lacked the authority to establish military commissions to try prisoners held at Guantanamo Bay for war crimes. But it invoked international law only because it held that Article 21 of the <<UCMJ>> Uniform Code of Military Justice—a statute enacted by Congress-- conditioned the use of the tribunal on compliance with international law.11 Thus, the Court relied on domesticated international law, not raw international law, in reaching its decision. But reliance on international law endorsed by the political branches is unlikely to resolve the issues relating to the War on Terror that are likely to arise after Hamdan outside the context of military commissions. Examples of areas in which scholars have accused the Bush administration of violating international law include the rendition of suspects and interrogations of detainees.13 Moreover, the relevance of international law is not limited to the War on Terror. Emerging international law norms on a wide range of issues, such as hate speech,14 the death penalty,15 and labor unions,16 may conflict with domestic legal norms. Applying raw international law to create domestic rules of decision would have ever farther reaching consequences as the scope of international law grows. In concluding that raw international law should never displace domestic law because of its substantial democracy deficit, we provide a new justification for “dualism”—the proposition that international law and domestic law control only their respective legal spheres.17 Because American law derives from a political process and geopolitical position that is likely to benefit both Americans and foreigners more than raw international law, we also show that strict dualism is peculiarly suitable for the legal regime of a modern democratic superpower.

#### International action fails and no impact – tech solves independently.

Bueno de Mesquita 2009

Bruce, professor of political science at New York University and author of The Predictioneer's Game, Recipe for Failue, Foreign Policy http://www.foreignpolicy.com/articles/2009/10/16/recipe\_for\_failure

All of this may be leaving you rather depressed, but perhaps it shouldn't. As for me, I am most optimistic for the future, despite- - yup, despite -- agreements like the ones struck in Bali and Kyoto, or the one to be struck in Copenhagen. These will be forgotten in the twinkling of an eye. They will hardly make a dent in global warming; they could even cause hurt by delaying serious changes. Road maps like the one set out at Bali make us feel good about ourselves because we did something. The trouble is, deals like Bali and Kyoto include just about every country in the world. To get everyone to agree to something potentially costly, the something they actually agree to must be neither very demanding nor very costly. If it is, many will refuse to join because for them the costs are greater than the benefits, or else they will join while free-riding on the costs paid by the few who are willing to bear them. To get people to sign a universal agreement and not cheat, the deal must not ask them to change their behavior much from whatever they are already doing. It is a race to the bottom, to the lowest common denominator. More demanding agreements weed out prospective members or encourage lies. Kyoto's demands weeded out the United States, ensuring that it could not succeed. Maybe that is what those who signed on -- or at least some of them -- were hoping for. They can look good and then not deliver, because after all it wouldn't be fair for them to cut back when the biggest polluter, the United States, does not. Sacrificing self-interest for the greater good just doesn't happen very often. Governments don't throw themselves on hand grenades. There is a natural division between the rich countries whose prosperity does not depend so much on toasting our planet and the poor countries that really have no affordable alternative (yet) to fossil fuels and carbon emissions. They have an incentive to do whatever it takes to improve the quality of life of the people they govern. The rich have an incentive to encourage the fast-growing poor to be greener, but the fast-growing poor have little incentive to listen as long as they are still poor. As the Indian government is fond of noting, sure, India is growing rapidly in income and in carbon dioxide emissions, but it is still a pale shadow of what rich countries like the United States have emitted over the centuries when going from poor to rich. But when the fast-growing poor surpass the rich, the tables will turn. China, India, Brazil, and Mexico will then cry out for environmental change because that will protect their future advantaged position, while the relatively poor of one or two or three hundred years from now will resist policies that hinder their efforts to climb to the top. The rich will even fight wars to keep the rising poor from getting so rich that they threaten the old political order. (The rising poor will win those wars, by the way.) So how might we solve global warming and make the world in 500 years look attractive to our future selves? My short answer: New technologies will solve the problem for us. There is an equilibrium at which enough global warming -- a very modest amount more than we may already have, probably enough to be here in 50 to 100 years -- will create enough additional sunshine in cold places, enough additional rain in dry places, enough additional wind in still places, and, most importantly, enough additional incentives for humankind that solar panels, hydroelectricity, windmills, and as yet undiscovered technologies will be good and cheap enough to replace fossil fuels. We have already warmed enough for there to be all kinds of interesting research going on, but today such pursuits take more sacrifice than most people seem willing to make. Tomorrow that might not be true, and at that point, I doubt it'll be too late. And, looking out 500 years, we'll probably have figured out how to beam ourselves to distant planets where we can start all over, warming our solar system, our galaxy, and beyond with abandon.

### CC

#### National security claims become frivolous and clog the courts

Turley, Human Resource Executive reporter, 7 (Melissa, reported from South Africa as the 2012 Pulitzer Center Campus Consortium International Reporting Student Fellow, “Whistleblower Case Highlights National Security Debate”, http://www.hreonline.com/HRE/print.jhtml?id=26501205)

After a nine-year battle, a former Federal Bureau of Intelligence agent has prevailed in her retaliation suit against the agency. Jane Turner was delivered a victory when the Department of Justice, representing the FBI, recently declined to continue appealing her case to the 8th U.S. Circuit Court of Appeals. Turner will receive the maximum allowable compensatory damage award under Title VII plus reimbursement for attorney's and court fees, a total in excess of $1 million. Even though Turner's suit was brought under Title VII of the Rehabilitation Act, advocates and lawmakers are making the connection with the need for increased whistleblower protections for workers in the national security arena who are being encouraged to speak up when they see fraud, abuse and mismanagement. Many are afraid to do so, they argue, for fear they will lose their jobs or security clearances. The other side of that coin is that more frivolous claims could clog up the courts and top secret information could spill out into the open. Several bills that address the issue are making their way through Congress. "Strengthening whistleblower protections is not simply an employee protection issue, it is good government," says Sen. Daniel Akaka, D-Hawaii, who introduced the Federal Employee Protection of Disclosures Act in January. "When federal employees fear reprisal for reporting fraud and abuse, taxpayers and national security suffer." However, the Senate bill, S. 274, doesn't go as far as the version that passed the House, 331-94. The Senate version would make revoking a security clearance after a disclosure illegal, while H.R. 985, the Whistleblower Protection Enhancement Act, would afford the same whistleblower protections to federal security employees that the rest of the civil service enjoys. The House bill covers employees of the FBI, Central Intelligence Agency, Defense Intelligence Agency, National Security Agency, and National Imagery and Mapping Agency. But Rep. Peter Hoekstra, R-Mich., says he has several reservations with the House bill, primarily that it would allow district courts to hear cases if the Merit Systems Protection Board doesn't rule on them within 180 days. "This bill would make every claim of a self-described whistleblower, whether meritorious or not, subject to extended and protracted litigation," he said during debate in March. "It would also substantially alter the application of the judicially established state secrets privilege in those cases, forcing the government to choose between revealing sensitive national security information to defend itself or losing in court." He said current protections "screen frivolous whistleblower claims and recognize that our national security interest should not be managed by lawsuit. Those considerations must continue to be protected." President Bush also has threatened to veto the House bill because it will not "promote and protect genuine disclosures of matters of real public concern" but instead "likely increase the number of frivolous complaints and waste resources."

#### Court clog turns detainee’s rights-takes out any perception of legitimacy

**Guiora, Utah law professor, 2009**

(Amons, “Creating a Domestic Terror Court”, 4-14, <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1401982>, ldg)

This was abundantly clear to me when I testified before the Senate Judiciary Committee,'12 where the proponents of Article III courts repeatedly emphasized how well the process had worked in one particular case. My response was: We are talking about thousands of trials, not one. Jury trials and traditional processes are not going to provide defendants with speedy trials, but in fact, quite the opposite. Bench trials- with judges trained in understanding and analyzing intelligence information- will much more effectively guarantee terrorism suspects their rights. That is, the traditional Article III courts will be less effective in preserving the rights and protections of thousands of detainees than the proposed DTC. I predicate this assumption on a "numbers analysis": not establishing an alternative judicial paradigm will all but ensure the continued denial of the right to trial to thousands of detainees. A recent report published by Human Rights First defends traditional Article III courts' abilities to try individuals suspected of terrorism. 13 The authors demonstrate confidence in the courts' abilities to maintain a balance between upholding defendants' rights while simultaneously keeping confidential information secure.'4 Nevertheless, the report recognizes the limitations inherent in trying terrorist suspects in traditional courts as illustrated by the discussion concerning Zacarias Moussaoui's trial. 15

## 2NC

### 2NC-Agent Specification

#### ---Failure to specify your agent is a voting issue-The allocation of war power IS the core of the topic---they eliminate germane mechanism counterplans and separation of power disads which is the majority of aff and neg ground---the last 200 years of war power debates have been all about who has authority!

Waxman 13 (Matthew Waxman is a law professor at Columbia Law School, where he co-chairs the Roger Hertog Program on Law and National Security, Adjunct Senior Fellow for Law and Foreign Policy at the Council on Foreign Relations, “The Constitutional Power to Threaten War,” http://www.lawfareblog.com/2013/08/the-constitutional-power-to-threaten-war/)

The implicit consensus that the President is constitutionally empowered to threaten military force in this situation is, in my view, correct, but it presents an anomaly: proponents of drawing that line argued that doing so was necessary to prevent a war (or at least a bigger and more destructive war) down the road, while critics argued that it would needlessly provoke or drag the United States into a war — the very sorts of concerns that usually animate strident war powers debates. More generally, the allocation of constitutional war powers is thought to be of paramount import because it could affect whether or when the United States goes to war and it implicates core questions about how our democracy should decide matters of such consequence. Yet legal discourse in this area excludes almost completely some central ways in which the United States actually wields its military power, namely, with threats of war or force. This Article breaks down that barrier and connects the legal issues with the strategic ones. As to the constitutional issues, there is wide agreement among legal scholars on the general historical saga of American war powers – by which I mean here the authority to use military force, and not the specific means or tactics by which war is waged once initiated – though there remains intense disagreement about whether this is an optimistic or pessimistic story from the perspective of constitutional values and protection of American interests. Generally speaking, the story goes like this: The Founders placed decisions whether actively to engage in military hostilities in Congress’s hands, and Presidents mostly (but not always) respected this allocation for the first century and a half of our history. At least by the Cold War, however, Presidents began exercising this power unilaterally in a much wider set of cases, and Congress mostly allowed them to; an effort to realign legislatively the allocation after the Vietnam War failed, and today the President has a very free hand in using military force that does not rise to the level of “war” (in constitutional terms, which is usually confined to large-scale and long-duration uses of ground forces). From a functional standpoint, this dramatic shift in constitutional power is seen as either good, because decisions to use force require policy dexterity inherent in the presidency, or bad, because unilateral presidential decisions to use force are more prone than congressionally-checked ones to be dangerously rash. With this story and split in resulting views in mind, lawyers and legal scholars continue to debate a series of familiar constitutional questions: Does the historical gloss of practice among the political branches – the patterns of behavior by the President and Congress with respect to using force – provide legal justification for this shift toward executive power? Without requiring congressional authorization before engaging in hostilities, are there sufficient checks on executive action? Does this shift in power lead the United States into needless and costly wars, and if so should it be remedied with more potent checks, whether led by Congress or courts, to reestablish a constitutional formula closer to the original one?

#### **---The reason this is a topic is because of vagueness of who has the authority over power; proves solvency is indeterminate; also they spike the core of the literature**

Smith 7 (R. Andrew Smith graduated from the Valparaiso University School of Law in 2006,

and is licensed to practice in the state of Illinois “Breaking the Stalemate: The Judiciary's Constitutional Role in Disputes over the War Powers,” http://scholar.valpo.edu/cgi/viewcontent.cgi?article=1194&context=vulr)

Historically, the goal of the three-part American government structure is to separate and balance the power to govern.1 Separation prevents any branch of the government from straying from its intended purpose and in turn, fosters democratic values as a result.2 Ideally, this prevents one branch of government from over-exercising its power over the others. However, language in the Constitution gives little guidance on when one branch of the government may be acting outside the sphere of its authority. Constitutional ambiguities and overlapping powers result in struggles between different arms of the government. The purpose of this Article is to explore the role of the judiciary in mediating the power struggles between the legislative and executive branches of government. Justiciability restrictions, such as the political question doctrine, can make the Court’s role in such disputes unclear. Recently, the disclosure of President Bush’s warrantless electronic surveillance program3 and subsequent lawsuit challenging the constitutionality of the program4 have thrown these intra-governmental tensions into sharp relief by questioning the breadth of the executive war power5 juxtaposed to the legislative war power.6 In this Article, President Bush’s warrantless domestic surveillance program provides a focal point for analysis of separation of powers in general and the problem of overlapping constitutional grants of authority. The Constitution reflects James Madison’s concept of multifaceted government.7 However, the powers annunciated in Article II fail to clearly define the powers of the executive branch.8 The division of power between the three branches, the ambiguous nature of power provided to the president, and the Supreme Court’s use of the political question doctrine ultimately create an impasse between the three branches and their constitutionally delegated power. The purpose of separating governmental function is to prevent a tyrannical majority from coming to power.9 A reasonable construction of the Constitution requires keeping the three branches separate “in all cases in which they were not expressly blended.”10 However, the constitutional text itself blends some governmental activities. These intersections of power between the branches operate to curb the unilateral control of any one branch over the others and supports the notion of “checks and balances,” which works in conjunction with the separation of powers.11 However, the Constitution should not be interpreted to blend the operation of the branches more than its text requires12 because such an interpretation would allow one branch to usurp the power of another branch subverting the liberty interests that undergird the structure. This structure prevents Congress from removing or including itself in the exercise of another branch’s power.13 The Supreme Court has used the separation of powers to invalidate legislation that permitted Congress to invade the president’s appointment power,14 define the extent to which Congress may create rules of procedure for the courts,15 preserve the finality of judicial determinations,16 and limit the exercise of judicial power.17 In many ways, the separation of powers doctrine has been used to preserve the power attributed to the judiciary in the Constitution.18 However, these examples also illustrate an operational problem within the doctrine. Though the purpose of delineating governmental powers aims to preserve the people’s liberty interest,19 the Supreme Court has observed that the perfect operation of this concept is largely theoretical and unattainable in practice.20 In Federalist No. 48, James Madison explicitly stated that a strict practical application of separate powers is pragmatically impossible.21 Rather, the doctrine should operate in a way that would prevent one branch from invading the powers of another.22 Madison’s own conclusion at the end of Federalist No. 48 notes that the mere demarcation of government structure on paper is insufficient to guard against government tyranny.23 The operation of the judiciary in this scheme is summed up in Federalist No. 78, where Alexander Hamilton stated that the separated powers will allow the judiciary to keep the legislature “within the limits assigned to their authority.”24 Somewhere between the theoretical underpinnings of the doctrine and its practical application rests a momentary vacuum of government power. Ideally, the doctrine of the separation of powers operates to prevent this power gap by permitting the judiciary to interpret and define the divisions of power. But unfortunately, the language of the Constitution is not always clear. The overlapping powers attributed to the president in Article II and to the legislature in Article I exemplify this ambiguity. These mixed responsibilities create problems of constitutional interpretation and blur the operation of the separate powers.

#### ---This topic is fundamentally a question of moving authority from one branch to another---you can’t separate the topic from the question of the agent

The Law Dictionary

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What is AUTHORITY?

In contracts. The lawful delegation of power by one person to another. In the English law relating to public administration, an authority is a body having jurisdiction in certain matters of a public nature. In governmental law. Legal power; a right to command or to act; the right and power of public officers to require obedience to their orders lawfully issued in the scope of their public duties. Authority to execute a deed must be given by deed. Com. Dig. “Attorney,” C, 5; 4 Term, 313; 7 Term, 207; 1 Holt, 141; Blood v. Goodrich, 9 Wend. (N. Y.) 68, 75, 24 Am. Dec. 121; Banorgee v. Hovey, 5 Mass. 11, 4 Am. Dec. 17; Cooper v. Rankin, 5 Bin. (Pa.) 613.

#### ---The topic is fundamentally a question of who

Dictionary.com

http://dictionary.reference.com/browse/authority

au·thor·i·ty [uh-thawr-i-tee, uh-thor-] Show IPA

noun, plural au·thor·i·ties.

1.

the power to determine, adjudicate, or otherwise settle issues or disputes; jurisdiction; the right to control, command, or determine.

2.

a power or right delegated or given; authorization: Who has the authority to grant permission?

### \*\*Case\*\*

### A2: CIPA Solves

#### Either the status quo works and the AFF isn’t needed OR the risk of intel compromise is inevitable

**Vladeck, American University law professor, 2008**

(Stephen, “The Case Against National Security Courts”, 12-12, <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1315337>, ldg)

The question nevertheless remains whether CIPA does not allow the government enough flexibility with respect to the introduction of classified information in a criminal trial. Although CIPA usually allows the government to introduce summaries of the classified material or stipulated facts, in cases where those are insufficient it forces the government to choose between disclosure and sanctions—including the exclusion of all related evidence. The problem with the critiques of CIPA is that they rest on an assumption that is logically impossible. Either these concerns can be remedied simply by amending CIPA to give greater flexibility to the government, or they cannot be because such an amendment would call CIPA’s constitutionality into serious question. In other words, either CIPA can be tweaked short of scrapping the entire system of criminal trials in Article III courts, or it cannot be because it already represents the constitutional floor for the use of classified information—a line that cannot be transgressed. A similar problem befalls the evidentiary assumptions at the heart of most proposals for national security courts. In particular, the proposals generally focus on the need in individual cases to use hearsay evidence—to be able to prove that an individual is in fact an “enemy combatant” (and, in the criminal context, has committed a particular crime) based upon evidence that would not generally be admissible in an Article III court. Again, one of two things is necessarily true: Either the evidentiary rules that would apply to such cases can be modified, or they cannot be. That is to say, either Congress can amend the Federal Rules of Evidence to allow for the introduction of particular forms of evidence in particular cases, or the Constitution prohibits Congress from so acting. The former would suggest that a move to a national security court would be akin to using a bazooka to kill an ant; the latter would suggest that national security courts couldn’t have a lesser evidentiary burden.

### Judicial Review – 1NC

#### Court trials hamstring the executive—triggers terrorism

**McCarthy, FDD Center for Law and Counterterrorism director, 2009**

(Andrew, “Outsourcing American Law”, AEI Working Paper, <http://www.aei.org/files/2009/08/20/20090820-Chapter6.pdf>, ldg)

Empirically, judicial demands on executive branch procedural compliance, if unchecked, become steadily more demanding over time. The executive naturally responds by being more internally exacting to avoid problems. Progressively, executive compliance, initially framed and understood as a reasonably modest set of burdens to promote the integrity of judicial proceedings, becomes instead a consuming priority and expenditure, which, if permitted in the context of warfare, would inevitably detract from the military mission that is the bedrock of our national security. ¶ In the fore here, plainly, are such matters as discovery and confrontation rights. If the courts were given final authority, while hostilities are ongoing, to second-guess the executive’s decision to detain a combatant by scrutinizing reports that summarize the basis for detention, it is only a short leap to the court’s asking follow-up questions or determining that testimony, perhaps subject to cross-examination, is appropriate. Are we to make combat personnel available for these proceedings? Shall we take them away from the battle we have sent them to fight so they can justify to the satisfaction of a judge the capture of an alien enemy combatant that has already been approved by military commanders? Given the fog and anxiety of war, shall we expect them to render events as we would an FBI agent describing the circumstances of a domestic arrest? ¶ Nor is that the end of the intractable national security problems. What if capture was effected by our allies rather than our own forces (as was the case, for example, with the jihadist who was the subject of the Hamdi case)? Shall we try to compel affidavits or testimony from members of, say, the Northern Alliance? What kinds of strains will be put on our essential wartime alliances if they are freighted with requests to participate in American legal proceedings, and possibly compromise intelligence methods and sources – all for the purpose of providing heightened due process to the very terrorists who were making war on those allies? ¶ These are lines that Congress must draw. Leaving them for the courts themselves to sort out would place us on a path toward full-blown civilian trials for alien enemy combatants – the very outcome the creation of a new system was intended to avoid.

### Terror

### No Bioterror – 1NC

#### No impact- bioweapons are ineffective- even if they weren’t their record of failure deters their use

**Stratfor, 2007**

(“Bioterrorism: Sudden Death Overtime?" 12-22-2007, [www.lebanonwire.com/0712MLN/07122212STR.asp](http://www.lebanonwire.com/0712MLN/07122212STR.asp), ldg)

First, it must be recognized that during the past several decades of the modern terrorist era, biological weapons have been used very infrequently — and there are some very good reasons for this. Contrary to their portrayal in movies and television shows, biological agents are difficult to manufacture and deploy effectively in the real world. In spite of the fear such substances engender, even in cases in which they have been somewhat effective they have proven to be less effective and more costly than more conventional attacks using firearms and explosives. In fact, **nobody even noticed** what was perhaps the largest malevolent deployment of biological agents in history, in which thousands of gallons of liquid anthrax and botulinum toxin were released during several attacks in a major metropolitan area over a three-year period. This use of biological agents was perpetrated by the Japanese apocalyptic cult Aum Shinrikyo. An examination of the group’s chemical and biological weapons (CBW) program provides some important insight into biological weapons, their costs — and their limitations. In the late 1980s, Aum’s team of trained scientists spent millions of dollars to develop a series of state-of-the-art biological weapons research and production laboratories. The group experimented with botulinum toxin, anthrax, cholera and Q fever and even tried to acquire the Ebola virus. The group hoped to produce enough biological agent to trigger a global Armageddon. Between April of 1990 and August of 1993, Aum conducted seven large-scale attacks involving the use of thousands of gallons of biological agents — four with anthrax and three with botulinum toxin. The group’s first attempts at unleashing mega-death on the world involved the use of botulinum toxin. In April of 1990, Aum used a fleet of three trucks equipped with aerosol sprayers to release liquid botulinum toxin on targets that included the Imperial Palace, the Diet and the U.S. Embassy in Tokyo, two U.S. naval bases and the airport in Narita. In spite of the massive quantities of agent released, there were no mass casualties and, in fact, nobody outside of the cult was even aware the attacks had taken place. When the botulinum operations failed to produce results, Aum’s scientists went back to the drawing board and retooled their biological weapons facilities to produce anthrax. By mid-1993, they were ready to launch attacks involving anthrax, and between June and August of 1993 the group sprayed thousands of gallons of aerosolized liquid anthrax in Tokyo. This time Aum not only employed its fleet of sprayer trucks, but also use sprayers mounted on the roof of their headquarters to disperse a cloud of aerosolized anthrax over the city. Again, the attacks produced no results and were not even noticed. It was only after the group’s successful 1995 subway attacks using sarin nerve agent that a Japanese government investigation discovered that the 1990 and 1993 biological attacks had occurred. Aum Shinrikyo’s team of highly trained scientists worked under ideal conditions in a first-world country with a virtually unlimited budget. The team worked in large, modern facilities to produce substantial quantities of biological weapons. Despite the millions of dollars the group spent on its bioweapons program, it still faced problems in creating virulent biological agents, and it also found it difficult to dispense those agents effectively. Even when the group switched to employing a nerve agent, it only succeeded in killing a handful of people. A comparison between the Aum Shinrikyo Tokyo subway attack and the jihadist attack against the Madrid trains in 2004 shows that chemical/biological attacks are more expensive to produce and yield fewer results than attacks using conventional explosives. In the March 1995 Tokyo subway attack — Aum’s most successful — the group placed 11 sarin-filled plastic bags on five different subway trains and killed 12 people. In the 2004 Madrid attack, jihadists detonated 10 improvised explosive devices (IEDs) and killed 191 people. Aum’s CBW program cost millions and took years of research and effort; the Madrid bombings only cost a few thousand dollars, and the IEDs were assembled in a few days. The most deadly biological terrorism attack to date was the case involving a series of letters containing anthrax in the weeks following the Sept. 11 attacks — a case the FBI calls Amerithrax. While the Amerithrax letters did cause panic and result in companies all across the country temporarily shutting down if a panicked employee spotted a bit of drywall dust or powdered sugar from doughnuts eaten by someone on the last shift, in practical terms, the attacks were very ineffective. The Amerithrax letters resulted in five deaths; another 22 victims were infected but recovered after receiving medical treatment. The letters did not succeed in infecting senior officials at the media companies targeted by the first wave of letters, or Sens. Tom Daschle and Patrick Leahy, who were targeted by a second wave of letters. By way of comparison, John Mohammed, the so-called “D.C. Sniper,” was able to cause mass panic and kill twice as many people (10) by simply purchasing and using one assault rifle. This required far less time, effort and expense than producing the anthrax spores used in the Amerithrax case. It **is this** cost-benefit ratio t**hat, from a militant’s perspective, makes** firearms and **explosives more attractive weapons** for an attack. **This** then **is the primary reason** that **more attacks using bio**logical **weapons have not been executed:** The cost is higher than the benefit.

### No Delivery

#### Even if material is gathered it can’t be weaponized or dispersed.

**Burton et al., STRATFOR analyst, 2008**

(Fred, “Busting the Anthrax Myth,” 7-30, <http://www.stratfor.com/weekly/busting_anthrax_myth>, ldg)

While it is certainly true that there are many different types of actors who can easily gain access to rudimentary biological agents, there are far fewer actors who can actually isolate virulent strains of the agents, weaponize them and then effectively employ these agents in a manner that will realistically pose a significant threat of causing mass casualties. While organisms such as anthrax are present in the environment and are not difficult to obtain, more highly virulent strains of these tend to be far more difficult to locate, isolate and replicate. Such efforts require highly skilled individuals and sophisticated laboratory equipment. Even incredibly deadly biological substances such as ricin and botulinum toxin are difficult to use in mass attacks. This difficulty arises when one attempts to take a rudimentary biological substance and then convert it into a weaponized form — a form that is potent enough to be deadly and yet readily dispersed. Even if this weaponization hurdle can be overcome, once developed, the weaponized agent must then be integrated with a weapons system that can effectively take large quantities of the agent and evenly distribute it in lethal doses to the intended targets. During the past several decades in the era of modern terrorism, biological weapons have been used very infrequently and with very little success. This fact alone serves to highlight the gap between the biological warfare misconceptions and reality. Militant groups desperately want to kill people and are constantly seeking new innovations that will allow them to kill larger numbers of people. Certainly if biological weapons were as easily obtained, as easily weaponized and as effective at producing mass casualties as commonly portrayed, militant groups would have used them far more frequently than they have. Militant groups are generally adaptive and responsive to failure. If something works, they will use it. If it does not, they will seek more effective means of achieving their deadly goals. A good example of this was the rise and fall of the use of chlorine in militant attacks in Iraq.

### No Motive – 1NC

#### Terrorists will use conventional weapons-overwhelming empirics.

**Mauroni, Air Force senior policy analyst, 2012**

(Al, “Nuclear Terrorism: Are We Prepared?”, Homeland Security Affairs, <http://www.hsaj.org/?fullarticle=8.1.9>, ldg)

The popular assumption is that terrorists are actively working with “rogue nations” to exploit WMD materials and technology, or bidding for materials and technology on some nebulous global black market. They might be buying access to scientists and engineers who used to work on state WMD programs. The historical record doesn’t demonstrate that. An examination of any of the past annual reports of the National Counterterrorism Center reveals that the basic modus operandi of terrorists and insurgents is to use conventional military weapons, easily acquired commercial (or improvised) explosives, and knives and machetes.8 It is relatively easy to train laypersons to use military firearms, such as the AK-47 automatic rifle and the RPG-7 rocket launcher. These groups have technical experts who develop improvised explosive devices using available and accessible materials from the local economy. Conventional weapons have known weapon effects and minimal challenges in handling and storing. Terrorists get their material and technology where they can. They don’t have the time, funds, or interests to get exotic. It’s what we see, over and over again.

### A2: Multilateralism

#### Multilateralism fails-coalitions empirically fail to form

**Rothkopf, visiting scholar at the Carnegie Endowment, 2011**

(David, “Libya is a crucial test for Obama the multilateralist, 3-10, <http://rothkopf.foreignpolicy.com/posts/2011/03/10/libya_is_a_crucial_test_for_obama_the_multilateralist>, ldg)

History has shown that there are some real obstacles to making multilateralism work. First, the larger the group of nations involved in any initiative the more difficult it is to achieve consensus on a plan, get approval for that plan and ultimately manage and maintain the effort. Next, some of our most important allies, like those in the EU have a fractured, ineffective foreign policy formation mechanism, long-established reluctance to get involved and their own financial problems to involvement. Other potential allies present their own challenges in terms of getting them engaged -- whether those are Japanese restrictions on international use of force, China's current inclination to be a free-rider (or worse) in terms of global security issues, or the reluctance of neighbors to a problem such as that in Libya to get involved for fear of exacerbating or inciting their own internal problems. Finally, our mechanisms for international collective action fall into two categories: those that are designed to be slow, weak and ineffective in almost all matters (the United Nations) and those that are likely to be slow, weak and ineffective on most matters outside their core mission (NATO). Past impulses to defer to the international system -- Rwanda comes to mind -- have for all these reasons, plus the special circumstances associated with individual crises, floundered and ultimately provided fodder for unilateralists who point to them as evidence that the United States cannot both fulfill the ideal of being an international team player and be strong at the same time.

#### Multilateralism fails-3 reasons

**Jones, Director and Senior Fellow of the New York University Center on International Cooperation, 2010**

(Bruce, “Making Multilateralism Work: How the G-20 Can Help the United Nations”, April, <http://www.policyinnovations.org/ideas/commentary/data/000182>, ldg)

All this matters for three reasons. First, many transnational problems are interconnected in nature, and so the solutions must also be. Yet opportunities for collaboration are frequently undermined by turf wars between secretariats or theological disputes within governing boards. Basic lack of policy coordination within governments about the positions they take in the governing boards of institutions compound the problem. (Governing boards blame secretariats; secretariats blame governing boards; the truth is a pattern of mutually reinforcing codependence with each using the other to block serious efforts at collaboration.) The recent institutional bickering over who would “own” the fund for donor responses in Haiti is only the latest dispiriting evidence that proliferation of agencies and mandates frequently overshadows performance, to say nothing of basic purpose. Second, tackling global problems is expensive, and we’ve only begun to tally the costs of the financial crisis, fragile states, or the transition to a low-carbon world. Yet money and talent are being wasted in duplication and anachronistic approaches to problems. Third and most important , a mounting backlash against globalization is mingling with widespread loss of faith in the multilateral system — with the conspicuous gap between expectations and outcomes in Copenhagen being merely the latest example. This matters a great deal, because if publics believe that cooperation doesn’t work, governments will have greater difficulty marshalling the political will or financial resources to carry out multilateral solutions. Governments’ domestic political incentive then is to withhold needed funding and even publicly criticize institutions—fueling rather

### A2: Cooperation

#### Nations make decisions on an issue-by-issue basis

**Ogoura, Japan foundation president, 2006**

(Kazuo, “The Limits of Soft Power”, <http://ics.leeds.ac.uk/papers/vp01.cfm?outfit=pmt&folder=7&paper=3076>, ldg)

One blind spot in the soft power concept is the confusion over the source of this power. For Nye and many others, the power of soft power lies in "attraction." The problem with this idea, however, is that it views things from the perspective of the party exercising power. Seen from the viewpoint of the party being influenced by the power, the question of whether accepting the power accords with this party's own interests is likely to be a far more important consideration than the attraction of the power. Here we must keep in mind that sovereign nations in the international community act not on the basis of likes and dislikes but in accordance with their own interests. No matter how attractive a given country may be, other countries will not accept its attractive power if it obstructs their freedom of action or adversely affects their economic interests. Hollywood movies, for instance, are often cited as a source of American soft power, but in France they have been subject to partial restriction precisely because of their attractiveness. The justness and legitimacy of the exercise of power is often an issue in relation to the source of soft power. However, legitimacy is bound to be an issue regardless of whether the power is hard or soft. The fact that hard power is sometimes exercised without legitimacy stems from a peculiar way of thinking about the use of hard power, and this is a great problem. It is important to note that within the international community the exercise of military and nonmilitary power is basically the same - or, rather, it is when the power is military in nature that there is a need for strict legitimacy in its use. (But whereas military power can exert a coercive influence however vague its legitimacy, when the justification for the use of soft power is tenuous this can prompt the party on the receiving end to resist or refuse the power, preventing the party exercising the power from achieving its aims.) The other side of this problem is the need to consider just what the international justification for military action might be. Leaving this issue to one side, though, it is certainly problematic to regard the legitimacy of soft power as the source of its clout.

### 2NC – Human Rights Law

#### No incentive to obey and no spillover in credibility.

Hill 2010

Daniel W., PhD Candidate at Florida State University, Estimating the Effects of Human Rights Treaties on State Behavior The Journal of Politics, Vol. 72, No. 4, October 2010 http://myweb.fsu.edu/dwh06c/pages/documents/Hill10\_jop.pdf

Some scholars may not worry that formal enforcement mechanisms within the human rights regime are weak; after all, the majority of the work on state behavior vis-a´ -vis international institutions has focused primarily on how informal enforcement mechanisms can alter the behavior of recalcitrant states. Unfortunately, the usual set of tenable self-enforcement mechanisms are simply not suitable in the context of the human rights regime (See Simmons (2009) for a thorough discussion). The shadow of the future and fear of reciprocal violation cannot induce compliance in the area of human rights, since it is not clear that states have anything to gain by jointly observing human rights or anything to lose should each (or any) party fail to do so. States should hardly be expected to behave strategically in the realm of human rights, which is to say that their human rights behavior is not the result of expectations that other states are, or are not, going to commit human rights violations (Koremenos 2007). Incentives to violate human rights do not arise from the nature of interactions in the international arena but rather from circumstances at the domestic level. Another informal enforcement mechanism thought to operate in international regimes is fear of damage to one’s reputation (Keohane 1984; Lipson 1991; Simmons 2000). In theory, once states have made formal, public commitments to obey the rules of the regime noncompliance may result in a loss of credibility that is costly enough to deter violations. This mechanism is similar to fear of reciprocal violation in that it depends on the violating state expecting to be deprived of something in the future, namely any number of international agreements it could make with other states had it only proven itself to be trustworthy. In practice, however, it is unlikely that states will be shunned by potential partners because of a bad human rights record. Noncompliance in one area of international law does not necessarily signal an inability or unwillingness to comply in other areas, and this may be especially true of noncompliance with human rights regimes (Downes and Jones 2002).

## 1NR

### Overview

#### Economic decline turns warming

Elliott 2008

Larry, Economics Editor at the Guardian, Can a dose of recession solve climate change?, http://www.guardian.co.uk/business/2008/aug/25/economicgrowth.globalrecession

There are many reasons why it is not quite as simple as that. My rudimentary understanding of the science of climate change is that concentrations of greenhouse gases have been building up over many decades, and you can't simply turn them off like a tap. Even a three- or four-year 1930s-style global slump would have little or no impact, particularly if it was followed by a period of vigorous catch-up growth. On a chart showing growth since the dawn of the industrial age 250 years ago, the Great Depression is a blip. Similarly, Britain's trade deficit always comes down in recessions because imports go down, but then widens again once the economy returns to its trend rate of growth. Politically, recessions are not helpful to the cause of environmentalism. Climate change is replaced by concerns about unemployment and stimulating growth. To be fair, politicians respond to what they hear from voters: Gordon Brown's survival as prime minister depends on how well his package of economic measures is received, not on what he does or doesn't do to limit greenhouse gases. Looking back, it is clear that every advance in the green movement has coincided with period of strong growth - the early 1970s, the late 1980s and the first half of the current decade. It was tough enough to get world leaders to make tackling climate change a priority when the world economy was experiencing its longest period of sustained growth: it will be mightily difficult to persuade them to take measures that might have a dampen growth while the dole queues are lengthening. Those most likely to suffer are workers in the most marginal jobs and pensioners who will have to pay perhaps 20% of their income on energy bills. Hence, recession does not offer even a temporary solution to the problem of climate change and it is a fantasy to imagine that it does. The real issue is whether it is possible to challenge the "growth-at-any-cost model" and come up with an alternative that is environmentally benign, economically robust and politically feasible. Hitting all three buttons is mightily difficult but attempting to do so is a heck of a lot more constructive than waiting for industrial capitalism to collapse under the weight of its own contradictions.

### Econ

#### Economic collapse causes great power war.

Royal 2010

Jedediah, Director of Cooperative Threat Reduction at the U.S. Department of Defense, “Economic Integration, Economic Signaling and the Problem of Economic Crises,” in Economics of War and Peace: Economic, Legal and Political Perspectives, ed. Goldsmith and Brauer, pg. 213-215

Less intuitive is how periods of economic decline may increase the likelihood of extern conflict. Political science literature has contributed a moderate degree of attention to the impact of economic decline and the security and defense behavior of interdependent states. Research in this vein has been considered at systemic, dyadic and national levels. Several notable contributions follow. First, on the systemic level, Pollins (2008) advances Modelski and Thompson’s (1996) work on leadership cycle theory, finding that rhythms in the global economy are associated with the rise and fall of a pre-eminent power and the often bloody transition from one pre-eminent leader to the next. As such, exogenous shocks such as economic crisis could usher in a redistribution of relative power (see also Gilpin, 1981) that leads to uncertainty about power balances, increasing the risk of miscalculation (Fearon, 1995). Alternatively, even a relatively certain redistribution of power could lead to a permissive environment for conflict as a rising power may seek to challenge a declining power (Werner, 1999). Seperately, Pollins (1996) also shows that global economic cycles combined with parallel leadership cycles impact the likelihood of conflict among major, medium and small powers, although he suggests that the causes and connections between global economic conditions and security conditions remain unknown. Second, on a dyadic level, Copeland’s (1996, 2000) theory of trade expectations suggests that ‘future expectation of trade’ is a significant variable in understanding economic conditions and security behavious of states. He argues that interdependent states are likely to gain pacific benefits from trade so long as they have an optimistic view of future trade relations, However, if the expectations of future trade decline, particularly for difficult to replace items such as energy resources, the likelihood for conflict increases, as states will be inclined to use force to gain access to those resources. Crisis could potentially be the trigger for decreased trade expectations either on its own or because it triggers protectionist moves by interdependent states. Third, others have considered the link between economic decline and external armed conflict at a national level. Blomberg and Hess (2002) find a strong correlation between internal conflict and external conflict, particularly during periods of economic downturn. They write, The linkages between internal and external conflict and prosperity are strong and mutually reinforcing. Economic conflict tends to spawn internal conflict, which in turn returns the favor. Moreover, the presence of a recession tends to amplify the extent to which international and external conflict self-reinforce each other. (Blomberg & Hess, 2002. P. 89) Economic decline has been linked with an increase in the likelihood of terrorism (Blomberg, Hess, & Weerapana, 2004), which has the capacity to spill across borders and lead to external tensions. Furthermore, crises generally reduce the popularity of a sitting government. ‘Diversionary theory’ suggests that, when facing unpopularity arising from economic decline, sitting governments have increase incentives to fabricate external military conflicts to create a ‘rally around the flag’ effect. Wang (1996), DeRouen (1995), and Blomberg, Hess, and Thacker (2006) find supporting evidence showing that economic decline and use of force are at least indirectly correlated. Gelpi (1997), Miller (1999), and Kisangani and Pickering (2009) suggest that the tendency towards diversionary tactics are greater for democratic states than autocratic states, due to the fact that democratic leaders are generally more susceptible to being removed from office due to lack of domestic support. DeRouen (2000) has provided evidence showing that periods of weak economic performance in the United States, and thus weak Presidential popularity, are statistically linked to an increase in the use of force. In summary, recent economic scholarship positively correlated economic integration with an increase in the frequency of economic crises, whereas political science scholarship links economic decline with external conflict at systemic, dyadic and national levels. This implied connection between integration, crisis and armed conflict has not featured prominently in the economic-security debate and deserves more attention.

### Uniqueness

#### Obama’s capital is resolving debt ceiling now

**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.

#### Obama has no incentive to cave – just a question of getting the GOP to believe it

**Lewison, Daily Kos senior policy editor, 9-18-13**

(Jed, “Obama says he will not yield an inch to GOP extortion demands on debt limit”, <http://www.dailykos.com/story/2013/09/18/1239737/-Obama-says-he-will-not-yield-an-inch-to-GOP-extortion-demands-on-debt-limit>, ldg)

Republicans who think the debt limit is a source of leverage are counting on President Obama to flip-flop back to his 2011 strategy. That would be more plausible if what happened in 2011 hadn't turned out to be such a disaster and, more importantly, if President Obama didn't realize it was a disaster—but clearly, he does. Obviously, we won't know until the ink is dry on the debt limit increase whether President Obama follows through on his commitment to reject GOP hostage-taking on the debt limit, but if Republicans haven't started contemplating what happens if their strategy fails, they had better get started wrapping their minds around it, because all indications are that's exactly what's going to happen.

#### GOP assumes Obama will cave now-only by staying strong can Obama get them to retreat

**Benen, MSNBC, 9-17-13**

(Steve, “Far-right House Republicans expect Obama to cave”, <http://maddowblog.msnbc.com/_news/2013/09/17/20542472-far-right-house-republicans-expect-obama-to-cave?lite>, ldg)

But there's another question that's been nagging at me. I realize Obamacare has driven Republicans mad, but what I don't understand is their endgame. Do they really want a government shutdown? Would they welcome a potentially catastrophic breach in the debt ceiling? As it turns out, no -- they're working from the assumption that the president will cave. A weakened President Obama will back down if there is a standoff over funding ObamaCare and preventing a government shutdown, House conservatives say. They are urging Speaker John Boehner (R-Ohio) and Majority Leader Eric Cantor (R-Va.) to gamble that Obama and Senate Democrats will take the blame if they reject legislation that keeps the government running but stops ObamaCare. At least 43 conservatives want the GOP leadership to go for broke, asserting that Obama has been damaged by stumbles over Syria and by several delays in implementing the Affordable Care Act. Marlin Stutzman (R-Ind.) insisted, "I think the president's too weak to shut the government down.... I think we will win." Rep. Steve King (R-Iowa) added, "Syria has hurt him significantly.... It is a factor in the [continuing resolution] going forward, it is a factor in the debt ceiling." This is delusional thinking, even by the standards of House Republicans. Let's unwrap this a bit. First, the vast majority of Americans oppose the Republicans' health care efforts, and polls show it's the GOP that will get the blame in the event of a shutdown. Second, Obama hasn't been damaged by Syria -- he got everything he wanted without firing a shot, and the public strongly backs his current approach. And third, there's simply no way Democrats would ever agree to sabotage their own health care law, which the party fought tooth and nail to approve, following a generations-long effort. What's more -- and this is the funny part -- Boehner, Cantor, and the Republican leadership is well aware of all three of these truths, but they can't seem to persuade their own members to listen to reason.

#### Obama’s strategy will get the GOP to cave now

**Easley, PoliticsUSA owner and former 411mania editor, 9-18-13**

(Jason, “Obama’s Genius Labeling of GOP Demands Extortion Has Already Won The Debt Ceiling Fight”, <http://www.politicususa.com/2013/09/18/obamas-genius-labeling-gop-demands-extortion-won-debt-ceiling-fight.html>, ldg)

President Obama effectively ended any Republican hopes of getting a political victory on the debt ceiling when he called their demands extortion. Nobody likes being extorted. The American people don’t like feeling like they are being shaken down. The White House knows this, which is why they are using such strong language to criticize the Republicans. Obama is doing the same thing to House Republicans that he has been doing to the entire party for the last few years. The president is defining them before they can define themselves. Obama is taking the same tactics that he used to define Mitt Romney in the summer of 2012 and applying them to John Boehner and his House Republicans. While Republicans are fighting among themselves and gearing up for another pointless run at defunding Obamacare, the president is already winning the political battle over the debt ceiling. His comments today were a masterstroke of strategy that will pay political dividends now and in the future. If the president is successful anytime a Republican talks about defunding Obamacare, the American people will think extortion. Republicans keep insisting on unconstitutional plots to kill Obamacare, and the president is calling them out on it. Republicans haven’t realized it yet, but while they are chasing the fool’s gold of defunding Obamacare they have already lost on the debt ceiling. By caving to the lunatic fringe in his party, John Boehner may have handed control of the House of Representatives back to Democrats on a silver platter. While Republicans posture on Obamacare, Obama is routing them on the debt ceiling.

### Winners Win

Political capital is key to the agenda and finite for Obama in the second term, he can’t do a replay of his first term

Schultz 1/22/13 (David Schultz is a professor at Hamline University School of Business, where he teaches classes on privatization and public, private and nonprofit partnerships. He is the editor of the Journal of Public Affairs Education (JPAE) “Obama's dwindling prospects in a second term” http://www.minnpost.com/community-voices/2013/01/obamas-dwindling-prospects-second-term)

Presidential power also is a finite and generally decreasing product. The first hundred days in office – so marked forever by FDR’s first 100 in 1933 – are usually a honeymoon period, during which presidents often get what they want. FDR gets the first New Deal, Ronald Reagan gets Kemp-Roth, George Bush in 2001 gets his tax cuts. Presidents lose political capital, support But, over time, presidents lose political capital. Presidents get distracted by world and domestic events, they lose support in Congress or among the American public, or they turn into lame ducks. This is the problem Obama now faces. Obama had a lot of political capital when sworn in as president in 2009. He won a decisive victory for change with strong approval ratings and had majorities in Congress — with eventually a filibuster margin in the Senate, when Al Franken finally took office in July. Obama used his political capital to secure a stimulus bill and then pass the Affordable Care Act. He eventually got rid of Don’t Ask, Don’t Tell and secured many other victories. But Obama was a lousy salesman, and he lost what little control of Congress that he had in the 2010 elections. Since then, Obama has be stymied in securing his agenda. Moreover, it is really unclear what his agenda for a second term is. Mitt Romney was essentially right on when arguing that Obama had not offered a plan for four more years beyond what we saw in the first term. A replay wouldn't work Whatever successes Obama had in the first term, simply doing a replay in the next four years will not work. First, Obama faces roughly the same hostile Congress going forward that he did for the last two years. Do not expect to see the Republicans making it easy for him. Second, the president’s party generally does badly in the sixth year of his term. This too will be the case in 2014, especially when Democrats have more seats to defend in the Senate than the GOP does. Third, the president faces a crowded and difficult agenda. All the many fiscal cliffs and demands to cut the budget will preoccupy his time and resources, depleting money he would like to spend on new programs. Obama has already signed on to an austerity budget for his next four years – big and bold is not there. Fourth, the Newtown massacre and Obama’s call for gun reform places him in conflict with the NRA. This is a major battle competing with the budget, immigration, Iran and anything else the president will want to do. Finally, the president is already a lame duck and will become more so as his second term progress. Presidential influence is waning One could go on, but the point should be clear: Obama has diminishing time, resources, support and opportunity to accomplish anything. His political capital and presidential influence is waning, challenging him to adopt a minimalist agenda for the future. What should Obama do? Among the weaknesses of his first term were inattention to filling federal judicial vacancies. Judges will survive beyond him and this should be a priority for a second term, as well as preparing for Supreme Court vacancies. He needs also to think about broader structural reform issues that will outlive his presidency, those especially that he can do with an executive order. Overall, Obama has some small opportunities to do things in the next four years – but the window is small and will rapidly close.

#### Winners win is empirically denied---opportunities come they are not created

Jackie Calmes, NYTimes, 11/12/12, In Debt Talks, Obama Is Ready to Go Beyond Beltway, mobile.nytimes.com/2012/11/12/us/politics/legacy-at-stake-obama-plans-broader-push-for-budget-deal.xml

That story line, stoked by Republicans but shared by some Democrats, holds that Mr. Obama is too passive and deferential to Congress, a legislative naïf who does little to nurture personal relationships with potential allies - in short, not a particularly strong leader. Even as voters re-elected Mr. Obama, those who said in surveys afterward that strong leadership was the most important quality for a president overwhelmingly chose Mr. Romney. George C. Edwards III, a leading scholar of the presidency at Texas A & M University who is currently teaching at Oxford University, dismissed such criticisms as shallow and generally wrong. Yet Mr. Edwards, whose book on Mr. Obama's presidency is titled "Overreach," said, "He didn't understand the limits of what he could do." "They thought they could continuously create opportunities and they would succeed, and then there would be more success and more success, and we'd build this advancing-tide theory of legislation," Mr. Edwards said. "And that was very naïve, very silly. Well, they've learned a lot, I think." "Effective leaders," he added, "exploit opportunities rather than create them." The budget showdown is an opportunity. But like many, it holds risks as well as potential rewards. "This election is the second chance to be what he promised in 2008, and that is to break the gridlock in Washington," said Kenneth M. Duberstein, a Reagan White House chief of staff, who voted for Mr. Obama in 2008 and later expressed disappointment. "But it seems like this is a replay of 2009 and 2010, when he had huge majorities in the House and Senate, rather than recognizing that 'we've got to figure out ways to work together and it's not just what I want.' " For now, at least, Republican lawmakers say they may be open to raising the tax bill for some earners. "We can increase revenue without increasing the tax rates on anybody in this country," said Representative Tom Price, Republican of Georgia and a leader of House conservatives, on "Fox News Sunday." "We can lower the rates, broaden the base, close the loopholes." The challenge for Mr. Obama is to use his postelection leverage to persuade Republicans - or to help Speaker John A. Boehner persuade Republicans - that a tax compromise is in their party's political interest since most Americans favor compromise and higher taxes on the wealthy to reduce annual deficits. Some of the business leaders the president will meet with on Wednesday are members of the new Fix the Debt coalition, which has raised about $40 million to urge lawmakers and their constituents to support a plan that combines spending cuts with new revenue. That session will follow Mr. Obama's meeting with labor leaders on Tuesday. His first trip outside Washington to engage the public will come after Thanksgiving, since Mr. Obama is scheduled to leave next weekend on a diplomatic trip to Asia. Travel plans are still sketchy, partly because his December calendar is full of the traditional holiday parties. Democrats said the White House's strategy of focusing both inside and outside of Washington was smart. "You want to avoid getting sucked into the Beltway inside-baseball games," said Joel Johnson, a former adviser in the Clinton White House and the Senate. "You can still work toward solutions, but make sure you get out of Washington while you are doing that." The president must use his leverage soon, some Democrats added, because it could quickly wane as Republicans look to the 2014 midterm elections, when the opposition typically takes seats from the president's party in Congress.

### Link

#### Distracts focus – Obama only has seven days to get a deal – every hour spent debating the plan brings us closer to default

Reuters 9/11/13

Delay in Syria vote frees Obama to shift to hefty domestic agenda

http://www.reuters.com/article/2013/09/11/us-usa-obama-agenda-idUSBRE98A0Z920130911

Putting off a decision on military strikes on Syria allows President Barack Obama to shift his attention back to a weighty domestic agenda for the fall that includes budget fights, immigration and selecting a new chairman of the Federal Reserve. Obama and his aides have immersed themselves for a week and a half in an intensive effort to win support in Congress for U.S. military action in Syria after a suspected chemical weapons attack last month killed more than 1,400 people. But the effort, which included meetings by Obama on Capitol Hill on Tuesday followed by his televised speech to Americans, seemed headed for an embarrassing defeat, with large numbers of both Democrats and Republicans expressing opposition. The push for a vote on Syria - which has now been delayed - had threatened to crowd out the busy legislative agenda for the final three months of 2013 and drain Obama's political clout, making it harder for him to press his priorities. But analysts said a proposal floated by Russia, which the Obama administration is now exploring, to place Syria's weapons under international control may allow Obama to emerge from a difficult dilemma with minimal political damage. "He dodges a tough political situation this way," said John Pitney, professor of politics at Claremont McKenna College in California. Pitney said the delay in the Syria vote removes a big burden for Obama, given that Americans, who overwhelmingly opposed military intervention in Syria, will now be able to shift their attention to other matters. He said Obama could suffer some weakening of his leverage with Congress. The administration's "full court press" to try to persuade lawmakers to approve military force on Syria was heavily criticized and did not yield much success. "He probably has suffered some damage in Congress because there are probably many people on (Capitol Hill) who have increasing doubts about the basic competence of the administration and that's a disadvantage in any kind of negotiation," Pitney said.