# ASU CR Cards Round 3 USC

## 1NC

### 1

#### Farm bill will pass now – compromise is close and the budget gave it momentum.

Urban 12/29 (Peter, Stephens Washington Bureau, “Congress to return with full plate of leftovers,” Arkansas News, 2013, http://arkansasnews.com/news/arkansas/congress-return-full-plate-leftovers.)

WASHINGTON — After a brief year-end break, Congress will return to work in January with plenty to do before President Barack Obama delivers his State of the Union address at the end of the month.¶ Among the early must-do items are a farm bill and a final budget for the 2014 fiscal year.¶ Without a farm bill, milk prices could double as price-setting policies for dairy revert to a 1946 law. Without a final budget, the federal government would face another partial shutdown on Jan. 15, similar to the one in October that closed national parks and other non-essential services.¶ The Senate is scheduled to return on Monday, Jan. 6. The House returns a day later. The State of the Union address is scheduled for Jan. 28.¶ Sen. John Boozman, R-Ark., a member of the conference committee negotiating a final version of the farm bill, expects it will be completed in time to avoid any ugly ramifications as the current law expires.¶ “A lot of people are working hard to get a farm bill passed. We are very close to an agreement,” Boozman said. “I think it will happen early next year. It’s not going to fall apart.”¶ Before the House adjourned, members approved a temporary extension of farm policies to avoid the so-called “dairy cliff.” The Senate did not follow up, preferring to keep the deadline.¶ “It puts more pressure with the deadline to get it done,” Boozman said.¶ Sen. Mark Pryor, D-Ark., said the Department of Agriculture could put off for at least a few weeks most of the disruptions that would occur if lawmakers fail to approve a new farm bill.¶ “So, the feeling is that it is better to have it (the expiration) looming out there rather than a 30-day extension because Congress would just take the extra time and not get it done any quicker,” he said. “Sometime in January we should get that passed.”¶ Congress did approve a budget blueprint before the end of 2013 that established ed the bottom line for discretionary pending at just over $1 trillion in the 2014 fiscal year. That still leaves congressional appropriators with the task of deciding where the money will be spent across government agencies.¶ Under normal circumstances, Congress is supposed to enact a dozen separate spending bills. This time, they will likely end up approving a single omnibus bill that allows for agencies to operate through September 2014.¶ “We can probably get an omnibus appropriations bill passed in January, which again is a good thing,” Pryor said. “I’ve heard rumors that the House is going to take it up the week they get back.”¶ Passing the budget resolution, Pryor said, was huge because it puts the House and Senate on the same track. It also removed concerns that there would be another battle over defunding the Affordable Care Act, which led to a 16-day government shutdown in October.¶ The year-end deal offered some hope that this congress could overcome the partisan gridlock that had otherwise left it in dysfunction.¶ “After a year of shutdowns and obstruction that only held back our economy, we’ve been able to break the logjam a bit over the last few weeks. It’s a hopeful sign that we can end the cycle of short-sighted, crisis-driven decision-making and actually work together to get things done,” Obama said in a recent radio address.

#### Having to defend authority saps Obama’s PC.

Kriner 10 Douglas L. Kriner (assistant professor of political science at Boston University) “After the Rubicon: Congress, Presidents, and the Politics of Waging War”, University of Chicago Press, Dec 1, 2010, page 68-69.

While congressional support leaves the president’s reserve of political capital intact, congressional criticism saps energy from other initiatives on the home front by forcing the president to expend energy and effort defending his international agenda. Political capital spent shoring up support for a president’s foreign policies is capital that is unavailable for his future policy initiatives. Moreover, any weakening in the president’s political clout may have immediate ramifications for his reelection prospects, as well as indirect consequences for congressional races.59 Indeed, Democratic efforts to tie congressional Republican incumbents to President George W. Bush and his war policies paid immediate political dividends in the 2006 midterms, particularly in states, districts, and counties that had suffered the highest casualty rates in the Iraq War. 60 In addition to boding ill for the president’s perceived political capital and reputation, such partisan losses in Congress only further imperil his programmatic agenda, both international and domestic. Scholars have long noted that President Lyndon Johnson’s dream of a Great Society also perished in the rice paddies of Vietnam. Lacking the requisite funds in a war-depleted treasury and the political capital needed to sustain his legislative vision, Johnson gradually let his domestic goals slip away as he hunkered down in an effort first to win and then to end the Vietnam War. In the same way, many of President Bush’s highest second-term domestic proprieties, such as Social Security and immigration reform, failed perhaps in large part because the administration had to expend so much energy and effort waging a rear-guard action against congressional critics of the war in Iraq.61 When making their cost-benefit calculations, presidents surely consider these wider political costs of congressional opposition to their military policies. If congressional opposition in the military arena stands to derail other elements of his agenda, all else being equal, the president will be more likely to judge the benefits of military action insufficient to its costs than if Congress stood behind him in the international arena.

#### Obama’s PC is key to a compromise – it’s necessary to bridge gaps between the multiple versions of the bill.

Hildebrant, 11-17

[Dale, 11-17-2013, “Farm Bill Conference Committee wants to finish by Thanksgiving,” Minnesota Farm Guide, http://www.minnesotafarmguide.com/news/regional/farm-bill-conference-committee-wants-to-finish-by-thanksgiving/article\_2e07f0b2-4d4a-11e3-9894-001a4bcf887a.html]

Little has been heard from the Farm Bill Conference Committee since its opening session on Oct. 30 – at least not publicly. But that doesn’t mean there hasn’t been progress. That’s because most of the negotiating is going on behind closed doors. In fact, several committee members have expressed optimism that a compromise bill could be hammered out by Thanksgiving. If that happens, it should allow adequate time for full House and Senate action on the compromise by the end of the year. That first official meeting of the committee on Oct. 30 allowed the 41 members to make their opening statements and offers on what they would like to see in the compromise bill. Since then private meetings have taken place with the nutrition spending level and Title I programs presenting the biggest challenges to an agreement. “We have a responsibility to reach consensus and do what is best for all of agriculture and rural America,” said Rep. Frank Lucas (R-Okla.) in his opening remarks after convening the conference committee. “Let’s give certainty and sound policy to our agricultural producers; let’s deliver taxpayers billions of dollars in deficit reduction; let’s continue to provide consumers the affordable and reliable food supply they have grown accustomed to. Let’s work together to get our work done.” Senate Ag Committee chair Debbie Stabenow (D-Mich.) echoed Lucas’ call for compromise and action. “There are 16 million men and women whose jobs rely on the strength of agriculture and I am confident we won’t let them down,” Stabenow said. Even though Congress has a scheduled recess coming up, ranking member on the House Committee, Rep. Collin Peterson (D-Minn.) expressed hope that the work of the conference committee would continue through the recess. “We need to get at this or we’re not going to get this done,” Peterson told reporters. In a short news conference later in the week, both Lucas and Stabenow expressed the desire to continue work on a compromise bill during the recess. The dialogue surrounding the nutrition part of the Farm Bill debate has already changed with the suspension of a 2009 increase in food stamps benefits as part of the effort to stimulate the economy. The Obama Administration had hoped to phase out those stimulus benefits over time, but Congress decided to speed up the schedule. This reduction, which kicked in on Nov. 1, will save an estimated $11 billion in savings over the next few years. Stabenow referenced this in her opening remarks to the Conference Committee noting that this $11 billion in savings should be added to the equation measuring the food stamp cuts in both versions of the bill. “That $11 billion, plus the $4 billion in original cuts in the Senate bill, means that accepting the Senate nutrition title would result in a total of $15 billion in cuts in nutrition,” she said. The House version of nutrition assistance originally cut $39 billion from the program, which doesn’t include the $11 billion in savings from the Nov. 1 cut in funding. Because of this large difference in the two versions of the bill, Peterson believes that President Obama’s intervention will prove useful in getting the issue resolved.

#### New farm bill key to prevent a food price spike

Nelson 10/17/13 [Joe Nelson, writer for WEAU news, “Obama, ag industry waiting for new Farm bill,” http://www.weau.com/home/headlines/Obama-ag-industry-waiting-for-new-Farm-Bill-228259521.html]

With the government shutdown over, farmers are still waiting for a deal to be made.¶ President Obama listed the farm bill as one of his top priorities to address, which could protect farmers and low income families.¶ “We should pass a farm bill, one that American farmers and ranchers can depend on, one that protects vulnerable children and adults in times of need, one that gives rural communities opportunities to grow and the long-term certainty that they deserve. Again, the Senate's already passed a solid bipartisan bill. It's got support from democrats and republicans. It's sitting in the House waiting for passage. If House republicans have ideas that they think would improve the farm bill, let's see them. Let's negotiate. What are we waiting for? Let's get this done,” Obama said.¶ Farmers said if they struggle without a farm bill, it could cause food prices to spike, force some out of the industry and damage the economy.¶ “If the milk price falls below a certain level, the Farm bill does help support farmers during a time of an economic crisis when prices drop too low,” Chippewa County U.W. Extension Crops and Soils Educator, Jerry Clark¶ The current, five-year Farm bill was temporarily extended, but both farmers and Clark said with much to lose, a new one is needed.¶ “Any time we can get the new bill passed, it's definitely going to help because there's always new changes in agriculture, as far as commodities or practices that need to be implemented,” Clark said. “So those types of things should be passed to keep up with the current trends in agriculture.¶ Durand corn and soybean farmer and Value Implement dealer TJ Poeschel says not having a new farm bill and reverting to a bill from 1949 could cut down profits or even force some farmers to quit or retire.

#### This turns their food shortages impact.

### 2

#### The aff’s congressional restraints spill over to destabilize all presidential war powers.

Heder, J.D., magna cum laude , J. Reuben Clark Law School, Brigham Young University, ’10

[Adam, “THE POWER TO END WAR: THE EXTENT AND LIMITS OF CONGRESSIONAL POWER,” St. Mary’s Law Journal Vol. 41 No. 3, <http://www.stmaryslawjournal.org/pdfs/Hederreadytogo.pdf>]

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

#### Perception of weak Presidential crisis response collapses heg.

Bolton, Senior Fellow at the American Enterprise Institute, ‘9

[John, Former U.S. ambassador to the United Nations, “The danger of Obama's dithering,” Los Angeles Times, October 18, http://articles.latimes.com/2009/oct/18/opinion/oe-bolton18]

**Weakness in American foreign policy in one region often** invites challenges elsewhere**, because our adversaries carefully follow** diminished American resolve. Similarly, presidential indecisiveness**, whether because of uncertainty or** internal political struggles**, signals that the United States may not respond to international challenges in clear and coherent ways.** Taken together, **weakness and indecisiveness have proved historically to be a** toxic **combination for America's global interests.** That is exactly the combination we now see under President Obama. If anything, his receiving the Nobel Peace Prize only underlines the problem. All of Obama's campaign and inaugural talk about "extending an open hand" and "engagement," especially the multilateral variety, isn't exactly unfolding according to plan. Entirely predictably, we see more clearly every day that diplomacy is not a policy but only a technique. **Absent** presidential leadership, **which at a minimum means** clear policy direction and persistence in the face of criticism and adversity**, engagement simply embodies** weakness and indecision.

#### Heg solves nuclear war.

Barnett 11 (Thomas P.M., Former Senior Strategic Researcher and Professor in the Warfare Analysis & Research Department, Center for Naval Warfare Studies, U.S. Naval War College American military geostrategist and Chief Analyst at Wikistrat., worked as the Assistant for Strategic Futures in the Office of Force Transformation in the Department of Defense, “The New Rules: Leadership Fatigue Puts U.S., and Globalization, at Crossroads,” March 7 <http://www.worldpoliticsreview.com/articles/8099/the-new-rules-leadership-fatigue-puts-u-s-and-globalization-at-crossroads>)

Events in Libya are a further reminder for Americans that we stand at a crossroads in our continuing evolution as the world's sole full-service superpower. Unfortunately, we are increasingly seeking change without cost, and shirking from risk because we are tired of the responsibility. We don't know who we are anymore, and our president is a big part of that problem. Instead of leading us, he explains to us. Barack Obama would have us believe that he is practicing strategic patience. But many experts and ordinary citizens alike have concluded that he is actually beset by strategic incoherence -- in effect, a man overmatched by the job. It is worth first examining the larger picture: We live in a time of arguably the greatest structural change in the global order yet endured, with this historical moment's most amazing feature being its relative and absolute lack of mass violence. That is something to consider when Americans contemplate military intervention in Libya, because if we do take the step to prevent larger-scale killing by engaging in some killing of our own, we will not be adding to some fantastically imagined global death count stemming from the ongoing "megalomania" and "evil" of American "empire." We'll be engaging in the same sort of system-administering activity that has marked our stunningly successful stewardship of global order since World War II. Let me be more blunt: As the guardian of globalization, the U.S. military has been the greatest force for peace the world has ever known. Had America been removed from the global dynamics that governed the 20th century, the mass murder never would have ended. Indeed, it's entirely conceivable there would now be no identifiable human civilization left, once nuclear weapons entered the killing equation. But the world did not keep sliding down that path of perpetual war. Instead, America stepped up and changed everything by ushering in our now-perpetual great-power peace. We introduced the international liberal trade order known as globalization and played loyal Leviathan over its spread. What resulted was the collapse of empires, an explosion of democracy, the persistent spread of human rights, the liberation of women, the doubling of life expectancy, a roughly 10-fold increase in adjusted global GDP and a profound and persistent reduction in battle deaths from state-based conflicts. That is what American "hubris" actually delivered. Please remember that the next time some TV pundit sells you the image of "unbridled" American military power as the cause of global disorder instead of its cure. With self-deprecation bordering on self-loathing, we now imagine a post-American world that is anything but. Just watch who scatters and who steps up as the Facebook revolutions erupt across the Arab world. While we might imagine ourselves the status quo power, we remain the world's most vigorously revisionist force. As for the sheer "evil" that is our military-industrial complex, again, let's examine what the world looked like before that establishment reared its ugly head. The last great period of global structural change was the first half of the 20th century, a period that saw a death toll of about 100 million across two world wars. That comes to an average of 2 million deaths a year in a world of approximately 2 billion souls. Today, with far more comprehensive worldwide reporting, researchers report an average of less than 100,000 battle deaths annually in a world fast approaching 7 billion people. Though admittedly crude, these calculations suggest a 90 percent absolute drop and a 99 percent relative drop in deaths due to war. We are clearly headed for a world order characterized by multipolarity, something the American-birthed system was designed to both encourage and accommodate. But given how things turned out the last time we collectively faced such a fluid structure, we would do well to keep U.S. power, in all of its forms, deeply embedded in the geometry to come. To continue the historical survey, after salvaging Western Europe from its half-century of civil war, the U.S. emerged as the progenitor of a new, far more just form of globalization -- one based on actual free trade rather than colonialism. America then successfully replicated globalization further in East Asia over the second half of the 20th century, setting the stage for the Pacific Century now unfolding.

### 3

#### The executive branch should request Congressional authorization prior to initiating military use of force. The executive branch should comply with Congress’s determination.

#### Presidential practice is the only effective check – plan and perm will be disregarded

Weiner, JD from Vanderbilt University, 2007

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

In practice the WPR limits presidents’ outrageous unilateral uses of force. While critics of the WPR seem likely to oppose any legislation that stops short of emasculating the Executive into becoming the “messenger-boy”64 of Congress, they must remember that the foundation for the law of war lies in practice.65 Again, recall this Note’s suggestion that the WPR, and the law of war in general, should be viewed from a functionalist perspective. **Any law** that purports to control the actions of those involved in warfare **will only be followed if it allows the actor the chance to preserve his own interests**. Thus, while a soldier is interested in staying alive, and a commander is interested in preserving the lives of those under his command, the Executive is interested in both of these things as well as ensuring the national security of the entire nation. A law that does not afford the Executive sufficient flexibility to satisfy these interests is bound to be a dead-letter. The WPR allows such flexibility, because while its requirements are clear black-letter law, its enforcement structure owes its strength to behavioral norms rather than law. The Executive has an incentive to abide by the WPR to avoid showing disrespect for Congress or the will of the U.S. public. However, he retains the legal freedom to function outside the WPR when he judges it to be manifestly clear (1) that the Nation’s interests require it, or (2) when he perceives that the will of the people is behind him.66 The WPR’s effectiveness can only be evaluated by its effect in practice. For this reason, this Note now surveys post-1973 presidential unilateral uses of force.

### 4

#### The aff’s production of risk is used to maintain the stranglehold of expertism that decides the future of government policy. They prop up social inequalities around us and normalize every day violence that occurs around us in the name of market opportunities.

Beck, Professor of Sociology at the Ludwig-Maximilians-University Munich, ‘92

[Ulrich, Risk Society: Towards a New Modernity, Published in association with Theory, Culture & Society, pgs. 44-46, RSR] (We do not endorse the ableist language)

Inequalities in class and risk society can therefore overlap and condition one another: the latter can produce the former. The unequal distribution of social wealth offers impregnable defensive walls and justifications for the production of risks. Here a precise distinction must be made between the cultural and political attention to risks and their actual diffusion. Class societies are societies where, across all the gaps between classes, the main concern is the visible satisfaction of material needs. Here, hunger and surplus or power and weakness confront each other. Misery needs no self-confirmation. It exists. Its directness and visibility correspond to the material evidence of wealth and power. The certainties of class societies are in this sense the certainties of a culture of visibility: emaciated hunger contrasts with plump satiety; palaces with hovels, splendor with rags. These evident qualities of the tangible no longer hold in risk societies. What escapes perceptibility no longer coincides with the unreal, but can instead even possess a higher degree of hazardous reality. Immediate need competes with the known element of risk. The world of visible scarcity or surplus grows dim under the predominance of risks. The race between perceptible wealth and imperceptible risks cannot be won by the latter. The visible cannot compete with the invisible. Paradox decrees that for that very reason the invisible risks win the race. The ignoring of risks that are in any case imperceptible, which always finds its justification in the elimination of tangible need - and in fact actually has that justification (see the Third World!) - is the cultural and political soil on which the risks and hazards grow, bloom and thrive. In the overlap and competition between the problems of class, industrial and market society on one side and those of the risk society on the other, the logic of wealth production always wins, in accordance with the power relationships and standards of relevance - and for that very reason the risk society is ultimately victorious. The tangibility of need suppresses the perception of risks, but only the perception, not their reality or their effects; risks denied grow especially quickly and well. At a certain stage of social production, characterized by the development of the chemical industry, but also by reactor technology, microelectronics, and genetic technology, the predominance of the logic and conflicts of wealth produc- tion, and thus the social invisibility of the risk society, is no proof of its unreality; on the contrary, it is a motor for the origin of the risk society and thus a proof that it is becoming real. This is what the overlapping and amplification of class and risk posi- tions in the Third World teaches; the same can be said, however, of action and thought in the wealthy industrial countries. Protecting economic recovery and growth still enjoys unchallenged first priority. The threatening loss of jobs is played up, in order to keep the loopholes in prescribed emissions regulations wide and their enforcement lax, or to prevent any investigation into certain toxic residues in foodstuffs. No records are kept on entire families of chemicals out of consideration for the economic consequences; they do not exist legally and can be freely circulated for that very reason. The contradiction that fighting environmental risks has itself become a flourishing branch of industry that guarantees many millions of people secure (all too secure) jobs in Germany is passed over in silence. At the same time the instruments of definitional risk 'management' are being sharpened and the relevant axes are being swung. Those who point out risks are defamed as 'alarmists' and risk producers. Their presentation of the hazards is considered 'unproven'. The effects on man and animals they demonstrate are called 'outrageously exaggerated'. More research is required, they say, before one can be sure what the situation is and take the appropriate measures. Only a rapidly growing gross national product could create the prerequisites for improved environmental protection. They invoke trust in science and research. Their rationality has so far found solutions to every problem, the argument goes. Critique of science and anxieties about the future are stigmatized in contrast as 'irra- tionalism'. They are supposed to be the real roots of the evils. Risk belongs to progress as much as a bow-wave belongs to a speeding ship. Risk is no invention of modern times. It is tolerated in many areas of social life. The deaths from traffic accidents, for instance. Every year a middle-sized city in Germany disappears without a trace, so to speak. People have even got used to that. So there is plenty of free space and air for little mini-catastrophes with radioactive material or waste or such (these are in any case extremely unlikely, considering German safety technology). Even the dominance of this interpretation cannot delude us as to its loss of reality. Its victory is a Pyrrhic one. Where it prevails it produces what it denies, the risk society. But there is no consolation in that; on the contrary there is a growing danger. Thus it is also and especially in denial and non-perception that the objec- tive community of a global risk comes into being. Behind the variety of interests, the reality of risk threatens and grows, knowing no social or national differences anymore. Behind the walls of indifference, danger runs wild. Of course, this does not mean that a grand harmony will break out in the face of the growing risks of civilization. Precisely in dealing with risks, a variety of new social differentiations and conflicts emerge. These no longer adhere to the plan of class society. They arise above all from the double face of risks in late industrial society: risks are no longer the dark side of opportunities, they are also market opportunities. As the risk society develops, so does the antagonism between those afflicted by risks and those who profit from them. The social and economic impor- tance of knowledge grows similarly, and with it the power over the media to structure knowledge (science and research) and disseminate it (mass media). The risk society is in this sense also the science, media and infor- mation society. Thus new antagonisms open up between those who produce risk definitions and those who consume them.

#### The alternative is to rethink the risk society – developing alternative frames that reject expertism and future risks is key to prevent the aff from becoming a self-fulfilling prophecy.

Beck, Professor of Sociology at the Ludwig-Maximilians-University Munich, ‘92

[Ulrich, Risk Society: Towards a New Modernity, Published in association with Theory, Culture & Society, pgs.175-176, RSR]

Thus there are fundamentally two options confronting each other in dealing with civilizational risks: removing causes in primary industrialization, or the secondary industrialization of consequences and symptoms, which tends to expand markets. To this point, the second route has been taken almost everywhere. It is cost-intensive, leaves the causes obscure and permits the transformation of mistakes and problems into market booms. The learning process is systematically foreshortened and prevented. The self-origination of the threats of modernization is submerged under the selective consideration and treatment of symptoms. This can be illustrated with the example of the treatment of diseases of civilization, such as diabetes, cancer or heart disease. These illnesses could be fought where they originate: by reducing the stresses of work or the pollution of the environment, or through a healthy way of life and a nutritious diet. Or the symptoms can be alleviated through chemical preparations. The different schools of fighting illness do not of course exclude one another, but one cannot actually speak of a cure through the second method. Nonetheless, we have so far generally opted for the medical and chemical 'solution'. In more and more areas, industry is beginning to profit from its secondary problems, ignoring its own role in their origin. This once again raises alternative decisions for science and its research: either it delivers the appropriate risk definitions and causal interpretations for this in its isolated specialization, or it breaks through this cost-intensive controlling of the symptoms and develops independent, theoretically sound alternative perspectives that demonstrate and illuminate the sources of problems and their elimination in industrial development itself. In the first case science becomes the participant and the legitimating agency for continuing chains of 'objective constraints'; in the second case, it demonstrates starting points and ways to break these chains and thus gain a bit of sovereignty within modernization over modernization. In this sense the risk society is potentially also a self-critical society. Reference points and presuppositions of critique are always being produced there in the form of risks and threats. The critique of risks is not a normative critique of values. Precisely where traditions and hence values have deteriorated, risks come into being. The basis for critique is less the traditions of the past than the threats of the future. What is needed to recognize toxic substances in the air, the water and food, is not so much established values as, rather, expensive measuring instruments and methodological and theoretical knowledge. Determinations of risk thus oddly straddle the distinction between objec- tive and value dimensions. They do not assert moral standards openly, but in the form of a quantitative, theoretical and causal implicit morality. Correspondingly, in the investigation of risks with a generally conventional understanding of science, a kind of 'objectified causal morality’ is being undertaken. Statements on risk are the moral statements of scientized society. All these things - reference points and object of critique, the possibilities of discovering and grounding - are themselv.es produced m the modernization process on a large and a small scale. In this sense, therefore, a detraditionalized and self-critical society also comes into being along with the risk society, at least potentially. The concept of risk is like a probe which permits us over and over again to investigate the entire construction plan, as well as every individual speck of cement in the structure of civilization for potentials of self-endangerment.

### Solvency

#### Congress doesn’t enhance cred --- narrow majorities make us look unsure --- empirics prove

John Yoo 4, Emanuel S. Heller Professor of Law @ UC-Berkeley Law, visiting scholar @ the American Enterprise Institute, former Fulbright Distinguished Chair in Law @ the University of Trento, served as a deputy assistant attorney general in the Office of Legal Council at the U.S. Department of Justice between 2001 and 2003, received his J.D. from Yale and his undergraduate degree from Harvard, “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

It is also not obvious that congressional deliberation ensures consensus. Legislative authorization might reflect ex ante consensus before military hostilities, but it also might merely represent a bare majority of Congress or an unwillingness to challenge the President’s institutional and political strengths regardless of the merits of the war. It is also no guarantee of an ex post consensus after combat begins. Thus, the Vietnam War, which Ely and others admit satisfied their constitutional requirements for congressional approval, did not meet with a consensus over the long term but instead provoked some of the most divisive politics in American history. It is also difficult to claim that the congressional authorizations to use force in Iraq, of either the 1991 or 2002 varieties, reflected a deep consensus over the merits of war there. Indeed, the 1991 authorization barely survived the Senate and the 2002 one received significant negative votes and has become an increasingly divisive issue in national political and the 2004 presidential election. Congress’s authorization for the use of force in Iraq in 2003 has not served as a guarantee of political consensus. ¶ Conversely, a process without congressional declarations of war does not necessarily result in less deliberation or consensus. Nor does it seem to inexorably lead to poor or unnecessary war goals. Perhaps the most important example, although many might consider it a “war,” is the conflict between the United States and the Soviet Union from 1946 through 1991. War was fought throughout the world by the superpowers and their proxies during this period. Yet the only war arguably authorized by Congress – and even this is a debated point – was Vietnam. The United States waged war against Soviet proxies in Korea and Vietnam, the Soviet Union fought in Afghanistan, and the two almost came into direct conflict during the Cuban Missile Crisis. Despite the division over Vietnam, there appeared to be a significant bipartisan consensus on the overall strategy (containment) and goal (defeat of the Soviet Union, protection of Europe and Japan), and Congress consistently devoted significant resources to the creation of a standing military to achieve them. Different conflicts during this period that did not benefit from congressional authorization, such as conflicts in Korea, Grenada, Panama, and Kosovo, did not suffer from a severe lack of consensus, at least at the outset. Korea initially received the support of the nation’s political leadership, and it seems that support declined only once battlefield reverses had occurred. Grenada and Panama did not seem to suffer from any serious political challenge, and while Kosovo met with some political resistance, it does not appear to have been significant.

#### Obama will signing statement the aff—hollows the restriction out\*\*

Jeffrey Crouch, assistant professor of American politics at American University, Mark J. Rozell, acting dean and a professor of public policy at George Mason University, and Mitchel A. Sollenberger, associate professor of political science at the University of Michigan-Dearborn, December 2013, The Law: President Obama's Signing Statements and the Expansion of Executive Power, Presidential Studies Quarterly 43.4

In a January 2013 signing statement, President Barack Obama stated that his constitutional powers as president limited him to signing or vetoing a law outright and that he lacked the authority to reject legislative provisions “one by one.” Yet he then proceeded in a nearly 1,200 word statement to pick the law apart, section by section, and to effectively challenge many provisions by declaring that they violated his constitutional powers as commander in chief. According to his signing statement, a provision restricting the president's authority to transfer detainees to foreign countries “hinders the Executive's ability to carry out its military, national security, and foreign relations activities and would, under certain circumstances, violate constitutional separation of powers principles” (Obama 2013). Obama did not mention, however, that Congress specifically authorized transfers to foreign countries as long as the secretary of defense, with the concurrence of the secretary of state and in consultation with the director of national intelligence, certified that the foreign government receiving the detainees was not a designated state sponsor of terrorism and possessed control over the facility the individual would be housed (P.L. 112-239; see Fisher 2013). Obama also objected to a number of provisions that he claimed would violate his “constitutional duty to supervise the executive branch” and several others that he said could encroach upon his “constitutional authority to recommend such measures to the Congress as I ‘judge necessary and expedient.’ My Administration will interpret and implement these provisions in a manner that does not interfere with my constitutional authority” (Obama 2013). What the president could not block or modify through concessions or veto threats during budget negotiations with members of Congress, he decided he could unilaterally strip from a signed bill. Similar to his predecessor, George W. Bush, Obama suggested that he was the ultimate “decider” on what is constitutional and proper. Few acts by occupants of the White House so completely embody the unchecked presidency. Candidate Obama on Signing Statements President Obama's actions have been surprising given that he proclaimed while first running for his office that he would not issue signing statements that modify or nullify acts of Congress (YouTube 2013 2013). In a December 2007 response to the Boston Globe, presidential candidate Obama provided a detailed explanation for his thinking: “I will not use signing statements to nullify or undermine congressional instructions as enacted into law. The problem with [the George W. Bush] administration is that it has attached signing statements to legislation in an effort to change the meaning of the legislation, to avoid enforcing certain provisions of the legislation that the President does not like, and to raise implausible or dubious constitutional objections to the legislation” (Savage 2007a). Candidate Obama's objection to President Bush's actions centered on one of the three varieties of signing statement, in this case, a “constitutional” signing statement. In a “constitutional” signing statement, a president not only points out flaws in a bill, but also declares—in often vague language—his intent not to enforce certain provisions. Such statements may be different than ones that are “political” in nature. In “political” signing statements, a president gives executive branch agencies guidance on how to apply the law.1 Finally, the most common type of signing statements are “rhetorical,” whereby the intent of the president is to focus attention on one or more provisions for political gain (Kelley 2003, 45-50). President Obama's Policy on Signing Statements At the start of his term, it seemed that President Obama would honor his campaign commitments and break with his predecessor when he issued a memorandum to heads of executive branch departments and agencies regarding his policy on signing statements. In this memorandum, he wrote, “there is no doubt that the practice of issuing [signing] statements can be abused.” He objected to the use of signing statements where a president disregards “statutory requirements on the basis of policy disagreements.” Only when signing statements are “based on well-founded constitutional objections” do they become legitimate. Therefore, “in appropriately limited circumstances, they represent an exercise of the President's constitutional obligation to take care that the laws be faithfully executed, and they promote a healthy dialogue between the executive branch and the Congress.” President Obama proceeded to list four key principles he would follow when issuing signing statements: (1) Congress shall be informed, “whenever practicable,” of the president's constitutional objections; (2) the president “will act with caution and restraint” when issuing statements that are based on “well-founded” constitutional interpretations; (3) there will be “sufficient specificity” in each statement “to make clear the nature and basis of the constitutional objection”; and finally, (4) the president would “construe a statutory provision in a manner that avoids a constitutional problem only if that construction is a legitimate one” (Obama 2009a). Media coverage praised President Obama's action. The Boston Globe declared, “Obama reins in signing statements” (Editorial 2009). David Jackson of USA Today reported, “Obama tried to overturn his predecessor again on Monday, saying he will not use bill signing statements to tell his aides to ignore provisions of laws passed by Congress that he doesn't like” (Jackson 2009). Another reporter noted, President Obama “signaled that, unlike Bush, he would not use signing statements to do end runs around Congress” (James 2009). Any expectations for a shift in the exercise of signing statements ultimately were misplaced, as President Obama, like his predecessor, has used signing statements in ways that attempt to increase presidential power. In this article, we first describe and analyze the continuity of policy and action between Barack Obama and George W. Bush. Second, we address why signing statements—at least one type of them—can not only be unconstitutional abuses of presidential power, but may also be unproductive tools for promoting interbranch dialogue and cooperation. Third, we show that signing statements are a natural result of expanding power in the modern presidency and that they have come to be used as a means of unilateral executive action. Finally, we provide a possible corrective to some of the more aggressive forms of constitutional signing statements that impact appropriations.

#### Ex ante requirements turn the case\*\*

Nzelibe 7 [Jide Nzelibe (Asst. Professor of Law @ Northwestern); “Are Congressionally Authorized Wars Perverse?”; *Stanford Law Review*: Vol. 59, 2007; <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=952490>]

Contrary to the received wisdom, this **experimental Article advances the empirically plausible assumption that congressional authorization of the use of force might actually have a perverse effect.** Thus, **rather than create a drag effect that minimizes the impulse to rush into imprudent wars, congressional authorization might** actually **do the** opposite: because such **authorization allows the President to** spread the potential political costs **of military failure or stalemate to other elected officials, it will lead the President to** select into more high risk wars **than he would otherwise choose if he were acting unilaterally.** In other words, **since congressional authorization acts as a political “insurance policy” that** partially protects the President against the possible political fallout from a military misadventure, **he is** likely to be more willing to engage in wars **where the expected outcome is uncertain**. More importantly, not only is the President likely to use congressional authorization as a hedge to prevent future political opponents from exploiting his misfortunes, he is also likely to use it to protect members of his party in Congress who are more likely to be electorally vulnerable in the absence of such authorization. While this notion of **congressional authorization as political insurance** might appear puzzling, it **makes sense** when understood **as a cheap mechanism designed to protect a vulnerable President** or ruling party **from the insecure political atmosphere** that is **likely to exist in the aftermath of a high risk conflict.** Significantly, **two factors** operate in tandem to **ensure** that **the** initial Presidential **decision to seek congressional authorization will not be** particularly **costly** from a political perspective. First, **since a member of Congress is likely to have less information than the President about the likely outcome of a high risk conflict, he or she is likely to** defer to the President’s judgment **that the conflict will have a positive outcome and hope to ride the President’s electoral coattails** as voters rally around the flag. Thus, **the purported** institutional **benefit of deliberation by multiple voices** that congressional authorization is supposed to confer **is likely to be** trivial**, if not non-existent**. Second, **since the electoral consequences of voting against a successful war are likely to be dearer than voting for a losing war, the President is** relatively assured **of getting a favorable vote to use force** from those members of Congress who are elected from swing districts. In sum, seeking congressional authorization for the use of force becomes a tradeoff in which Presidents are willing to accept the relatively low short-term costs of involving other elected officials in the war decision-making process in exchange for longterm political security.

### Intervention

#### SQUO solves – Obama won’t recklessly intervene.

Aziz 13 (Omer, graduate student at Cambridge University, is a researcher at the Center for International and Defense Policy at Queen’s University, “The Obama Doctrine's Second Term,” Project Syndicate, 2-5, <http://www.project-syndicate.org/blog/the-obama-doctrine-s-second-term--by-omer-aziz>)

The Obama Doctrine’s first term has been a remarkable success. After the $3 trillion boondoggle in Iraq, a failed nation-building mission in Afghanistan, and the incessant saber-rattling of the previous Administration, President Obama was able to reorient U.S. foreign policy in a more restrained and realistic direction. He did this in a number of ways. First, an end to large ground wars. As Defense Secretary Robert Gates put it in February 2011, anyone who advised future presidents to conduct massive ground operations ought “to have [their] head examined.” Second, a reliance on Secret Operations and drones to go after both members of al Qaeda and other terrorist outfits in Pakistan as well as East Africa. Third, a rebalancing of U.S. foreign policy towards the Asia-Pacific — a region neglected during George W. Bush's terms but one that possesses a majority of the world’s nuclear powers, half the world’s GDP, and tomorrow’s potential threats. Finally, under Obama's leadership, the United States has finally begun to ask allies to pick up the tab on some of their security costs. With the U.S. fiscal situation necessitating retrenchment, coupled with a lack of appetite on the part of the American public for foreign policy adventurism, Obama has begun the arduous process of burden-sharing necessary to maintain American strength at home and abroad. What this amounted to over the past four years was a vigorous and unilateral pursuit of narrow national interests and a multilateral pursuit of interests only indirectly affecting the United States. Turkey, a Western ally, is now leading the campaign against Bashar al-Assad’s regime in Syria. Japan, Korea, India, the Philippines, Myanmar, and Australia all now act as de facto balancers of an increasingly assertive China. With the withdrawal of two troop brigades from the continent, Europe is being asked to start looking after its own security. In other words, the days of free security and therefore, free riding, are now over. The results of a more restrained foreign policy are plentiful. Obama was able to assemble a diverse coalition of states to execute regime-change in Libya where there is now a moderate democratic government in place. Libya remains a democracy in transition, but the possibilities of self-government are ripe. What’s more, the United States was able to do it on the cheap. Iran’s enrichment program has been hampered by the clandestine cyber program codenamed Olympic Games. While Mullah Omar remains at large, al Qaeda’s leadership in Afghanistan and Pakistan has been virtually decimated. With China, the United States has maintained a policy of engagement and explicitly rejected a containment strategy, though there is now something resembling a cool war — not yet a cold war — as Noah Feldman of Harvard Law School puts it, between the two economic giants. The phrase that best describes the Obama Doctrine is one that was used by an anonymous Administration official during the Libya campaign and then picked up by Republicans as a talking point: Leading From Behind. The origin of the term dates not to weak-kneed Democratic orthodoxy but to Nelson Mandela, who wrote in his autobiography that true leadership often required navigating and dictating aims ‘from behind.’ The term, when applied to U.S. foreign policy, has a degree of metaphorical verity to it: Obama has led from behind the scenes in pursuing terrorists and militants, is shifting some of the prodigious expenses of international security to others, and has begun the U.S. pivot to the Asia-Pacific region. The Iraq War may seem to be a distant memory to many in North America, but its after-effects in the Middle East and Asia tarnished the United States' image abroad and rendered claims to moral superiority risible. Leading From Behind is the final nail in the coffin of the neoconservatives' failed imperial policies.

#### Preemption is good --- solves global war\*\*

Steven Westphal 3, Lt. Col. 2003, Counterterrorism: Policy of Preemptive Action, http://www.au.af.mil/au/awc/awcgate/army-usawc/westphal.pdf

Preemptive strikes risk causing potential crisis to escalate quickly. However, the risk of inaction is far greater than the risk of action. Weapons of mass destruction could enable our adversaries to inflict massive harm **on the United States,** our military forces at home and abroad **and our allies** and friends. Some states**, including several that** have supported and **continue to support terrorism, already possess** weapons of mass destruction and are seeking even greater capabilities, as tools of coercion and intimidation. For them, these are not weapons of last resort, but militarily useful weapons of choice intended to overcome our nation’s advantages in conventional forces and to deter us from responding to aggression against our friends and allies in regions of vital interest. In addition, terrorist groups are seeking to acquire weapons of mass destruction with the stated purpose of killing large numbers of our people and those friends and allies – without compunction and without warning.29 It is against these **adversaries,** rogue states and terrorist groups that preemptive strikes are ideally intended and suited. Preemptive strikes are not intended for the illegitimate use of the strong to further their own imperialistic agendas. Preemptive strikes are intended to be used as a preventive deterrent against an enemy, initiated on the basis of incontrovertible evidence, to prevent an enemy attack that is imminent or to prevent an attack that will occur at a later time. The underlying emphasis is that preemptive strikes are a deterrent and preventive measure used to forestall, preclude and stop anticipated or feared attacks by an enemy based on incontrovertible evidence.¶ Because deterrence may not succeed, and because of the potentially devasting consequences **of weapons of mass destruction use against our forces and civilian** population, U.S. military forces and appropriate civilian agencies must have the capability to defend against WMD–armed adversaries, including in appropriate cases through preemptive measures.30 ¶ The United States’ policy on Counter-Terrorism and its acknowledgement and use of preemptive strikes; is good, pragmatic, rational and just. The nature of the enemy has changed; the nature of the threat has changed, so the response to the new enemy and new threats must change. Given the goals of rogue states and terrorist, the U.S. can not solely rely on a reactive posture as we have in the past. Preemptive strikes may be our best or only option **to avert a catastrophic attack.** Prudence dictates that the United States must act preemptively, and it must act alone if necessary, to stop rogue states, terrorism and terrorists before they have the opportunity to inflict potentially catastrophic attacks **upon our country and the world.** The economies, environments, freedoms, interest, liberties, lives and values of millions of peoples and countries around the world depend upon our ability to act preemptively to stop terrorist and rogue states before they can attack. The stated policy, written policy and justifiable use of Preemptive Strikes by the United States, is a necessary response and a necessary method to deter and eventually stop the scourge of terrorism**.**

#### No escalation—executives will be responsible

Weiner 2007

Michael Anthony, J.D. Candidate, Vanderbilt School of Law, 2007, “A Paper Tiger with Bite: A Defense of the War Powers Resolution,” http://www.vanderbilt.edu/jotl/manage/wp-content/uploads/Weiner.pdf

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

### Warfighting

#### Congress does not solve better wars.

Jide Nzelibe 6, Asst. Profesor of Law @ Northwestern, and John Yoo, Emanuel S. Heller Professor of Law @ UC-Berkeley Law, “Rational War and Constitutional Design,” Yale Law Journal, Vol. 115, SSRN

But before accepting this attractive vision, we should ask whether the Congress first system produces these results. In other words, has requiring congressional ex ante approval for foreign wars produced less war, better decision making, or greater consensus? Students of American foreign policy generally acknowledge that comprehensive empirical studies of American wars are impractical, due to the small number of armed conflicts. Instead, they tend to focus on case studies. A cursory review of previous American wars does not suggest that congressional participation in war necessarily produces better decision making. We can certainly identify wars, such as the Mexican-American War or the Spanish-American War, in which a declaration of war did not result from extensive deliberation nor necessarily result in good policy.14 Both wars benefited the United States by expanding the nation’s territory and enhanced its presence on the world stage,15 but it seems that these are not the wars that supporters of Congress’s Declare War power would want the nation to enter – i.e., offensive wars of conquest. Nor is it clear that congressional participation has resulted in greater consensus and better decision making. Congress approved the Vietnam War, in the Tonkin Gulf resolution, and the Iraq war, both of which have produced sharp division in American domestic politics and proven to be mistakes.

The other side of the coin here usually goes little noticed, but is just as important for evaluating the substantive performance of the Congress-first system. To a significant extent, much of the war powers literature focuses on situations in which the United States might erroneously enter a war where the costs outweigh the expected benefits. Statisticians usually label such errors of commission as Type I errors. Scholars rarely, if ever, ask whether requiring congressional ex ante approval for foreign wars could increase Type II errors. Type II errors occur when the United States does not enter a conflict where the expected benefits to the nation outweigh the costs, and this could occur today when the President refuses to launch a preemptive strike against a nation harboring a hostile terrorist group, for example, out of concerns over congressional opposition. It may be the case that legislative participation in warmaking could prevent the United States from entering, or delaying entry, into wars that would benefit its foreign policy or national security. The clearest example is World War II. During the inter-war period, Congress enacted several statutes designed to prevent the United States from entering into the wars in Europe and Asia. In 1940 and 1941, President Franklin D. Roosevelt recognized that America’s security would be threatened by German control of Europe, and he and his advisers gradually attempted to bring the United States to the assistance of Great Britain and the Soviet Union.16 Nonetheless, congressional resistance prevented Roosevelt from doing anything more than supplying arms and loans to the Allies, although he arguably stretched his authority to cooperate closely with Great Britain in protecting convoys in the North Atlantic, among other things. It is likely that if American pressure on Japan to withdraw from China had not helped triggered the Pacific War, American entry into World War II might have been delayed by at least another year, if not longer.17 Knowing what we now know, most would agree that America’s earlier entry into World War II would have been much to the benefit of the United States and to the world. A more recent example might be American policy in the Balkans during the middle and late 1990s.

#### Obama’s personality solves their international coalition arguments regardless of intervention

Mead 11 – James Clarke Chace Professor of Foreign Affairs and Humanities at Bard College and Editor-at-Large of The American Interest magazine, former Senior Fellow for U.S. Foreign Policy at the Council on Foreign Relations (8/22, Walter Russell, American Interest, “W Gets A Third Term In The Middle East”, http://blogs.the-american-interest.com/wrm/2011/08/22/w-gets-a-third-term-in-the-middle-east/)

The most irritating argument anyone could make in American politics is that President Obama, precisely because he seems so liberal, so vacillating, so nice, is a more effective neoconservative than President Bush. As is often the case, the argument is so irritating partly because it is so true.¶ President Obama is pushing a democracy agenda in the Middle East that is as aggressive as President Bush’s; he adopts regime change by violence if necessary as a core component of his regional approach and, to put it mildly, he is not afraid to bomb. But where President Bush’s tough guy posture (“Bring ‘Em On!”) alienated opinion abroad and among liberals at home, President Obama’s reluctant warrior stance makes it easier for others to work with him.¶ In some ways, President Obama’s Middle Eastern foreign policy does for President Bush’s democratization policy what President Eisenhower did for President Truman’s containment doctrine. In both cases, a necessary and useful foreign policy had become deeply unpopular; Eisenhower implemented containment but made the country feel better about it — partly by rhetorical shifts, partly by tweaking the execution. Obama is trying to do the same thing with Bush’s transformation agenda.¶ In many ways we are living through George W. Bush’s third term in the Middle East, and neither President Obama’s friends nor his enemies want to admit it. President Obama, in his own way and with his own twists, continues to follow the core Bush policy of nudging and sometimes pushing nasty regimes out of power, aligning the US with the wave of popular discontent in the region even as that popular sentiment continues to dislike, suspect and reject many aspects of American power and society. And that policy continues to achieve ambivalent successes: replacing old and crustily anti-American regimes, rooted deeply in the culture of terror and violence within and beyond their borders, with weaker, more open and — on some issues at least — more accommodating ones.¶ Additionally, the combination of tough military attacks on Al Qaeda and its affiliates wherever they rear their ugly heads and the opening of new political space in the Middle East continues to marginalize the acolytes of Bin Laden. There was a time when Bin Laden hoped to become the voice of Arab protest and resistance; the US had killed his dream long before Team Six got to his house.¶ Obama is better than Bush at building international coalitions and managing the appearance of American policy in a contentious world. In Libya, Obama faced a constraint not dissimilar to Bush’s situation in Iraq. Both presidents got something from the Security Council, but neither got enough. Bush responded by defying the body over the failed “second resolution” on Iraq; Obama simply ignored the gap between what the resolution allowed and what the US needed, stretching a humanitarian mandate to effect regime change.¶ Gratuitous snubs to global sensibilities were one of the Bush administration’s most expensive failings; when the WMD in Iraq did not appear and the occupation turned into a nightmare, an infuriated world (and many Americans) rejoiced at what they saw as a well deserved comeuppance. President Obama’s more conciliatory stance does nothing to win over America’s enemies — but it makes it harder for those enemies to mobilize world opinion on their side. He has also cut the legs off the anti-war movements at home by depriving it of a clear target. Nobody in America much likes all the wars we are fighting in so many obscure places — but the anti-war movement has been reduced to its irrelevant hard core.¶ Obama has plenty of faults of his own, and, like Bush’s, his mistakes can be costly. He has never understood the dynamics of the US-Israel relations or the Israeli-Palestinian issue. He clearly underestimated the conflict in Libya; we shall see whether he and the allies have underestimated the problems of reconstruction. The combination of a surge in Afghanistan with the naming of a date for withdrawal sent mixed signals and probably encouraged the Taliban to fight on.¶ But since the world hates Obama less than it hated Bush, the US and the global press are more forgiving of his errors, and pass lightly over shortcomings and contradictions that, if Bush were still in the White House, would be the mainstay of the nightly news. When was the last time you read something about Obama’s failure to close Guantanamo?¶ The result is that the advance of US power in the Middle East that began under Bush has continued and developed under Obama. Our worst enemies disappear; the Gulf monarchies are more dependent on us than ever; the coalition against Iran deepens and strengthens.

### SoP

#### Alt cause: rest of the war on terror

Horowitz**, 2/6**/12 - As co-founder of PolicyMic, Jake is managing the writing and editing process and trying to spark thoughtful debate on important political issues. He graduated from Stanford University (Jake, “Why is the U.S. Constitution Losing Influence Across the World?,”

http://www.policymic.com/articles/3975/why-is-the-u-s-constitution-losing-influence-across-the-world

But, my sense is that **the Constitution is slipping because America has lost its power and prestige as a shining democracy due to over a decade of constitutional excess**. In particular, **the Bush administration's War on Terror policies which interpreted the Constitution to permit torture, deprive suspected terrorists of due process, sanction wire-tapping and domestic spying, and amass unprecedented power in the hands of the executive eroded the credibility of the document** and undermined our democracy. **After a decade of America's imprisoning and torturing Arab citizens under the guise of the Constitution, it is no wonder that it no longer holds any weight in newly emerging democracies like Egypt and Tunisia**. Moreover, the decline in influence is also a reflection of the all-too-often forgotten fact that American liberal democracy is not for every country. The U.S. Constitution guarantees certain rights, like the separation of religion and state, which may not neatly fit into other countries' models of democracy. Stanford democracy expert Larry Diamond has written often about public opinion polling of the Arab world, which indicates that although the majority of Arabs want democracy, they also believe Islam should play a strong role in governing their society. The U.S. Constitution, then, provides little guidance for structuring newly emer ging democracies with more devout populations. Although the decline of the Constitution is likely to unnerve the bevy of IR theorists and pundits who routinely lament America's decline, this study is not necessarily cause for concern. Rather, that emerging democracies are adapting democracy to fit their context serves as a powerful reminder that liberal democracy cannot be imposed from the outside, something the U.S. learned well this past decade in Iraq. It should also serve as a stark warning to President Barack Obama, however, that **the longer Guantanamo remains open, and the more the administration chips away at our civil liberties by signing bills like the NDAA, the more U.S. influence, leadership, and credibility will wane across the globe**.

#### SOP norms fail.

Jeremy Rabkin 13, Professor of Law at the George Mason School of Law. Model, Resource, or Outlier? What Effect Has the U.S. Constitution Had on the Recently Adopted Constitutions of Other Nations?, 29 May 2013, www.heritage.org/research/lecture/2013/05/model-resource-or-outlier-what-effect-has-the-us-constitution-had-on-the-recently-adopted-constitutions-of-other-nations

Even when people are not ambivalent in their desire to embrace American practices, they may not have the wherewithal to do so, given their own resources. That is true even for constitutional arrangements. You might think it is enviable to have an old, well-established constitution, but that doesn’t mean you can just grab it off the shelf and enjoy it in your new democracy. You might think it is enviable to have a broad respect for free debate and tolerance of difference, but that doesn’t mean you can wave a wand and supply it to your own population. We can’t think of most constitutional practices as techniques or technologies which can be imported into different cultures as easily as cell phones or Internet connections.

#### Reject their hyperbolic claims --- multiple checks prevent SOP imbalance

John Yoo 9, Emanuel S. Heller Professor of Law @ UC-Berkeley Law, visiting scholar @ the American Enterprise Institute, former Fulbright Distinguished Chair in Law @ the University of Trento, served as a deputy assistant attorney general in the Office of Legal Council at the U.S. Department of Justice between 2001 and 2003, received his J.D. from Yale and his undergraduate degree from Harvard, “Crisis and Command,” Book, p. x-xi

This book is also written out of respect for Congress as well as the President. I have had the honor to serve as general counsel of the Senate Judiciary Committee under the chairmanship of Senator Orrin G. Hatch of Utah, a good and decent man as well as a strward of the Senate. I have the greatest respect for the awesome powers of Congress and the ways in which Congress and the broader political system can check any Chief Executive. It was Congress that forced the resignation of Richard Nixon through hearings, political pressure, spending constraints, and ultimately, the threat of impeachment. Today’s critics of the Presidency underestimate the power of politics to corral any branch of government that goes too far. They give too much credit to appeals to abstract notions of constitutional balance to restrain a truly out-of-control President, or misread active responses to unprecedented challenges as challenges to the Constitution. The hyperbole in such rhetoric is manifest in overwrought yet commonplace invocations of “treason” or “tramplings” of the Constitution. Has the Constitution indeed been trampled on? History provides us with a guide.¶ Certainly, the fear that a President might abuse power for personal gain or to maintain his or her position has haunted America from her birth. Executive power, as the Founding Fathers well knew, always carries the possibility of dictatorship. In their own day, the great Presidents were all accused of wielding power tyrannically. Yet, they were not dictators. They used their executive powers to the benefit of the nation. Once the emergency subsided, presidential power receded and often went into remission under long periods of congressional leadership. When chief executives misused their powers, the political system blocked or eventually ejected the President. No dictator has ever ruled in the United States, yet critics of contemporary presidential power wish to work radical change in current practice out of fear of impending dictatorship.

#### No Korean War- moves all rational

Friedman ‘13

George is the Director of Stratfor, “Will North Korea Resume the Korean War,” <http://www.realclearworld.com/articles/2013/03/12/will_north_korea_resume_the_korean_war_100610.html>

On Jan. 29, I wrote a piece that described North Korea's strategy as a combination of ferocious, weak and crazy. In the weeks since then, three events have exemplified each facet of that strategy. Pyongyang showed its ferocity Feb. 12, when it detonated a nuclear device underground. The country's only significant ally, China, voted against Pyongyang in the U.N. Security Council on March 7, demonstrating North Korea's weakness. Finally, Pyongyang announced it would suspend the armistice that ended the Korean War in 1953, implying that that war would resume and that U.S. cities would be turned into "seas of fire." To me, that fulfills the crazy element.¶ My argument was that the three tenets -- ferocity, weakness and insanity -- form a coherent strategy. North Korea's primary goal is regime preservation. Demonstrating ferocity -- appearing to be close to being nuclear capable -- makes other countries cautious. Weakness, such as being completely isolated from the world generally and from China particularly, prevents other countries from taking drastic action if they believe North Korea will soon fall. The pretense of insanity -- threatening to attack the United States, for example -- makes North Korea appear completely unpredictable, forcing everyone to be cautious. The three work together to limit the actions of other nations.¶ Untested Assumptions¶ So far, North Korea is acting well within the parameters of this strategy. It has detonated nuclear devices before. It has appeared to disgust China before, and it has threatened to suspend the cease-fire. Even more severe past actions, such as sinking a South Korean ship in 2010, were not altogether inconsistent with its strategy. As provocative as that incident was, it did not change the strategic balance in any meaningful way.¶ Normally North Korea has a reason for instigating such a crisis. One reason for the current provocation is that it has a new leader, Kim Jong Un. The son of former leader Kim Jong Il and the grandson of North Korea's founder Kim Il Sung, Kim Jong Un is only 30 years old, and many outside North Korea doubt his ability to lead (many inside North Korea may doubt his ability, too). One way to announce his presence with authority is to orchestrate an international crisis that draws the United States, Japan, China, Russia and South Korea into negotiations with North Korea -- especially negotiations that Pyongyang can walk away from.¶ The North Korean regime understands the limits of its strategy and has been very sure-footed in exercising it. Moreover, despite the fact that a 30-year-old formally rules the country, the regime is a complex collection of institutions and individuals -- the ruling party and the military -- that presumably has the ability to shape and control the leader's behavior.¶ It follows that little will change. U.S. analysts of North Korea will emphasize the potential ferocity and the need for extreme vigilance. The Chinese will understand that the North Koreans are weak and will signal, as their foreign minister did March 9, that in spite of their vote at the United Nations, they remain committed to North Korea's survival. And most people will disregard Pyongyang's threat to resume the Korean War.¶ Indeed, resuming the Korean War probably is not something that anyone really wants. But because there are some analysts who think that such a resumption is plausible, I think it is worth considering the possibility that Pyongyang does want to restart the war. It is always worth examining an analysis based on the assumption that a given framework will not hold. For the record, I think the framework will hold, but I am simply examining the following hypothetical: This time, North Korea is serious.

## 2NC

### K

#### This turns the case – their risk arguments are manipulated by financial interests and never actually eliminated. Only doing the alternative first allows us to make politics more democratic to prevent the takeover of corporate interests.

Beck, Professor of Sociology at the Ludwig-Maximilians-University Munich, ‘92

[Ulrich, Risk Society: Towards a New Modernity, Published in association with Theory, Culture & Society, pgs. 56-57, RSR]

Through the production of risks, needs are definitively removed from their residual mooring in natural factors, and hence from their finiteness, their satisfiability. Hunger can be assuaged, needs can be satisfied; risks are a 'bottomless barrel of demands', unsatisfiable, infinite. Unlike demands, risks can be more than just called forth (by advertising and the like), prolonged in conformity to sales needs, and in short: manipulated. Demands, and thus markets, of a completely new type can be created by varying the definition of risk, especially demand for the avoidance of risk - open to interpretation, causally designable and infinitely reproducible. Production and consumption are thus elevated to a completely new level with the triumph of the risk society. The position of pre-given and manipulable demands as the reference point of commodity production is taken over by the self-producible risk. If one is not afraid of a rather bold comparison, one can say that in risk production, developed capitalism has absorbed, generalized and normalized the destructive force of war. Similarly to war, the risks of civilization which people become aware of can 'destroy' modes of produc- tion (for instance, heavily polluting cars or agricultural surpluses), and therefore overcome sales crises and create new markets, which are expandable to boot. Risk production and its cognitive agents - critique of civilization, critique of technology, critique of the environment, risk dramatization and risk research in the mass media - are a system- immanent normal form of the revolutionizing of needs. With risks, one could say with Luhmann, the economy becomes self-referential, indepen- dent of its context of satisfying human needs. An essential factor for this, however, is a 'coping' with the symptoms and symbols of risks. As they are dealt with in this way, the risks must grow, they must not actually be eliminated as causes or sources. Everything must take place in the context of a cosmetics of risk, packag- ing, reducing the symptoms of pollutants, installing filters while retaining the source of the filth. Hence, we have not a preventive but a symbolic industry and policy of eliminating the increase in risks. The 'as if' must win and become programmatic. 'Radical protesters' are needed just as much for that as technologically oriented scientists and alternative scien- tists who study hazards. Sometimes self-financed ('self-help'!), sometimes publicly financed, these groups are generally 'advertising agencies in advance' for the creation of new sales markets for risks, one might say. Fiction? Polemic? A trend in this direction can already be seen today. If it should win out, then this too would be a Pyhrric victory, for the risks would actually emerge through all the cosmetics and with them the global threat to everyone. A society would come into being here in which the explosive force of risks would spoil and poison everyone's taste for profits. Nevertheless, even the possibility illustrates the dynamics of reflexive modernization. Industrial society systematically produces its own endangerment and a questioning of itself through the multiplication and the economic exploitation of hazards. The socio-historical situation and its dynamic is comparable to the situation during the waning of the age of feudalism at the threshold of the industrial society. The feudal nobility lived off the commercial bourgeoisie (through the fief-dependent granting of rights to trade and economic use, as well as from business taxes), and encouraged it in its own interests. In this way, the nobility involuntarily and necessarily created a successor which grew steadily in power. In the same way, developed industrial society 'nourishes' itself from the hazards it produces, and so creates the social risk positions and political potentials which call into question the foundations of modernization as it has so far been known.

#### We have an ethical obligation to reject their risk politics. Their acceptance of some forms of violence results in a violent death culture that isn’t worth living.

Beck, Professor of Sociology at the Ludwig-Maximilians-University Munich, ‘92

[Ulrich, Risk Society: Towards a New Modernity, Published in association with Theory, Culture & Society, pgs. 64-71, RSR] (We do not endorse the gendered language in this card)

There are other 'cognitive toxic floodgates' under the control of risk scientists. They also have really great magic at their command: abracadabra!, shimsalabim! This is celebrated in certain areas as the 'acid rain dance' - in plain language, acceptable level determination or maximum concentration regulation, both expressions for not having a clue. But since that never happens to scientists, they have many words for it, many methods, many figures. A central term for 'I don't know either' is 'acceptable level'. Let us spell out this term. In connection with risk distribution, acceptable levels for 'permissible' traces of pollutants and toxins in air, water, and food have a meaning similar to that principle of efficiency for the distribution of wealth: they permit the emission of toxins and legitimate it to just that limited degree. Whoever limits pollution has also concurred in it. Whatever is still possible is, by social definition, 'harmless' - no matter how harmful it might be. Acceptable values may indeed prevent the very worst from happening, but they are at the same time 'blank checks' to poison nature and mankind a bit. How big this 'bit' can be is what is at stake here. The question of whether plants, animals and people can withstand a large or a small bit of toxin, and how large a bit, and what 'withstand' means in this context - such are the delightful horror questions from the toxin and antitoxin factories of advanced civilization which are at stake in the determination of acceptable levels. We do not wish to concern ourselves here with the fact that values [Werte], even acceptable values [Grenzwerte] at one time were a matter for ethics, not chemistry. Thus we are dealing with the 'Decree on Maximum Amounts of Agricultural and Other Chemicals as Well as of Other Pesticides in or on Foodstuffs and Tobacco Products', to quote the clumsy official language, that is, with the residual biological ethics of developed industrial civilization. This remains, however, peculiarly negative. It expresses the formerly self-evident principle that people should not poison one another. More accurately it should have read: not completely poison. For ironically, it permits the famous and controversial bit. The subject of this decree then, is not the prevention of, but the permissible extent of poisoning. That it is permissible is no longer an issue on the basis of this decree. Acceptable levels in this sense are the retreat lines of a civilization supplying itself in surplus with pollutants and toxic substances. The really rather obvious demand for non-poisoning is rejected as utopian. At the same time, the bit of poisoning being set down becomes normality. It disappears behind the acceptable values. Acceptable values make possible a permanent ration of collective standardized poisoning. They also cause the poisoning they allow not to have occurred, by declaring the poisoning that did occur harmless. If one has adhered to the acceptable values, then in this sense one has not poisoned anyone or anything - no matter how much toxin is actually contained in the foodstuffs one produces. This indicates that production of toxins and so on is not only a question of which industries, but of fixing acceptable levels. It is, then, a matter of coproduction across institutional and systemic boundaries, political, bureaucratic and industrial. If people could agree to the not totally absurd premise of not poisoning at a/l, then there would not be any problems. There would also be no more need for a maximum concentration decree. The problems therefore lie in the concessional character, in the double moral standard, in the yes-and-no of a maximum concentration decree. Here one is no longer concerned with questions of ethics at all but with how far one of the most minimal rules of social life - not to poison each other - may be violated. It ultimately comes down to how long poisoning will not be called poisoning and when it will begin to be called poisoning. This is doubtless an important question, a much too important question to be left completely to experts on toxins. Life on Earth depends on it, and not only in the figurative sense. Once one has stepped onto the slippery slope of a 'permissible toxic effect', the question of how much toxicity is 'permissible' gains the importance that the young Hamlet - with a bit of pathos - reduced to the alternative: 'to be or not to be?' This is concealed in the maximum concentration decree -a peculiar document of this era. That will not be discussed here. We wish to move onto the ground of the acceptable value determination itself and inquire into its logic or non-logic, that is to say, we will ask whether it could possibly know what it purports to know. If one permits toxicity at all, then one needs an acceptable level decree. But then that which is not contained in it becomes more important than what is in it. Because what is not in, not covered by it, is not considered toxic, and can freely be introduced into circulation, without any restraints. The silence of the acceptable level decree, its 'blank spots', are its most dangerous statements. What it does not discuss is what threatens us the most. With the maximum level decree, the definition of pesticides and of what is excluded from its scope as 'non-pesticide toxins' become the first switch thrown on the track to a, long-term and permanent toxification of nature and humankind. The battle over definitions, no matter how much it seems to be conducted just within academia, thus has a more or less toxic consequence for everyone. Whatever does not fit into the conceptual order, because the phenomena are not yet registered clearly enough or are too complex, whatever lies across the lines of the conceptual plan - all this is covered by the definition-making claims of the order, and absolved of the suspicion of toxicity by going unmentioned. The maximum concentration decree is based, then, on a most dubious and dangerous technocratic fallacy: that what has not (yet) been covered or cannot be covered is not toxic. Put somewhat differently, in case of doubt please protect toxins from the dangerous interference of human beings. As chance would have it, the maximum concentration decree in Germany exhibits gigantic holes - even by comparison to other industrial countries. Entire families of toxins do not even appear in the work, since they are not pesticides in the eyes of the law. The continuation of the list of pollutants is limping hopelessly behind the production and use of chemical substances. The American Council on Environmental Quality warned years ago against overrating the known pollutant parameters in comparison with the untold number of chemicals whose toxicity is unclear, whose concentrations are unknown and whose potential polluting effects are not being diminished by any regulation. Reference is made to the more than four million chemical compounds, whose number is con- tinually growing. 'We know very little about the possible health effects of these compounds ... but their mere number ... the diversity of their application, and the negative effects of some of them that have already occurred, make it increasingly likely that chemical pollutants are becom- ing a significant determining factor of human health and life expec- tancy.'2 If any notice is taken of new compounds at all, then appraisal takes three or four years as a rule. For that amount of time the potentially toxic substances can be employed without restraint, in any case. These voids of silence can be pursued further. It remains the secret of the architects of acceptable values how acceptable values can be deter- mined for individual substances. It is not completely fanciful to claim that acceptable values have to do with notions of the toleration of substances by people and nature. The latter, however, are the collecting vessels for all sorts of pollutants and toxins in the air, the water, the soil, food, furniture, etc. Whoever would determine threshold values of toleration must take account of this summation. Those who nonetheless set acceptable levels for individual toxic substances, either proceed from the completely erroneous assumption that people ingest only a particular toxin, or from the very starting point of their thought they completely miss the opportunity to speak of acceptable values for people. The more pollutants are put in circulation, the more acceptable levels related to individual substances are set, the more liberally this occurs, and the more insane the entire hocus- pocus becomes, because the overall toxic threat to the population grows - presuming the simple equation that the total volume of various toxic substances means a higher degree of overall toxicity. One can argue quite similarly for the synergism of individual toxic substances. How does it help me to know that this or that toxin in this or that concentration is harmful or harmless, if I do not know what reac- tions the synergy of these multiple toxins provokes? It is already known from the field of internal medicine that medications can minimize or multiply each other's effects. It is not completely misguided to surmise the same for the innumerable partial toxic effects permitted through accept- able levels. The decree does not contain an answer to this central question either. Both of the logical flaws here are not coincidental, but rather are based on problems which systematically result when one moves onto the cock- eyed plane of possible partial toxic effects. For it seems scornful if not cynical, to determine acceptable levels on the one hand and thus to permit toxic effects to some degree, and on the other to devote no intellectual effort whatsoever to the question of what effects the summation of toxins have in their synergy. This reminds one of the story about a gang of poisoners who stand before their victim and assure the judge with an innocent look that each of them was well under the acceptable levels and thus should be acquitted! Now many will say, those are fine demands, but that is not possible, and for fundamental reasons. We have only a specialized knowledge of individual pollutants. Even that is dragging miserably far behind the industrial multiplication of chemical compounds and materials. We have a lack of personnel, research experts, and so on. But do people know what they are saying here? The proffered knowledge on acceptable levels does not become one jot better because of that. It remains eye-wash to set acceptable levels for individual pollutants, if at the same time one releases thousands of other harmful materials, whose synergistic effects one says nothing about! If this is really not possible any other way, then that means nothing less than that the system of professional overspecialization and its official organization jails in the face of the risks set in motion by industrial development. It may be suited to the development of productivity, but not to the limitation of dangers. Of necessity, people are threatened in their civilizational risk positions not by individual pollutants, but holistically. To respond to their forced questions regarding their holistic endangerment with tables of acceptable values for individual substances amounts to collective ridicule with consequences that are no longer only latently murderous. It may be that one could make this mistake in times of a general belief in progress. But to stick to it today in the face of widespread protests and statistical evidence of morbidity and mortality, under the legitimating protection of scientific 'acceptable value rationality', far exceeds the dimensions of a crisis of faith, and is enough to call for the public prosecutor. But let us put these considerations aside for a moment. Let us take a look at the scientific construction of an acceptable level. In a purely logical way, of course. To abbreviate this, every determination of an acceptable value is based on at least the following two false conclusions. First, false conclusions on the reaction of people are drawn from the results of animal experiments. Let us select the toxin TCDD, which wreaked havoc in Seveso (Umweltbundesamt, (Federal Office of the Environment) 1985; Urban 1985). It arises in the production of a large number of chemical products, for instance, wood preservatives, herbicides and disinfection agents. It also develops during waste mcmeral1on, and in fact in larger amounts the lower the incineration temperature. The carcinogenic effect of TCDD has been proven for two animal species. They were fed the stuff. But now comes the key methodological issue for civilization's poison cauldron: how much cam a human being tolerate. Even small animals react very differently: guinea pigs, for instance, are ten to twenty times more sensitive than mice and three to five thousand times more sensitive than hamsters. The results for lions are not yet available, elephants are already being selected. . . . It remains the as yet unaired secret of the acceptable level jugglers how one can draw conclusions on the toleration of this toxin in people on the basis of such results. Let us assume that it is possible to speak of 'the' person. Let us pack infants, children, pensioners, epileptics, merchants, pregnant women, people living near smokestacks and those far away, Alpine farmers and Berliners into the big gray sack of 'the' person. Let us assume that the laboratory mouse reacts just like the church mouse. The question still remains, how does one get from A to B, from the extremely varying animal reactions to the completely unknown reactions in people, which are never derivable from the animal ones? To put it briefly, only by following the lotto model: mark a box and wait. As in lotto, people do have their method. In the acceptable level lotto it is known as safety factor. What is a safety factor? We are taught what it is by 'practice' ('Hochstmengen', Natur 1985, no. 4: 46-51). So one cannot just mark a box, one really does have to wait. But one could have done that immediately. There would have been no need to torture animals for that. To say it one more time: from the results of animal experiments, which in any case only provide answers to very limited questions under artificial conditions and often display extremely varied reactions, only the abilities of a clairvoyant could lead to the 'tolerable' dose of a toxin for 'people'. The designers of acceptable levels are seers, they have the ability of the 'third eye', they are late industrial chemical magicians using the apparatus of experimental senses and coefficients. No matter how benevolently one looks at it, the whole affair remains a very complicated, verbose and number-intensive way of saying: we do not know either. Just wait. Practice will show us. With that we reach the second point. .' . . Acceptable levels certainly fulfill the function of a symbolic detoxification. They are a sort of symbolic tranquilizer pill against the mounting news reports on toxins. They signal that someone is making an effort and paying attention. In actual fact they have the effect of raising the threshold of experiments on people somewhat higher. There is no way around it, only when the substance is put into circulation can one find out what its effects are. And that is exactly where the second wrong conclusion lies, which is not really a wrong conclusion at all, but a scandal. The effect on people can ultimately only be studied reliably with people. Society is becoming a laboratory. Once again, we find no desire to discuss ethical questions, but rather we limit ourselves completely to the experimental logic. Substances are disseminated in the population in all imaginable ways: air, water, food chains, product chains, etc. So what? Where is the mistaken conclusion? Just this: nothing happens. The experiment on people that takes place does not take place. More precisely, it takes place by administering the substance to people, as with research animals, in small doses. It fails to take place in the sense that the reactions in people are not systematically surveyed and recorded. The mode of action among experimental animals had no validity for people, but it was very carefully recorded and correlated. For the sake of caution, the reactions in people themselves are not even noted, unless someone reports and can prove that it is actually this toxin which is harming him. The experiment on people does take place, but invisibly, without scientific checking, without surveys, without statistics, without correlation analysis, under the condition that the victims are not informed - and with an inverted burden of proof, if they should happen to detect something. It is not that one could not know how the toxic rations affect people individually or in total. One does not want to know it. People are supposed to find that out for themselves. A permanent experiment is being conducted, so to speak, "in which people serving as laboratory animals in a self-help movement have to collect and report data on their own toxic symptoms against the experts sitting there with their deeply furrowed brows. Even the already published statistics on such things as diseases or dying forests apparently do not appear eloquent enough to the acceptable level magicians. We are concerned, then, with a permanent large-scale experiment, requiring the involuntary human subjects to report on the accumulating symptoms of toxicity among themselves, with a reversed and elevated burden of proof. Their arguments need not be heeded, because, after all, there are acceptable levels that were met! Those levels, which really could - only be determined from the reactions of people, are held up to deny the fears and diseases of the afflicted! And all of this in the name of 'scientific rationality'! The problem is not that the acceptable level acrobats do not know. The admission of 'not knowing either' would be comforting. That they do not know, and yet act as if they did, is the annoying and dangerous thing, as well as the fact that they continue to insist on their impossible 'knowledge' even where they should have known better long ago.

#### **2. Your discourse and representations matter – they are the basis for war.** What we lack is not a proper scientific or empirical challenge to violence; we lack the cultural critics willing to fight the fear mongering which results in war. The AFF’s discourse is enmeshed in a form of affective securitization that makes war inevitable. As scholars, we have an obligation to refuse and problematize the cultural grammar of risk.

Elliot, ‘12

[Emory, University Professor of the University of California and Distinguished Professor of English at the University of California, Riverside, Terror, Theory, and the Humanities ed. Di Leo, Open Humanities Press, Online, RSR]

In a 1991 interview for the New York Times Magazine, Don DeLillo expressed his views on the place of literature in our times in a statement that he has echoed many times since and developed most fully in his novel Mao II: In a repressive society, a writer can be deeply influential, but in a society that’s ﬁlled with glut and endless consumption, the act of terror may be the only meaningful act. People who are in power make their arrangements in secret, largely as a way of maintaining and furthering that power. People who are powerless make an open theater of violence. True terror is a language and a vision. There is a deep narrative structure to terrorist acts, and they infiltrate and alter consciousness in ways that writers used to aspire to. (qtd. in DePietro 84) The implications of DeLillo’s statement are that we are all engaged in national, international, transnational, and global conflicts in which acts of representation, including those of terrorism and spectacular physical violence as well as those of language, performance, and art compete for the attention of audiences and for influence in the public sphere. In the early days of the Iraq War, the United States used the power of images, such as those of the “mother of all bombs” and a wide array of weapons, as well as aesthetic techniques to influence and shape the consciousness of millions and to generate strong support for the war. The shock, fear, and nationalism aroused in those days after 9/11 have enabled the Bush administration to pursue a military agenda that it had planned before 9/11. Since then, the extraordinary death and destruc- tion, scandals and illegalities, and domestic and international demon- strations and criticisms have been unable to alter the direction of this agenda. Those of us in the humanities who are trained as critical readers of political and social texts, as well as of complex artistically constructed texts, are needed now more urgently than ever to analyze the relation- ships between political power and the wide range of rhetorical methods being employed by politicians and others to further their destructive effects in the world. If humanities scholars can create conscious awareness of how such aesthetic devices such as we see in those photos achieve their affective appeal, citizens may begin to understand how they are being manipulated and motivated by emotion rather than by reason and logic. In spite of our ability to expose some of these verbal and visual constructions as devices of propaganda that function to enflame passions and stifle reasonable dis- cussion, we humanities scholars find ourselves marginalized and on the defensive in our institutions of higher learning where our numbers have been diminished and where we are frequently being asked to justify the significance of our research and teaching. While we know the basic truth that the most serious threats to our societies today are more likely to result from cultural differences and failures of communication than from inadequate scientific information or technological inadequacies, we have been given no voice in this debate. With the strong tendency toward po- larized thinking and opinion and the evangelical and fundamentalist re- ligious positions in the US today and in other parts of the world, leaders continue to abandon diplomacy and resort to military actions. Most government leaders find the cultural and social explanations of the problems we face to be vague, and they are frustrated by complex human issues. That is not reason enough, however, for us to abandon our efforts to influence and perhaps even alter the current course of events. In spite of the discouragements that we as scholars of the humanities are experiencing in these times, it seems to me that we have no option but to continue to pursue our research and our teaching and hope to influence others to question the meaning and motives of what they see and hear.

#### 3. Framework is a negative argument. Only we get access to productive state policies because the aff’s deployment of risk rolls back democratic politics and leads to error replication.

Beck, Professor of Sociology at the Ludwig-Maximilians-University Munich, ‘92

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We know all too well from the history of Germany in this century that an actual or potential catastrophe is no teacher of democracy. How ambivalent and scandalous the accumulating explosive already is becomes perfectly clear in the report of the 'environmental experts', despite themselves (Rat der Sachverstiindigen fiir Umweltfragen 1985). The urgency of the environmental dangers to the lives of plants, animals, and people depicted there 'legitimates' these experts with a confessional ecological morality typical of the turn of the twenty-first century. It gives birth to a language that fairly crawls with expressions like 'control' 'official ~approval:' and 'official supervision'. Characteristically, far reaching intervention, planning and control possibilities and rights are demanded there, on a graduated scale depending on the severity of the results to the environment (45). There is discussion of an 'expansion of the surveillance and information system for agriculture' (45). They dramatize the challenges to 'comprehensive land planning' with 'biotopic surveys' and 'plans for protection of an area', based on 'scientifically exact surveys down to the level of individual plots' to be 'imposed against competing utilization demands' (48f.). In order to accomplish its plan of 'renaturation' (51), the Council recommends 'removing the most important areas ... completely from the cultivation interests of their owners' (49). The farmers should 'be motivated by compensation to forgo certain usage. rights or to adopt required protective measures' (49). They discuss fertilization permits subject to official approval', 'legally binding fertilization plans with concrete provisions on type, extent and time of application' (53). This 'planned fertilization' (59), like other protective measures, requires a differentiated system of 'environmental surveillance' that is to be set up nationally, regionally and on the scale of individual operations (61), and will 'require a revision and further development of the basic legal provisions' (64). In short, the panorama of a scientific and bureaucratic authoritarianism is being laid out. Farmers were viewed for centuries as the 'peasantry' wresting the fruits from the soil, on which the life and survival of everyone depended, but this image is beginning to be transformed into its opposite. In this new view, agriculture becomes a distribution point for the toxins that threaten the lives of animals, plants and people. To turn aside the threatening dangers at the currently achieved high level of agricultural productivity, people demand expropriation and/or plans and controls governing every detail of work, all under the patronage of science and bureaucracy. It is not just these demands (or even the matter-of-fact way they are raised) that is the disturbing element here. Instead it is that they are part of the logic of hazard prevention, and that, considering the Impending hazards, it will not likely prove to be at all easy to point to political alternatives that really prevent what must be prevented under the dictatorship of dangers. With the increase of hazards totally new types of challenges to democracy arise in the risk society. It harbors a tendency to a legitimate totalitarianism of hazard prevention, which takes the right to prevent the worst and, in an all too familiar manner, creates something even worse. The political 'side effects' of civilization's 'side effects' threaten the continued existence of the democratic political system. That system is caught in the unpleasant dilemma of either failing in the face of systematically produced hazards, or suspending fundamental democratic principles through the addition of authoritarian, repressive 'buttresses'. Breaking through this alternative is among the essential tasks of democratic thought and action in the already apparent future of the risk society.

#### 2. Sequencing DA — ideological change must proceed institutional reform — otherwise institutional focus ensures that war power authority remains insulated and centralized.

Aziz Rana 12, Assistant Professor of Law, Cornell University Law School; A.B., Harvard College; J.D., Yale Law School; PhD., Harvard University, July 2012, “NATIONAL SECURITY: LEAD ARTICLE: Who Decides on Security?,” 44 Conn. L. Rev. 1417

If the objective sociological claims at the center of the modern security concept are themselves profoundly contested, what does this meahn for reform efforts that seek to recalibrate the relationship between liberty and security? Above all, it indicates that the central problem with the procedural solutions offered by constitutional scholars-emphasizing new statutory frameworks or greater judicial assertiveness-is that they mistake a question of politics for one of law. In other words, such scholars ignore the extent to which governing practices are the product of background political judgments about threat, democratic knowledge, professional expertise, and the necessity for insulated decision-making. To the extent that Americans are convinced that they face continuous danger from hidden and potentially limitless assailants-danger too complex for the average citizen to comprehend independently-it is inevitable that institutions (regardless of legal reform initiatives) will operate to centralize power in those hands presumed to enjoy military and security expertise. Thus, any systematic effort to challenge the current framing of the relationship between security and liberty must begin by challenging the underlying assumptions about knowledge and security upon which legal and political arrangements rest. Without a sustained and public debate about the validity of security expertise, its supporting institutions, and the broader legitimacy of secret information, there can be no substantive shift in our constitutional politics. The problem at present, however, is that it remains unclear which popular base exists in society to raise these questions. Unless such a base fully emerges, we can expect our prevailing security arrangements to become ever more entrenched.

#### Here’s more specific evidence in the context of war powers – concerns with reforms are another means to centralize power within technical elites.

Aziz Rana 12, Assistant Professor of Law, Cornell University Law School; A.B., Harvard College; J.D., Yale Law School; PhD., Harvard University, July 2012, “NATIONAL SECURITY: LEAD ARTICLE: Who Decides on Security?,” 44 Conn. L. Rev. 1417

Widespread concerns with the government's security infrastructure are by no means a new phenomenon. In fact, such voices are part of a sixty-year history of reform aimed at limiting state (particularly presidential) discretion and preventing likely abuses. n8 What is remarkable about these reform efforts is that in every generation critics articulate the same basic anxieties and present virtually identical procedural solutions. These procedural solutions focus on enhancing the institutional strength of both Congress and the courts to rein in the unitary executive. They either promote new statutory schemes that codify legislative responsibilities or call for greater court activism. As early as the 1940s, Clinton Rossiter argued that only a clearly established legal framework in which Congress enjoyed the power to declare and terminate states of emergency would prevent executive tyranny and rights violations in times of crisis. n9 After the Iran-Contra scandal, Harold Koh, now State Department Legal Adviser, once more raised this approach, calling for passage of a National Security Charter that explicitly enumerated the powers of both the executive and the legislature, promoting greater balance between the branches and explicit constraints on government action. n10 More recently, [\*1421] Bruce Ackerman has defended the need for an "emergency constitution" premised on congressional oversight and procedurally specified practices. n11 As for increased judicial vigilance, Arthur Schlesinger argued nearly forty years ago, in his seminal book, The Imperial Presidency, that the courts "had to reclaim their own dignity and meet their own responsibilities" by abandoning deference and by offering a meaningful check to the political branches. n12 Today, Laurence Tribe and Patrick Gudridge once more imagine that, by providing a powerful voice of dissent, the courts can play a critical role in balancing the branches. They write that adjudication can "generate[]-even if largely (or, at times, only) in eloquent and cogently reasoned dissent-an apt language for potent criticism." n13¶ The hope-returned to by constitutional scholars for decades-has been that by creating clear legal guidelines for security matters and by increasing the role of the legislative and judicial branches, government abuse can be stemmed. Yet despite this reformist belief, presidential and military prerogatives continue to expand even when the courts or Congress intervene. Indeed, the ultimate result primarily has been to entrench further the system of discretion and centralization. In the case of congressional legislation (from the 200 standby statutes on the books n14 to [\*1422] the post-September 11 and Iraq War Authorizations for the Use of Military Force, to the Detainee Treatment Act and the Military Commissions Acts n15 ), this has often entailed Congress self-consciously playing the role of junior partner- buttressing executive practices by providing its own constitutional imprimatur to them. Thus, rather than rolling back security practices, greater congressional involvement has tended to further strengthen and internalize emergency norms within the ordinary operation of politics. n16 As just one example, the USA PATRIOT Act, while no doubt controversial, has been renewed by Congress a remarkable ten consecutive times without any meaningful curtailments. n17 Such realities underscore the dominant drift of security arrangements, a drift unhindered by scholarly suggestions and reform initiatives. Indeed, if anything, today's scholarship finds itself mired in an argumentative loop, re-presenting inadequate remedies and seemingly incapable of recognizing past failures.¶ What explains both the persistent expansion of the federal government's security framework as well as the inability of civil libertarian solutions to curb this expansion? This Article argues that the current reform debate ignores the broader ideological context that shapes how the balance between liberty and security is struck. In particular, the very meaning of security has not remained static, but rather has changed dramatically since World War II and the beginning of the Cold War. This shift has principally concerned the basic question of who decides on issues of war and emergency. And as the following pages explore, at the center of this shift has been a transformation in legal and political judgments about the capacity of citizens to make informed and knowledgeable decisions in security domains. Yet, while underlying assumptions about popular knowledge-its strengths and limitations-have played a key role in shaping security practices in each era of American constitutional history, [\*1423] this role has not been explored in any sustained way in the scholarly literature.¶ As an initial effort to delineate the relationship between knowledge and security, this Article will argue that throughout most of the American experience, the dominant ideological perspective saw security as grounded in protecting citizens from threats to their property and physical well-being (especially those threats posed by external warfare and domestic insurrection). Drawing from a philosophical tradition extending back to John Locke, many politicians and thinkers-ranging from Alexander Hamilton and James Madison, at the founding, to Abraham Lincoln and Roger Taney-maintained that most citizens understood the forms of danger that imperiled their physical safety. n18 The average individual knew that securing collective life was in his or her own interest, and also knew the institutional arrangements and practices that would fulfill this paramount interest. n19 A widespread knowledge of security needs was presumed to be embedded in social experience, indicating that citizens had the skill to take part in democratic discussion regarding how best to protect property or to respond to forms of external violence. Thus the question of who decides was answered decisively in favor of the general public and those institutions-especially majoritarian legislatures and juries-most closely bound to the public's wishes. n20¶ What marks the present moment as distinct is an increasing repudiation of these assumptions about shared and general social knowledge. Today, the dominant approach to security presumes that conditions of modern complexity (marked by heightened bureaucracy, institutional specialization, global interdependence, and technological development) mean that while protection from external danger remains a paramount interest of ordinary citizens, these citizens rarely possess the capacity to pursue such objectives adequately. n21 Rather than viewing security as a matter open to popular understanding and collective assessment, in ways both small and large the prevailing concept sees threat as sociologically complex and as requiring elite modes of expertise. n22 Insulated decision-makers in the executive branch, armed with the specialized skills of the [\*1424] professional military, are assumed to be best equipped to make sense of complicated and often conflicting information about safety and self-defense. n23 The result is that the other branches-let alone the public at large-face a profound legitimacy deficit whenever they call for transparency or seek to challenge presidential discretion. Not surprisingly, the tendency of procedural reform efforts has been to place greater decision-making power in the other branches, and then to watch those branches delegate such power back to the very same executive bodies.

#### The alternative is to vote negative to endorse political, rather than legal restrictions on Presidential war powers authority. This is a far more effective check that empowers a new form of democratic politics. This can specifically solve in the context of the aff whereby citizens movements can solve the next war. This is true a lot of the citizen level discussions that have happened after Iraq.

Goldsmith ‘12

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

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

#### Predictions fail – your reliance on experts has empirically failed.

Taleb, ‘7

[Nassim Nicholas, Distinguished Professor of Risk Engineering at Polytechnic Institute of New York University, *The Black Swan: The Impact of the Highly Improbable*, Random House Trade Paperbacks, 2007, Prologue, RSR]

The inability to predict outliers implies the inability to predict the course of history, given the share of these events in the dynamics of events. But we act as though we are able to predict historical events, or, even worse, as if we are able to change the course of history. We produce thirty-year projections of social security deficits and oil prices without realizing that we cannot even predict these for next summer—our cumulative prediction errors for political and economic events are so monstrous that every time I look at the empirical record I have to pinch myself to verify that I am not dreaming. What is surprising is not the magnitude of our forecast errors, but our absence of awareness of it. This is all the more worrisome when we engage in deadly conflicts: wars are fundamentally unpredictable (and we do not know it). Owing to this misunderstanding of the causal chains between policy and actions, we can easily trigger Black Swans thanks to aggressive ignorance—like a child playing with a chemistry kit. Our inability to predict in environments subjected to the Black Swan, coupled with a general lack of the awareness of this state of affairs, means that certain professionals, while believing they are experts, are in fact not. Based on their empirical record, they do not know more about their subject matter than the general population, but they are much better at narrating—or, worse, at smoking you with complicated mathematical models. They are also more likely to wear a tie. Black Swans being unpredictable, we need to adjust to their existence (rather than naïvely try to predict them). There are so many things we can do if we focus on antiknowledge, or what we do not know. Among many other benefits, you can set yourself up to collect serendipitous Black Swans (of the positive kind) by maximizing your exposure to them. Indeed, in some domains—such as scientific discovery and venture capital investments—there is a disproportionate payoff from the unknown, since you typically have little to lose and plenty to gain from a rare event. We will see that, contrary to social-science wisdom, almost no discovery, no technologies of note, came from design and planning—they were just Black Swans. The strategy for the discoverers and entrepreneurs is to rely less on top-down planning and focus on maximum tinkering and recognizing opportunities when they present themselves. So I disagree with the followers of Marx and those of Adam Smith: the reason free markets work is because they allow people to be lucky, thanks to aggressive trial and error, not by giving rewards or “incentives” for skill. The strategy is, then, to tinker as much as possible and try to collect as many Black Swan opportunities as you can.

#### Specifically true in the context of security experts.

Taleb, ‘7

[Nassim Nicholas, Distinguished Professor of Risk Engineering at Polytechnic Institute of New York University, *The Black Swan: The Impact of the Highly Improbable*, Random House Trade Paperbacks, 2007, Chapter 10, RSR]

A few researchers have examined the work and attitude of security analysts, with amazing results, particularly when one considers the epistemic arrogance of these operators. In a study comparing them with weather forecasters, Tadeusz Tyszka and Piotr Zielonka document that the analysts are worse at predicting, while having a greater faith in their own skills. Somehow, the analysts’ self-evaluation did not decrease their error margin after their failures to forecast. Last June I bemoaned the dearth of such published studies to Jean-Philippe Bouchaud, whom I was visiting in Paris. He is a boyish man who looks half my age though he is only slightly younger than I, a matter that I half jokingly attribute to the beauty of physics. Actually he is not exactly a physicist but one of those quantitative scientists who apply methods of statistical physics to economic variables, a field that was started by Benoît Mandelbrot in the late 1950s. This community does not use Mediocristan mathematics, so they seem to care about the truth. They are completely outside the economics and business-school finance establishment, and survive in physics and mathematics departments or, very often, in trading houses (traders rarely hire economists for their own consumption, but rather to provide stories for their less sophisticated clients). Some of them also operate in sociology with the same hostility on the part of the “natives.” Unlike economists who wear suits and spin theories, they use empirical methods to observe the data and do not use the bell curve. He surprised me with a research paper that a summer intern had just finished under his supervision and that had just been accepted for publication; it scrutinized two thousand predictions by security analysts. What it showed was that these brokerage-house analysts predicted nothing—a naïve forecast made by someone who takes the figures from one period as predictors of the next would not do markedly worse. Yet analysts are informed about companies’ orders, forthcoming contracts, and planned expenditures, so this advanced knowledge should help them do considerably better than a naïve forecaster looking at the past data without further information. Worse yet, the forecasters’ errors were significantly larger than the average difference between individual forecasts, which indicates herding. Normally, forecasts should be as far from one another as they are from the predicted number. But to understand how they manage to stay in business, and why they don’t develop severe nervous breakdowns (with weight loss, erratic behavior, or acute alcoholism), we must look at the work of the psychologist Philip Tetlock.

#### Institutional momentum towards violence overwhelms democratic checks---their evidence is an ideological defense of the security-state

Herman 12—professor emeritus of finance at the Wharton School, University of Pennsylvania (Edward, 7/25/12, Reality Denial : Steven Pinker's Apologetics for Western-Imperial Volence, http://www.zcommunications.org/reality-denial-steven-pinkers-apologetics-for-western-imperial-volence-by-edward-s-herman-and-david-peterson-1)

¶ Disappearing Imperialism, the Military-Industrial Complex, and Institutional Imperatives¶ Pinker’s remarkable inversion of reality in portraying the post-World War II period as a “Long Peace,” with residual violence stemming from communist ideology and actions, points up the relevance of Chalmers Johnson’s comment that “When imperialist activities produce unmentionable outcomes,…then ideological thinking kicks in.”[34] It kicks in for Pinker with communist expansionism and U.S. “containment.” It also kicks in with his notion that communism, but not capitalism, was both “utopian” and “essentialist,” “submerge[ing] individuals into moralized categories,” and causing some of the worst atrocities of the modern period. (328-329) But weren’t the racism and anticommunism of the Western powers and in particular the United States “essentialist” ideologies in the Pinkerian sense, and wedded to the “full destructive might” of these powers? And didn’t these ideologies justify exterminations and massive ethnic cleansings of inferior and threatening peoples, replacing them with advanced peoples and cultures who put resources to a higher use? Weren’t Friedrich von Hayek, Ludwig von Mises, Milton Friedman, and many other members of the Chicago School of Economics “free-market” ideologues?¶ The U.S. push for markets and investor rights and political control, sometimes called Imperialism, is for Pinker just natural and doing good, taking advantage of positive-sum business games with “gentle commerce,” as well as containing those with ideology who kill people freely. “The very idea of a capitalist peace is a shock to those who remember when capitalists were considered ‘merchants of death’ and ‘masters of war’,” (288) to give one example of Pinker’s perspective.[35] Pinker doesn’t mention any such thing as “aggressive commerce” or discuss the possibility (and reality) of the cross-border seizure of property by the more powerful states. There are 17 citations to “gentle commerce” in his Index, and writers who promulgate the related ideas of “gentle commerce,” “Democratic Peace,” “Liberal Peace,” “Capitalist Peace,” and “Kantian Peace” (in the Pinker-friendly version of it) are featured and referenced lavishly. But there are zero indexed citations to the word “imperialism” in Better Angels, and no mentions of Jagdish Bhagwati and Hugh Patrick’s Aggressive Unilateralism, John Hobson’s Imperialism, John Ellis’ The Social History of the Machine Gun, Mike Davis’ Late Victorian Holocausts, Penny Lernoux’s Cry of the People, Gabriel Kolko’s Confronting the Third World, Noam Chomsky’s Deterring Democracy, Robert Engler’s The Politics of Oil, or David Harvey’s The New Imperialism.¶ Pinker’s ideological thinking stresses the development of positive and humane attitudes by individuals—in the Civilized states—moving them towards humane policy, opposition to slavery, concern for civilians in war, and moves toward democracy, while he essentially ignores the development of institutional forces that might overwhelm these individual factors and make for serious violence.¶ In addition to his neglect of “aggressive commerce” and cross-border seizures of people, property, and resources, Pinker ignores the post-World War II growth of U.S. militarism, with its vested interests in weapons and warfare, and the expanding and self-reinforcing power of the ”iron triangle” of the military-industrial-complex to shape national policy. This may be why he never mentions, let alone discusses, the classics on this topic by Seymour Melman, Gordon Adams, Richard Kaufman, and Tom Gervasi,[36] or the more recent work of Chalmers Johnson, Andrew Bacevich, Henry Giroux, Nick Turse, and Winslow Wheeler.[37] These very knowledgeable individuals believe that Eisenhower’s warning in his 1960 Farewell Address about the threat of the military-industrial complex was on target, that the United States is dominated by an institutional structure with a huge vested interest in war rather than peace, and one that has succeeded in making this country into a war-demanding and war-making system. These and other analysts have also featured the encroachment of the permanent-war system on civil liberties and democracy,[38] suggesting that any neo-Fukuyaman perspective on “end-of-history” liberalism and Pinker’s streaky but steady decline in violence is Panglossian nonsense grounded in ideological thinking.¶ Pinker prefers James Sheehan to Chalmers Johnson and Andrew Bacevich. Sheehan’s theme in Where Have All the Soldiers Gone: The Transformation of Modern Europe[39] is that Europeans have changed their very conception of the state, and made the state “no longer the proprietor of military force” but rather “a provisioner of social security and material well-being” (in Pinker’s summary of the book (268)). But the soldiers are still there, NATO is still expanding, Modern Europe is contributing troops and bombs to the Afghan war, was heavily involved in the 2011 war in Libya, and along with the United States, currently threatens Syria and Iran. Europe’s social security systems have been under attack for years, and the well-being of ordinary citizens seems to be a declining objective of Europe’s leaders, as well as those in the United States. Following the U.S. lead, Europe is moving from “cradle-to-grave nurturance” back to “military prowess”—exactly the opposite direction from that Pinker believes they have taken. (685)¶ Vietnam and the Antiwar Protests¶ Pinker’s proof of a march toward peace has other amusing features. He says that “another historic upheaval in the landscape of 20th century values was a resistance by the populations of the democratic nations to their leaders’ plans for war,” (263) and he spends a fair amount of space describing the growth of peace movement activism in the 1960s and in advance of the war on Iraq. Yet, elsewhere in his book he blames the 1960s movements for their “decivilizing” impact (see our section on “Class, Race, and the ‘Science of Self-Control’”), but in the present context they allow him to claim their actions as evidence of the march toward the “Long Peace.” Pinker claims that in the 1960s the peace movement helped elect Nixon, who “shifted the country’s war plans from a military victory to a face-saving withdrawal (though not before another twenty thousand Americans and a million Vietnamese had died in the fighting).” (264) Elsewhere in his book Pinker writes that the “war was ferociously prosecuted” by Nixon—and that plus 20,000 Americans and a million more Vietnamese would seem like big-time war-making. (683) But the peace movement’s alleged help in getting Nixon elected is Pinker’s evidence for the advance of the “better angels.” ¶ Pinker fails to explain why before, during, and after the Vietnam war the elites have been so little influenced by the masses marching in the streets. Why must the masses even march in the streets? Why must the elites continue to engage in military buildups and serious violence, at heavy economic cost, when according to his preferred expert James Sheehan the state is abandoning military force and focusing on the material well-being of the public? If institutional forces are not the explanation, why don’t the “better angels” trickle up to the leadership, especially when in his view the higher morality trickles down from the elite to the general population? ¶ According to Pinker, “The three deadliest postwar conflicts were fueled by Chinese, Korean, and Vietnamese communist regimes that had a fanatical dedication to outlasting their opponents.” (308) As regards Vietnam, he goes on to show that the Vietnamese were willing to absorb large casualties inflicted on them by the U.S. invaders. For Pinker, this is the fanaticism that fueled the Vietnam war. There is not a word of criticism of the invaders who were willing to inflict those deaths in a distant land; certainly nothing “fanatical,” no mention of the UN Charter, no word like aggression is applied to this attack; and there is no mention anywhere in the book that the United States had supported the French effort at re-colonization, then supported a dictatorship of its own choosing; and that U.S. officials recognized that those fanatical resisters had majority support as we killed vast numbers of them to keep in power our imposed minority government. While acknowledging 800,000 or more “civilian battle deaths” in the Vietnam war, Pinker does not stop to explain how vast numbers of civilians could be killed in “battle” and whether these deaths might possibly represent a gross violation of the laws of war, or how this could happen in an era of rising morality and humanistic feelings, and carried out so ruthlessly by the dominant Civilized power.¶ Nowhere does Pinker mention the massive U.S. chemical warfare in Vietnam (1961-1970), and the estimated “three million Vietnamese, including 500,000 children,…suffering from the effects of toxic chemicals” used during this ugly and very unangelic form of warfare.[40] What makes this suppression especially interesting is that Pinker cites the outlawing and non-use of chemical and biological weapons as evidence of the new evolving higher morality and decline of violence (273-277)—so his dodging of the facts on the massive use of such weapons in Operation Ranch Hand and other U.S. programs in Vietnam is remarkable dishonesty.¶ Pinker would never think of accepting Vietnamese communist estimates of casualties, just as he does not hesitate to use numbers provided by the U.S. State Department.[41] But nowhere are Pinker’s biases more blatantly obvious than in this allocation of Vietnamese “civilian battle deaths” to the fanaticism of the communist resistance in not surrendering to an invader unleashing incredible violence from abroad for reasons its own leaders had difficulty settling on.¶ Iraq and the Democratic Republic of Congo¶ Pinker’s bias is also extremely clear when he gets to explaining the new morality applied by his country in assaulting Iraq. According to Pinker, the “Vietnam syndrome” has caused the U.S. leadership to shy away from wars that will cause many U.S. casualties or impose massive civilian casualties on foreigners. He writes that “Military leaders at all levels have become aware that gratuitous killing is a public relations disaster at home and counterproductive abroad alienating allies and emboldening enemies. The Marine Corps has therefore instituted a martial-arts program in which leathernecks are indoctrinated in a new mode of honor, the Ethical Marine Warrior,” whose “catechism” is that the warrior is a “protector of life,” including not just self and others but “all others.” (264-265) After he recounts a long story (“allegory”) with a humanistic touch applied to the behavior of U.S. soldiers, Pinker says that “The code of the Ethnical Warrior, even as an aspiration, shows that the American armed forces have come a long way from a time when its soldiers referred to Vietnamese peasants as gooks, slops, and slants and when the military was slow to investigate atrocities against civilians such as the massacre at My Lai.” (265-266)¶ Pinker provides no evidence that U.S. warriors today don’t refer to Iraqis and other invaded peoples with derogatory terms (e.g., “Haji”[42]), or that the Marine Warrior Code is even a genuine “aspiration” as opposed to a P.R. effort, or that it is actually “indoctrinated,” let alone taken seriously. He ignores the fact that back at the time of the Vietnam War there was a written military code as well as international law on the treatment of civilians that had no apparent impact on actual policy.[43] ¶ He also offers no evidence that the military is more ready now than in the past to investigate atrocities, or that they don’t see the main route to dealing with gratuitous (or strategically convenient and useful) civilian killings as non-investigation, denial, and cover-up. Pinker does not mention the repeated official assertion by Gen. Tommy Franks, the original commander of the U.S. war in Afghanistan, that “we don’t do body counts,”[44] nor does he discuss the U.S. brutalities and blatantly illegal actions in the destruction of Fallujah in 2004,[45] the cold-blooded killing in 2005 of 24 Iraqi civilians by U.S. Marines in the city of Haditha and its long cover-up,[46] or former U.S. Afghanistan force commander Gen. Stanley McChrystal’s admission before his own troops in 2010 that they had “shot an amazing number” of innocent Afghanis at checkpoints, “but to my knowledge, none has ever proven to be a threat.”[47] Pinker does mention WikiLeaks, but only once and in relation to what he describes as a “previously classified civilian casualty database of the American-led military coalition,” that not surprisingly attributed the “majority (around 80 percent) [to] Taliban insurgents rather than coalition forces.” (267) He does not discuss the well-publicized WikiLeaks release of the formerly “classified U.S. military video depicting the indiscriminate slaying of over a dozen people in the Iraqi suburb of New Baghdad.”[48] Nor does he mention any of WikiLeaks’ other substantial troves of documents.[49]¶ In short, for this stream of pro-war apologetics Pinker relies on pure assertion, the uncritical acceptance of official and implausible claims, and a refusal to report inconvenient evidence. ¶ However, when he deals with claims of mass civilian deaths brought about by U.S. policy in Iraq Pinker becomes much more demanding on the quality of evidence and methodology. One device that he uses here and elsewhere is to distinguish between the aggression-based killings by the United States during the initial stage he calls “quick” and “low in battle deaths,” and deaths during the “intercommunal violence in the anarchy that followed.” (266) He fails to mention the Nuremberg condemnation of aggression that ties it closely to deaths that follow: “To initiate a war of aggression, therefore, is not only an international crime; it is the supreme international crime differing only from other war crimes in that it contains within itself the accumulated evil of the whole."[50] He ignores the facts that the civil conflicts were unleashed by the U.S. attack, and that the United States was an ongoing and large direct killer long after the “mission” was declared “accomplished” by George Bush on May 1, 2003. Fallujah and Haditha were just two of many U.S.-inflicted horrors that followed the announcement of an accomplished mission, and the U.S. invader-occupier was also an active manipulator of the civil conflicts that it unleashed. On the assumption that Nuremberg principles apply, this entire death-dealing and hugely violent enterprise is the legal and moral responsibility of Pinker’s home country leaders—a point that Pinker evades.¶ Pinker goes to some pains to discredit the higher-end mortality estimates for both the Iraqi theater of conflict under the U.S. war and occupation and the Democratic Republic of Congo (DRC) after its 1996 invasion by Rwanda and Uganda, two key U.S. allies in Central Africa. Specifically, he criticizes the work of the Johns Hopkins Bloomberg School of Public Health researchers, published in the British medical journal The Lancet in October 2006, which reported that 655,000 Iraqis had died during the roughly 40-month period from the March 20, 2003 U.S. invasion through July 2006, with some 601,000 of these deaths due to violence.[51] He also criticizes the January 2008 report by the Brussels-based International Rescue Committee and the Burnet Institute of the University of Melbourne, which estimated 5.4 million excess deaths from all causes in the eastern DRC for the period 1998 to April 2007.[52]¶ Pinker asserts that these mortality estimates are “not credible,” and refers to both of them with the derogatory term “revisionist” (his emphasis). “Revisionist” in this case means essentially not in accord with estimates that Pinker prefers. “Rather than counting bodies from media reports and nongovernmental organizations,” Pinker writes, “surveyors ask a sample of people whether they know someone who was killed, then extrapolate the proportion to the population as a whole….Without meticulous criteria for selecting a sample, extrapolations to an entire population can be wildly off.” (317-318) Thus in these two cases he rejects a method that is the current standard in epidemiological research—and that Pinker himself uses when it serves his methodological purposes (see “Massaging the Numbers,” below)—and that in our opinion is the soundest way of estimating mortality rates in large-scale armed conflicts, with their dangerous, high-risk settings and the frequent unreliability of governmental record-keeping. ¶ Pinker and his preferred sources contend that the John Hopkins survey suffered from a “main street bias” that caused a substantial overestimation of Iraqi deaths.[53] These critics fail to mention that the John Hopkins team deliberately excluded the city of Fallujah from their sample. Fallujah had suffered two major U.S. military assaults in 2004, the second, in November and December, having devastated this city of some 250,000 people. When the Johns Hopkins team carried out its first survey of Iraqi mortality rates in September 2004, no fewer than two-thirds of all the violent deaths that it found for all of Iraq were reported in just one cluster of households in Fallujah. The researchers decided to exclude the Fallujah data from their 2004 mortality estimate, believing that its inclusion would skew the overall results;[54] and when they carried out their second, more extensive survey in 2006, they excluded Fallujah altogether. This gave their estimate a substantial downward bias.[55]¶ Pinker prefers the estimates produced by Iraq Body Count, an organization that relies largely on newspaper reports, and admittedly undercounts deaths with this unscientific methodology.[56] For the same period covered by the John Hopkins study (March 2003 - July 2006), IBC estimated 53,373 Iraqi deaths due to violence,[57] making the Johns Hopkins estimate of deaths caused by violence (601,000) more than eleven-times greater than the IBC’s. As Gilbert Burnham, who led the second of the Johns Hopkins teams, observes, “I can’t think of any country that would estimate its national mortality rates by obituary notices in the newspapers.”[58] Pinker also favors the 2008 report by the Iraq Family Health Survey Study Group—essentially, by employees of the puppet government of the U.S. military occupation—that estimated the number of violent deaths in Iraq to have been 151,000 from March 2003 through June 2006 (or roughly the same period as covered by the Johns Hopkins study).[59] Unlike the Johns Hopkins team, the Iraq Family Health Survey did not request copies of death certificates from surviving family members to help verify their claims; and the field research was carried out by employees of highly politicized Iraqi ministries serving under the U.S. occupation regime. So again here as elsewhere, Pinker uses the preferential method of research, selecting his sources on the basis of their congenial findings, accepting methodologies that are often laughable, and admonishing researchers who come up with the wrong conclusions for the technical flaws in methods entirely ignored by the Truthers.¶ In what on Pinkerian logic might be described as the ultimate in “revisionism,” Pinker completely ignores the “sanctions of mass destruction” imposed on Iraq by the UN but under U.S.-dominant influence and command, which in varying degrees of severity lasted from August 1990 into the U.S. invasion-occupation of 2003. It has been estimated that these sanctions may have caused a million Iraqi deaths, and in a notable incident, U.S. ambassador to the United Nations Madeleine Albright said in a 60 Minutes interview in 1996 that the sanctions-based deaths of an estimated “half a million” Iraqi children were “worth it.”[60] In another notable statement on the Iraq sanctions, John Mueller and Karl Mueller wrote in the journal Foreign Affairs that this sanctions regime caused more deaths than “all so-called weapons of mass destruction throughout history.”[61] U.S. officials knew that their destruction of Iraqi sanitation and water facilities by bombing raids during the 1991 war might well cause disease and deaths, but this did not impede the bombing or prevent the follow-up refusal to allow Iraq to buy replacement equipment during the sanctions era.[62] Pinker never mentions these unangelic sanctions and this massive death toll, and though he thanks John Mueller in his Preface to Better Angels and cites Mueller 20 times in his Index and lists 10 different works by Mueller in his References, Pinker somehow misses Mueller’s co-authored Foreign Affairs article that throws grisly light on a major case of mass killing—but by the United States, hence invisible to Pinker.¶ Pinker is equally committed to minimizing the human cost of the violence in the DRC, and therefore dismissive of higher-end estimates of mortality rates there. John O’Shea of the Irish relief agency GOAL has called the DRC the “worst humanitarian tragedy since the Holocaust,"[63] and Reuters contends that the war in the DRC “has claimed at least 10 times as many lives as the December [2004] tsunami yet remains almost unheard of outside of Africa.”[64] As of 2005, the eastern DRC already had suffered a decade of violence, and the August 2010 UN “mapping exercise” on the most serious violations of human rights in the DRC reported that the “apparently systematic and widespread nature of the attacks, which targeted very large numbers of Rwandan Hutu refugees and members of the Hutu civilian population, resulting in their death, reveal a number of damning elements that, if they were proven before a competent court, could be classified as crimes of genocide.”[65]¶ But Pinker’s preferred sources on the DRC—the International Peace Research Institute of Oslo, Norway; the Uppsala Conflict Data Program in Sweden; and the Human Security Report Project at Simon Fraser University in Canada—are alike in contending that, in Pinker’s words, the IRC-Burnet estimate was “inflated” by “about thirty-five times the PRIO battle-death estimate,” and by more than six-times the estimate produced by the HSRP (which includes both direct and indirect causes of deaths). (317) In their reliance on “public sources” such as international and non-governmental organizations, and most important, news agencies,[66] the “passive surveillance” methods employed by both PRIO and UCDP parallel Iraq Body Count’s methods, and HSRP largely depends on the work of PRIO and UCDP. But no matter how many different media sources one checks, even working from comprehensive databases such as Factiva and Nexis, this is a limited and unscientific methodology, almost guaranteed to yield undercounts, especially in large-scale, multiyear theaters of conflict such as the DRC and Iraq. With its estimates of mortality restricted to the category of “battle-related deaths,”[67] we believe that the adoption of this methodology is motivated to serve political ends. (For more on PRIO and the UCDP, see “Sources and Methods,” below.)¶ Following the lead of the Human Security Report Project’s 2009/2010 The Causes of Peace and the Shrinking Costs of War (which thanks Pinker by name in its acknowledgements section), Pinker charges the IRC-Burnet estimate with working from a “prewar death rate that was far too low,” and “subtracting it from an estimate of the rate during the war that was far too high.”[68] (319) The HSRP, Pinker adds, “cautions against accepting estimates of excess deaths from retrospective survey data, since in addition to all of their sampling pitfalls, they require dubious conjectures about what would have happened if a war had not taken place.” (319)¶ The IRC-Burnet researchers produced compelling replies to these charges, pointing out that even if they had used the higher baseline mortality rate of 2.0 deaths per 1,000 preferred by HSRP and Pinker, the “estimated deaths would be 3.3 million since 1998”[69]—nearly four times as many as the HSRP’s “best estimate” of 860,000 deaths for the shorter period from May 2001 through April 2007.[70] But these competing claims have no bearing on a separate survey on behalf of the UN, which had already estimated that through September 2002, some 3.5 million excess deaths had occurred in the eastern provinces as a “direct result of the occupation of the DRC by Rwanda and Uganda.”[71] We should add that, just as the Johns Hopkins surveys excluded Fallujah, thereby injecting a conservative factor into their results, the IRC-Burnet survey excluded from its samples locations where the violence and the risk to the researchers were greater than in the locations included in the samples, giving the IRC-Burnet results a conservative tilt as well. ¶ But something else is almost surely at work behind Pinker’s advocacy for lower death tolls in Iraq and the DRC, and his reliance on sources that attack the work of researchers who have produced the higher-end estimates. Namely, his “New Peace” and “waning-of-war” agenda requires it. Two large-scale bloodbaths like those in Iraq and the DRC must be downsized to fit his agenda. Pinker therefore locates the lower-end numbers that he wants, ignores the “sanctions of mass destruction” in Iraq, attributes responsibility for the Iraq invasion-occupation deaths to “intercommunal” violence, thereby taking the United States off-the-hook, and clings to a “battle death” estimate for the DRC that ignores the many more indirect deaths from malnutrition and otherwise treatable diseases that characterized life in the eastern DRC over much of the past two decades, and comprise the major component of the DRC toll.

## 1NR

### Solvency

#### Signing statements makes the aff meaningless—destroys the aff’s clarity and signal—AND causes a huge fight

Jeffrey Crouch, assistant professor of American politics at American University, Mark J. Rozell, acting dean and a professor of public policy at George Mason University, and Mitchel A. Sollenberger, associate professor of political science at the University of Michigan-Dearborn, December 2013, The Law: President Obama's Signing Statements and the Expansion of Executive Power, Presidential Studies Quarterly 43.4

Signing statements become objectionable when a president attempts to transform statutory authority and circumvent the rule of law. To be sure, a president may find that certain provisions of legislative enactments violate executive authority or principles of separation of powers. Such weighty issues are appropriate for resolution through a process of deliberation and accommodation between the political branches or, if not settled in that fashion, through the courts. However, signing statements do not, as some suggest, start a productive dialogue (Ostrander and Sievert 2013b, 60). Instead, they invite interbranch conflict and encourage additional acts of presidential unilateralism. From Andrew Jackson through Obama's 2009 objection to various provisions of the Supplemental Appropriations Act, signing statements have resulted in unnecessary battles between the branches. Members of Congress often object to signing statements because the presence of one sometimes means that the administration is attempting to settle a policy debate without legislative input. The proper time to exchange views is during the legislative process, which takes place before a bill is submitted to the president to sign. Presidents often make deals with members of Congress on legislation in order to secure its passage. In 2009, President Obama did just that. In the process of convincing Congress to pass a funding measure for the International Monetary Fund and the World Bank “Obama agreed to allow the Congress to set conditions on how the money would be spent” and to attach a reporting requirement provision. However, the president turned around and issued a signing statement arguing that those restrictions would “interfere with my constitutional authority to conduct foreign relations.” Congress was not happy. Representative Barney Frank (D-MA) wrote to the president and accused him of breaking his word. The House even passed a bill that barred funding of the president's challenges (Kelley 2012, 11-12). Instead of encouraging dialogue and political accommodations, such actions by presidents actually short circuit the free exchange of ideas and poison relations with Congress, including lawmakers of the president's own party. If a proposed statute so clearly violates what the president views as vital constitutional principles, then he has an obligation to veto it. He should not agree to the provisions during the legislative process and then turn around and effectively challenge them. Not only does this approach increase distrust and promote greater polarization on Capitol Hill, but it also goes against the text of the Constitution. Nowhere in Article I or Article II does the Constitution provide line-item veto authority to the chief executive. As George Washington explained, “From the nature of the constitution I must approve all the parts of a bill, or reject it in toto” (Washington 1889-93, XII, 327). Even if a president makes constitutional objections during the lawmaking process, such protests do not make credible his actions of signing a bill and later challenging certain provisions through a signing statement. As Representative Frank remarked, presidents “have a legitimate right to tell us their constitutional concerns—that's different from having a signing statement.” However, he explained that “Anyone who makes the argument that ‘once we have told you we have constitutional concerns and then you pass it anyway, that justifies us in ignoring it'—that is a constitutional violation. Those play very different roles and you can't bootstrap one into the other” (Savage 2010). Louis Fisher cuts to the core of the problem with constitutional signing statements that purport to nullify statutory provisions. He argues that such statements “encourage the belief that the law is not what Congress puts in public law but what the administration decides to do later on.” Continuing, Fisher notes that “if the volume of signing statements gradually replaces Congress-made law with executive-made law and treats a statute as a mere starting point on what executive officials want to do, the threat to the rule of law is grave” (Fisher 2007, 210). We agree. It is unilateral presidential decision making itself that in this context strikes a serious blow against the core principles of separation of powers. Another problem with constitutional **signing statements** is that they generally lack clarity and precision, which greatly hinders the idea that they could be used to help facilitate a dialogue between a president and Congress in the first place (Fisher 2007, 210). As noted earlier, signing statements are often crafted in a world of doublespeak where words are distorted to create confusion, and ambiguity is preferred in order to muddle the president's true intent. President Bush received frequent criticism for his vague statements. Likewise, as Christopher Kelley explained, “there are numerous instances where **Ob**ama's signing statements resort to the vagaries seen in the Bush signing statements, where it becomes difficult to discern precisely what is being challenged or why” (2012, 10). The benefits of the obfuscating language are clear. Even when a president intends to ignore a statutory provision, there will be sufficient confusion among reporters, scholars, members of Congress, and certainly the public to prevent any kind of universal response. Consider, for example, President Obama's April 15, 2011, signing statement dealing with the provision to cut off funding for certain czar positions within the White House. In his analysis of that statement, presidential scholar Robert J. Spitzer argued that it merely “expresses displeasure, not disobedience to the law” (2012, 11). Two of us took the opposite view and declared that the president's statement “effectively nullified” the anti-czars provision (Sollenberger and Rozell 2011, 819). If scholars can disagree about the intended meaning of presidential signing statements, it is doubtful that a layperson can clearly discern the president's intentions.

#### Increasing procedural constraints provides political insurance to the President – that incentivizes risk-taking and moral hazard – makes wars more frequent and less careful

Nzelibe 7 [Jide Nzelibe (Asst. Professor of Law @ Northwestern); “Are Congressionally Authorized Wars Perverse?”; *Stanford Law Review*: Vol. 59, 2007; <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=952490>]

To recapitulate, **the conventional wisdom that prior congressional authorization for the use of force will lead to less dangerous wars by the United States** has not been shown, and there is deductive **logic and** some contrary **evidence** that **suggest**s **that congressional authorization will actually** do the opposite. In other words, **congressional authorization to use force, ostensibly intended as an institutional constraint on the executive branch’s discretion, is** more likely to act as a form of political insurance which protects the President against thepolitical fallout from high risk wars. But like all insurance systems, **congressional authorization is prone to the** pathology of moral hazard **because it is likely to** encourage excessive risk-taking by the insured. More significantly, **the moral hazard problem** created by congressional authorization **is likely to be acute because the ex ante costs incurred** by the President in seeking congressional authorization **are likely to be** insignificant when **compared to the political insurance benefits reaped by the President**. Critics of the model might object by pointing out that increasing **procedural barriers** on the President’s foreign policy discretion should limit the President’s military initiatives, even if it only does so marginally. But this objection **fail**s **to appreciate that bifurcating the burden of political accountability when one party has almost complete control of the crisis escalation agenda can have** unintended consequences**.** In other words, **congressional authorization** for the use of force **means that** no single political actor is completely responsible for the political fallout **from imprudent or unpopular wars even though one actor is very much responsible for framing the agenda for going to war. By making the war initiation process** less of a high-stakes decision **than it would be otherwise, congressional authorization can influence the President’s calculus in a direction towards** more high-risk and unpredictable wars.

### Warfighting

#### ZERO empirical evidence supports the view that Congress leads to better wars

Jide Nzelibe 6, Asst. Profesor of Law @ Northwestern, and John Yoo, Emanuel S. Heller Professor of Law @ UC-Berkeley Law, “Rational War and Constitutional Design,” Yale Law Journal, Vol. 115, SSRN

We must compare the impact of Type I and Type II errors under a Congress-first system with the results of a President-first approach. Presidents may cause the United States to begin wars that appear unnecessary or unwise initially; however, some of these conflicts may look better in hindsight. The Cold War experience, which provides the best examples of major military hostilities conducted without ex ante congressional authorization, does not stand as an unambiguous example of how legislative control promotes institutional deliberation and results in better conflict selection. Many of the conflicts, such as Panama and Grenada, ended successfully for the United States. To be sure, the Korean War, which many would consider a draw, did not, but the Korean War may have succeeded in its broader objectives of containing the expansion of communism in East Asia. Statements defending congressional approval of military hostilities, in effect, argue that congressional authorization produces deliberation, consensus, and good selection of wars. However, there is little or no empirical data to support this conclusion, and some of the best known anecdotes from the historical record point in the other direction. If empirical data on American wars would be too difficult to analyze, perhaps we should proceed along a different line, by constructing better models of state behavior in the international system to judge the efficacy of warmaking arrangements. We do not claim that the empirical record shows that a President-first approach is always superior. We argue that the Congress-first approach is based on unproven and questionable assumptions, and that as a matter of theory an approach that allows the President to choose whether to seek congressional support for war will be superior. We do not attempt to provide new empirical analysis here, but we will show as a matter of theory why the Congress-first approach does not provide the benefits claimed by its proponents

#### Congress is less accountable than the President --- they only focus on parochial interests --- AND squo power of the purse is sufficient to solve the aff

Jide Nzelibe 6, Asst. Profesor of Law @ Northwestern, and John Yoo, Emanuel S. Heller Professor of Law @ UC-Berkeley Law, “Rational War and Constitutional Design,” Yale Law Journal, Vol. 115, SSRN

A significant number of scholars have argued that the President remains more politically accountable than other institutions. Indeed, much of the current work on the separation of powers commonly assumes that the President answers to a "national constituency," while Congress usually looks to "parochial interests." 1 7 Critics of the majoritarian President, on the other hand, emphasize that the Electoral College's winner-take-all system gives the President an incentive to cater to a narrower political constituency than the median legislator. 1 8 Despite these varying views on the accountability of the political branches, one can reasonably conclude that presidential accountability will become more pronounced in matters of foreign policy and national security. In foreign affairs, the Constitution's Framers indisputably attempted to suppress the parochial interests that had beset the Articles of Confederation. They centralized authority over national security, foreign policy, and international trade in the national government. 1 9 Over time, control over those issues has migrated to the executive branch, a fact that even critics of the "imperial presidency" recognize. 2 ° More importantly, Presidents are often identified with the nation's successes or failures in foreign policy, and they will bear the lion's share of the electoral consequences of victory or defeat in war." The benefits of delegating war power to the executive might be outweighed by a variety of agency costs. The President, for example, might wish only to satisfy the majority necessary to elect him, which could constitute as little as twenty-five percent of the population (the fifty percent of the states with fifty percent of the electoral votes) .22 Alternatively, the President might be a lame duck in his second term, or he might have a short time horizon that extends only to the next election. A President might use war as a pretext to expand his powers, which he could misuse for domestic purposes. 2 3 Finally, a President might seek personal glory in war rather than the national interest. Arguments in favor of a requirement that Congress first authorize war, however, do not explain how congressional participation would reduce these agency costs. If Congress seeks to represent the median voter, as some theories of legislation suggest, then it is unclear that Congress's constituency is any broader than the President's. The median member of the House of Representatives could represent a constituency that is as little as twenty-five percent of the electorate. 4 The constitutional allocation of Senate seats might bias Congress toward the interests of rural areas. Congress might be just as susceptible as the President to the temptation of using war as a pretext to expand its domestic powers. During the McCarthy era, members of Congress, rather than the executive branch, pressed to reduce civil liberties because of national security concerns. Congress also might have objects in mind that have more to do with national glory than with the real interests of the electorate. The War of 1812 centered more on the congressional dream of adding Canada to the American republic than on national self-defense or presidential ambitions. 2 5 The choice between the Congress-first view and the current system of war powers is not one of total versus zero congressional participation. The question really is one of ex ante versus ex post participation. Even under the strongest President-first theories, Congress still retains the ability to check presidential foreign policy and national security decisions through the funding power. Often Congress can exercise that authority ex ante. It had the opportunity, for example, to prevent Presidents from waging the Persian Gulf War, the Kosovo conflict, and the wars in Afghanistan and Iraq by refusing to appropriate money before the fighting began. Some Congress-first scholars doubt the effectiveness of Congress's appropriation power in constraining presidential military ventures,2 6 but Congress has frequently used the threat to cut off funding to force withdrawal of forces and terminate conflicts. 7 With the high costs of modern conflict, any significant military undertaking will require Presidents to seek congressional cooperation. Critics of presidential power fail to explain why political accountability would be enhanced by requiring that Congress not just provide funding for military hostilities ex ante, but also go to the additional step of enacting legislation authorizing the conflict.

### SOP

#### Countries can ferret between our norms – aff isn’t key.

John O. McGinnis 7, Professor of Law, Northwestern University School of Law. \*\* Ilya Somin \*\* Assistant Professor of Law, George Mason University School of Law. GLOBAL CONSTITUTIONALISM: GLOBAL INFLUENCE ON U.S. JURISPRUDENCE: Should International Law Be Part of Our Law? 59 Stan. L. Rev. 1175

The second benefit to foreigners of distinctive U.S. legal norms is information. The costs and benefits of our norms will be visible for all to see. n268 Particularly in an era of increased empirical social science testing, over time we will be able to analyze and identify the effects of differences in norms between the United States and other nations. n269 Such diversity benefits foreigners as foreign nations can decide to adopt our good norms and avoid our bad ones. The only noteworthy counterargument is the claim that U.S. norms will have more harmful effects than those of raw international law, yet other nations will still copy them. But both parts of this proposition seem doubtful. First, U.S. law emerges from a democratic process that creates a likelihood that it will cause less harm than rules that emerge from the nondemocratic processes [\*1235] that create international law. Second, other democratic nations can use their own political processes to screen out American norms that might cause harm if copied. Of course, many nations remain authoritarian. n270 But our norms are not likely to have much influence on their choice of norms. Authoritarian states are likely to select norms that serve the interests of those in power, regardless of the norms we adopt. It is true that sometimes they might cite our norms as cover for their decisions. But the crucial word here is "cover." They would have adopted the same rules, anyway. The cover may bamboozle some and thus be counted a cost. But this would seem marginal compared to the harm of allowing raw international law to trump domestic law.

### Intervention

#### Specifically, preemption solves loose nukes, North Korea, and Iran war --- all go nuclear

Jonas 12 [George Jonas (staffwriter for Natl Post; contributer to WSJ and others; prolific author) “What's wrong with 'pre-emptive' war?”; January 11, 2012; http://fullcomment.nationalpost.com/2012/01/11/george-jonas-the-case-for-pre-emptive-war/]

**What justifies preemptive war**? Presidential hopeful Ron Paul may think he alone worries about this. In fact, it's hard to find anyone who doesn't. Last time I raised the question was more than a decade ago, after Osama **bin Laden told Pakistani journalist** Hamid Mir **that he had nuclear weapons. The lie fooled no one, but it invited the question of why was it necessary to wait until it became the truth?**¶I wrote at the time that **no month passes without a police officer being investigated for having an itchy trigger finger.** The facts are usually identical. **A suspect appears to reach for what the officer thinks is a gun, to which the officer responds by shooting first.**¶ **By definition, pre-emptive action is always "too early." If it's not too early, it isn't preemptive, and if it's not preemptive,** it's often too late**. No month passes without a police officer being shot, either, for choosing to** wait for a suspect to pull the trigger first.¶ **The dilemma becomes** infinitely greater **when it goes beyond police officers and guns to sovereign nations and** nuclear weapons**.** U.S. president George W. Bush had to face it, just as Barack Obama is facing it today.¶ **Eleven years ago**, in a speech beamed by satellite to the Warsaw meeting of East European leaders, **Bush raised the specter of** bin Laden's **alQaeda** network **going after nuclear weapons**. Though he spoke before bin Laden made his claim (Bush's speech may have given him the idea) the president's reference was quite specific. **By then, Pakistan had nuclear weapons. While General** Pervez **Musharraf** 's government **was America's ally (sort of) in the war against terror, Pakistan itself had been instrumental in setting up the Taliban regime in Afghanistan. There was** always **a substantial and militant minority in Pakistan - among the general population as well as in the governing elite**, such as the powerful Inter-Service Intelligence or ISI - **that supported the Taliban's fanatical Islamists who hosted and protected al-Qaeda** before and **since 9/11.**¶ **It was evident** 10 years ago **that if** General **Musharraf 's government, which was by no means secure, were to be toppled,** there was at least a chance that **bin Laden might gain access to nuclear weapons.** As The Daily Telegraph reported at the time, **two Pakistani nuclear scientists** admitted - **boasted** might be a better word - **of having met bin Laden earlier in 2001**, and **Pakistan moved its nuclear weapons "to ensure their safety in the event of an Islamic coup." The scenario**, though not likely, **was viewed as having a 5% probability. A small chance - but with** colossal consequences.¶ No responsible government would accept a 5% chance of a catastrophe of such magnitude in an area of public hygiene. The authorities would unquestionably take the position that an ounce of pre-emption is worth a pound of cure. But what would "preemption" entail in a case of armed fanatics? **On a minor scale, consider the** 19**93 tragedy at Waco.**¶ Though **the FBI** may have stormed David Koresh's compound as an act of administrative vengeance, the authorities also **wanted to pre-empt a fanatical cult that had an arsenal of illegal firearms from harming others.** The ensuing mayhem, particularly the fiery deaths of children, rightly shocked the conscience of a nation.¶ **The mayhem at Waco would be a boy scout jamboree compared to the results of a pre-emptive strike (let alone a pre-emptive nuclear strike) on a country. How would the mere possession of nuclear capability justify such an attack?**¶ **After all, no one loses any sleep over, say, France's nuclear capabilities. If France can have weapons of mass destruction without the world feeling endangered, why should Pakistan, or even Iran, be judged by a different yardstick? What's wrong with a "Muslim bomb"? If the West can possess nuclear weapons, why can't Islam?**¶ "Because the West is more civilized than Islam," blurted out Italian Prime Minister Silvio Berlusconi 10 years ago, before quickly apologizing for his remark. But Berlusconi aside, **the difference between storing a case of dynamite at the Army Corps of Engineers or** in the chimp enclosure **at the zoo is self-evident.**¶ We let chimps store dynamite to teach them responsible behaviour. **If North Korea and Pakistan have nuclear weapons today; if Iran is on the verge of acquiring them, it's because, having no stomach for hard choices,** we reduced our choices to zero. Paradoxically, if the world blows up tomorrow, our humanitarian scruples will share the blame.¶ After Waco, the authorities pleaded that they had a duty to force their way into the compound because of the threat Koresh and his armed disciples represented to the larger community. The courts agreed. But if guns in the hands of Koresh & company's justified the incineration of children, **it's hard to think of collateral damage that keeping w**eapons of **m**ass **d**estruction **from** Mahmoud **Ahmadinejad or Kim Jong-un wouldn't justify.**¶ **Iran's rulers are pressing on. They're now threatening to close international sea lanes to shipping in the Persian Gulf. They don't yet have the bomb. What will they threaten to do when they do? We shall all soon know.**