# 2AC

## ASPEC

#### 1. We meet – statutory means Congress

West’s 08 (West’s encyclopedia of American Law 2008, “Statute,” http://legal-dictionary.thefreedictionary.com/statute+law)

An act of a legislature that declares, proscribes, or commands something; a specific law, expressed in writing. A statute is a written law passed by a legislature on the state or federal level. Statutes set forth general propositions of law that courts apply to specific situations. A statute may forbid a certain act, direct a certain act, make a declaration, or set forth governmental mechanisms to aid society. A statute begins as a bill proposed or sponsored by a legislator. If the bill survives the legislative committee process and is approved by both houses of the legislature, the bill becomes law when it is signed by the executive officer (the president on the federal level or the governor on the state level). When a bill becomes law, the various provisions in the bill are called statutes. The term statute signifies the elevation of a bill from legislative proposal to law. State and federal statutes are compiled in statutory codes that group the statutes by subject. These codes are published in book form and are available at law libraries. Lawmaking powers are vested chiefly in elected officials in the legislative branch. The vesting of the chief lawmaking power in elected lawmakers is the foundation of a representative democracy. Aside from the federal and state constitutions, statutes passed by elected lawmakers are the first laws to consult in finding the law that applies to a case.

## Immigration DA

#### ZERO chance of passage – the GOP are pushing piecemeal reform, Obama isn’t pushing, and PC fails

Lerer & Tiron 10/31 Lisa Lerer and Roxana Tiron is Bloomberg Staff Reporters, “Who's Afraid of Immigration Reform?” <http://www.businessweek.com/articles/2013-10-31/immigration-reform-unlikely-amid-congresss-partisan-ill-will>, DOA: 11-1-13, y2k

After the government shutdown ended, President Obama said he wanted Congress again to take up languishing immigration legislation, with the goal of passage by yearend. That’s unlikely, and not just because a majority of House Republicans still oppose a bill that includes a path to citizenship for undocumented workers. Democrats from states with large numbers of Hispanic voters, who are concerned Obama is so intent on signing an immigration law that he might water it down to attract GOP support, are in no hurry to meet his deadline if it means compromising on citizenship. “There are some Democrats who would rather get it done, and others who would rather have the issue” linger, says Tamar Jacoby, president of ImmigrationWorks USA, a network of business groups that promotes legal immigration. Not that the two parties are in a mood to talk about immigration—or anything else. The shutdown and debt limit fight further poisoned Republicans’ already toxic relationship with the White House and Democratic leaders. “There’s no discussion about immigration” on either side, says Texas Republican John Carter. In September he left a bipartisan group that was working on a deal in the House. “I have a heart for fixing immigration, but not sure the will is there.” Beyond setting a goal and saying he doesn’t want to “leave this problem to keep festering,” the president has largely been quiet on the issue since the government reopened. He’s not giving big speeches or going out barnstorming aboard his bus. After coming away from the shutdown empty-handed, Republicans are wary of doing anything to help Obama’s agenda. “If he leans into it too aggressively, it makes it harder for Republicans to get to yes,” says Frank Sharry, executive director of America’s Voice, a pro-immigration group. “He wants a result so badly that he’s willing to step back so Republicans can step forward.” House Speaker John Boehner has said the House won’t back the comprehensive immigration bill the Senate passed in June and instead will take action on smaller-scale, piecemeal measures. Speaking to reporters on Oct. 23, he said he’s still hopeful. The House Judiciary Committee has approved legislation dealing with enforcement, employment verification, and agricultural and high-skilled workers. California Republican Darrell Issa, chairman of the House Committee on Oversight and Government Reform, is working on a proposal that would offer temporary legal status to qualifying undocumented immigrants, according to spokesman Frederick Hill. Even if the bills were to pass the House, they’d likely die in the Senate. Two months may seem like long enough to work out some of those differences, but there are only a handful of working days left on the congressional calendar this year, and no one in Washington will be up for haggling over a contentious piece of legislation during the holidays. Democrats have hinted to reporters that despite Obama’s desire for a bill, they’re content to shelve the issue until next summer, when their leverage improves. Election-minded Republicans may then be more eager to take up the legislation as a way to woo Hispanic voters. Such calculations underestimate how angry Republicans are at Obama and how little they want to hand him anything resembling a victory. More than citizenship or border security, ill will could be the thing that stops immigration reform. “This notion that they’re going to get in a room and negotiate a deal with the president on immigration is much more difficult to do because of the way that president has behaved towards his opponents over the last few weeks,” Florida Republican Senator Marco Rubio, who helped write the Senate immigration bill, told Fox News (FOX) on Oct. 20. Republican Representative Raúl Labrador of Idaho was less diplomatic in expressing why a deal may be a long way off. Obama “tried to destroy the Republican Party,” he told an audience of Republicans on Oct. 16. “Anything we do right now with this president on immigration will be with that same goal in mind, which is to destroy the Republican Party and not to get good policies.”

#### Plan boosts Obama’s capital without triggering a fight over authority

Kriner 10

Douglas Kriner, Assistant Profess of Political Science at Boston University, 2010, After the Rubicon: Congress, Presidents, and the Politics of Waging War, p. 59-60

Presidents and politicos alike have long recognized Congress's ability to reduce the political costs that the White House risks incurring by pursuing a major military initiative. While declarations of war are all but extinct in the contemporary period, Congress has repeatedly moved to authorize presidential military deployments and consequently to tie its own institutional prestige to the conduct and ultimate success of a military campaign. Such authorizing legislation, even if it fails to pass both chambers, creates a sense of shared legislative-executive responsibility for a military action's success and provides the president with considerable political support for his chosen policy course.34 Indeed, the desire for this political cover—and not for the constitutional sanction a congressional authorization affords—has historically motivated presidents to seek Congress's blessing for military endeavors. For example, both the elder and younger Bush requested legislative approval for their wars against Iraq, while assiduously maintaining that they possessed sufficient independent authority as commander in chief to order the invasions unilaterally.35 This fundamental tension is readily apparent in the elder Bush's signing statement to HJ Res 77, which authorized military action against Saddam Hussein in January of 1991. While the president expressed his gratitude for the statement of congressional support, he insisted that the resolution was not needed to authorize military action in Iraq. "As I made clear to congressional leaders at the outset, my request for congressional support did not, and my signing this resolution does not, constitute any change in the long-standing positions of the executive branch on either the President's constitutional authority to use the Armed Forces to defend vital U.S. interests or the constitutionality of the War Powers Resolution."36

#### Piecemeal means no solvency

NBC 10/20

("Did shutdown 'poison the well' for immigration reform?" http://nbcpolitics.nbcnews.com/\_news/2013/10/20/21026903-did-shutdown-poison-the-well-for-immigration-reform?lite)

“We’re not going to have an immigration reform bill this year, or next year, that doesn’t deal with the 11 million,” Fitz predicted. “People are hungering for a solution. These piecemeal measures may step in the right direction for some, but they’re clearly not going to solve the whole problem.”

#### Boehner won’t break the Hastert rule

Workpermit.Com 10/30 “Boehner 'hopeful' that US immigration reform will happen this year,” 30 October 2013

<http://www.workpermit.com/news/2013-10-30/boehner-hopeful-that-us-immigration-reform-will-happen-this-year>, DOA: 11-1-13, y2k

The speaker of the US House of Representatives, John Boehner, has said that he is 'hopeful' that 'the House' will pass immigration reform this year. He told journalists on October 23rd 2013, 'I think immigration is an important subject that needs to be addressed and I'm hopeful [that it will be]'. However, Mr Boehner refused to answer journalists' questions as to when he might introduce a bill. Democrats may be sceptical about Mr Boehner's claim to be 'hopeful'; as speaker, Mr Boehner is responsible for putting bills before the House for a vote. He has so far refused to put a bill already passed by the Senate before the House because a majority of Republicans oppose it. Under the US system, for a bill to become law, it must be passed by both houses of Congress; the upper house, the Senate and the lower house, the House of Representatives. In July, the Senate passed the Border Security, Economic Opportunity and Immigration Modernization Act 2013 (The Border Security Act'). This bill would, if it became law, introduce comprehensive immigration reform. Mr Boehner has so far refused to put that bill before the House for a vote, thereby preventing it from becoming law. Hastert Rule Mr Boehner says that 'the Hastert Rule' prevents him from doing so. The Hastert Rule is an informal principle which has no basis in the Constitution. It is named after the former Republican speaker Dennis Hastert who was speaker from 1999-2007. The rule means that a speaker of the House will only put legislation before the House if 'a majority of the majority' that is to say, over half of all members of the larger party in the House support it. The 'rule' is not really a rule at all and even Speaker Hastert said in 2013, 'The Hastert Rule never really existed. It's kind of a nonentity as far as I'm concerned'. Nonetheless, many speakers of the House use their position to prevent the House from voting on bills brought by the opposing party. Democrats are urging Speaker Boehner to waive the Hastert Rule and allow a vote on the Border Security Act. But, so far at least, Mr Boehner has refused. The House has 435 seats. There are currently 231 Republicans, so for Boehner to allow a vote without breaking the Hastert Rule, at least 116 Republicans will have to express support for the bill. At present, there are nowhere near that many. Boehner 'standing in the way of democracy' Democrats claim that Boehner is thwarting the will of the people. They cite polls which show that about 60% of Americans support reform. House Democrats believe that there are enough Republicans in the House who support the Act for it to become law if Mr Boehner will allow a vote. Mr Boehner has broken the Hastert Rule five times already in 2013. Democrats are hopeful that he will do it again. But Mr Boehner is under great pressure from right-wing Republicans elected since 2009 with the support of the right-wing Tea Party movement. These Representatives are against 'big government' and have done everything that they can to thwart President Obama since they reached Congress. Their opposition to the President has led them to vote against almost any legislation that the Democrats have proposed. Tea Party Republicans particularly angry at the moment They are currently particularly angry after they attempted, and failed, to make the President reform his 'Obamacare' health insurance programme in return for authorising the federal budget. The Tea Party contingent is said by Washington commentators to be particularly keen to prevent the President from scoring any 'victories' in the remainder of the political year. The President has promised to make immigration reform a priority of his second term. This will make the Tea Party Republicans particularly keen to thwart him. The Tea Party Republicans are also largely against the Border Security Act. This is mostly because the bill, which aims to comprehensively reform the US immigration, will establish a 'pathway to citizenship' for most of the 11.5m people living in the US illegally. Republicans, and particularly Tea Party Republicans, say that to do so would be to reward people for breaking US law (by entering or remaining in the US illegally).

#### XO solves

Mike Lillis, 2/16/2013 (staff writer, “Dems: Obama can act unilaterally on immigration reform,” <http://thehill.com/blogs/regwatch/administration/283583-dems-recognize-that-obama-can-act-unilaterally-on-immigration-reform>, Accessed 2/21/2013, rwg)

President Obama can – and will – take steps on immigration reform in the event Congress doesn't reach a comprehensive deal this year, according to several House Democratic leaders.¶ While the Democrats are hoping Congress will preclude any executive action by enacting reforms legislatively, they say the administration has the tools to move unilaterally if the bipartisan talks on Capitol Hill break down. Furthermore, they say, Obama stands poised to use them.¶ "I don't think the president will be hands off on immigration for any moment in time," Rep. Xavier Becerra (D-Calif.), the head of the House Democratic Caucus, told reporters this week. "He's ready to move forward if we're not."

#### Disad isn’t intrinsic to the aff – it’s within the agential ambit of the USFG to do the plan and pass debt ceiling

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#### Plan breaks the GOP – ensures passage

Dickerson 1/18

(John, Chief Political Correspondent at the Slate, Political Director of CBS News, Covered Politics for Time Magazine for 12 Years, Previous White House Correspondent, Go for the Throat!, http://tinyurl.com/b7zvv4d)

[www.slate.com/articles/news\_and\_politics/politics/2013/01/barack\_obama\_s\_second\_inaugural\_address\_the\_president\_should\_declare\_war.single.html](http://www.slate.com/articles/news_and_politics/politics/2013/01/barack_obama_s_second_inaugural_address_the_president_should_declare_war.single.html), CMR

On Monday, President Obama will preside over the grand reopening of his administration. It would be altogether fitting if he stepped to the microphone, looked down the mall, and let out a sigh: so many people expecting so much from a government that appears capable of so little. A second inaugural suggests new beginnings, but this one is being bookended by dead-end debates. Gridlock over the fiscal cliff preceded it and gridlock over the debt limit, sequester, and budget will follow. After the election, the same people are in power in all the branches of government and they don't get along. There's no indication that the president's clashes with House Republicans will end soon. Inaugural speeches are supposed to be huge and stirring. Presidents haul our heroes onstage, from George Washington to Martin Luther King Jr. George W. Bush brought the Liberty Bell. They use history to make greatness and achievements seem like something you can just take down from the shelf. Americans are not stuck in the rut of the day. But this might be too much for Obama’s second inaugural address: After the last four years, how do you call the nation and its elected representatives to common action while standing on the steps of a building where collective action goes to die? That bipartisan bag of tricks has been tried and it didn’t work. People don’t believe it. Congress' approval rating is 14 percent, the lowest in history. In a December Gallup poll, 77 percent of those asked said the way Washington works is doing “serious harm” to the country. The challenge for President Obama’s speech is the challenge of his second term: how to be great when the environment stinks. Enhancing the president’s legacy requires something more than simply the clever application of predictable stratagems. Washington’s partisan rancor, the size of the problems facing government, and the limited amount of time before Obama is a lame duck all point to a single conclusion: The president who came into office speaking in lofty terms about bipartisanship and cooperation can only cement his legacy if he destroys the GOP. If he wants to transform American politics, he must go for the throat. President Obama could, of course, resign himself to tending to the achievements of his first term. He'd make sure health care reform is implemented, nurse the economy back to health, and put the military on a new footing after two wars. But he's more ambitious than that. He ran for president as a one-term senator with no executive experience. In his first term, he pushed for the biggest overhaul of health care possible because, as he told his aides, he wanted to make history. He may already have made it. There's no question that he is already a president of consequence. But there's no sign he's content to ride out the second half of the game in the Barcalounger. He is approaching gun control, climate change, and immigration with wide and excited eyes. He's not going for caretaker. How should the president proceed then, if he wants to be bold? The Barack Obama of the first administration might have approached the task by finding some Republicans to deal with and then start agreeing to some of their demands in hope that he would win some of their votes. It's the traditional approach. Perhaps he could add a good deal more schmoozing with lawmakers, too. That's the old way. He has abandoned that. He doesn't think it will work and he doesn't have the time. As Obama explained in his last press conference, he thinks the Republicans are dead set on opposing him. They cannot be unchained by schmoozing. Even if Obama were wrong about Republican intransigence, other constraints will limit the chance for cooperation. Republican lawmakers worried about primary challenges in 2014 are not going to be willing partners. He probably has at most 18 months before people start dropping the lame-duck label in close proximity to his name. Obama’s only remaining option is to pulverize. Whether he succeeds in passing legislation or not, given his ambitions, his goal should be to delegitimize his opponents. Through a series of clarifying fights over controversial issues, he can force Republicans to either side with their coalition's most extreme elements or cause a rift in the party that will leave it, at least temporarily, in disarray.

#### The plan’s not perceived

Schmitt 13, **co-director of the Marilyn Ware Center for Security Studies at AEI** and the director of AEI's Program on American Citizenship. Mr. Schmitt is a former staff director of the Senate Select Committee on Intelligence. He was executive director of the President's Foreign Intelligence Advisory Board during President Ronald Reagan's second term. Mr. Schmitt's security work focuses on longer-term strategic issues that will affect America's security at home and its ability to lead abroad, while his work in the area of citizenship focuses on challenges to maintaining and sustaining a strong civic culture. His books include Of Men and Materiel: The Crisis in Military Resources (AEI Press, 2007), to which he was a contributing author and editor with Tom Donnelly; Silent Warfare: Understanding the World of Intelligence (Brassey’s, 2002), coauthored with Abram Shulsky and now in its third edition; and U.S. Intelligence at the Crossroads: Agendas for Reform (Brassey’s, 1995), a coedited volume to which he is a contributing author. His two most recent books, to which he is also editor and contributing author, are The Rise of China: Essays on the Future Competition (Encounter Books, May 2009) and Safety, Liberty and Islamist Terrorism: American and European Approaches to Domestic Counterterrorism (AEI Press, 2010), <http://www.aei-ideas.org/2011/12/authorization-for-cyber-attacks/>

**The press (and the White House) has been obsessed by the detention provision** in the recently agreed upon FY2012 **Defense Authorization bill, but one of the items that** slipped under the radar **is language authorizing the American military to engage in offensive operations in cyberspace.** Under Sec. 954,

## Iran DA

#### 3. No link – Clear counterstrike legitimacy maintains deterrence

Kesan, prof of law, 12 [Jay P. & Carol M., \*Professor, H. Ross & Helen Workman Research Scholar, and Director of the Program in Intellectual Property & Technology Law, University of Illinois College of Law, \*\* Research Fellow, University of Illinois College of Law, Mitigative Counterstriking: Self-defense and deterrence in cyberspace, Spring, 2012, Harvard Journal of Law & Technology, 25 Harv. J. Law & Tec 415]

Ideas, computers, and intellectual property have become extremely important in the modern Information Age. The Internet has become so essential to modern life that several countries have declared Internet access to be a fundamental right. n4 But the importance of technology in the Information Age comes with a downside: the vulnerability of modern society and the global economy to minimally funded cyberat-tacks from remote corners of the world. In the 1950s, American school children were taught to "duck and cover" in the event of an atomic bomb explosion. n5 A popular cautionary film from 1951 warns that a flash of light brighter than the sun accompanies such an explosion and that the flash could cause an injury [\*418] more painful than a terrible sunburn. n6 The film, however, asserts that a child who "ducks and covers" will be more protected from the aftermath of nuclear detonation than otherwise. n7 Fortunately, no American city has ever experienced a nuclear attack, so no child has ever learned the hard way that a newspaper or a coat affords little protection against the heat from the detonation of an atomic bomb. The nuclear capabilities on both sides of the Cold War served as a deterrent against nuclear strikes and helped avoid an all-out nuclear conflict. n8 "Duck and cover," however, had no deterrent effect. The Cold War ended about two decades ago, but new threats have emerged. The conflicts have shifted, the battlefields have morphed, and technologies that were not even dreamed of in 1951 now form the foundations for our everyday lives. The Internet, a technology partially developed to facilitate communication in the event of a nuclear attack, n9 changed the world forever. It is quite possible that future wars will be fought primarily in cyberspace, with the lines between civilian and military becoming increasingly blurred. n10 Instead of "duck and cover," computer users must now "scan, firewall, and patch." n11 However, like "duck and cover," purely passive defenses have questionable utility in the face of zero-day vulnerabilities n12 and sophisticated cyberweapons like the Stuxnet worm. n13 Likewise, law enforcement [\*419] and judicial action against malicious cyber intrusions currently do not present enough of a practical threat to deter potential attackers. n14 The weaknesses of the current reliance on employing passive defense methods and seeking help from the authorities -- who are both technologically and legally ill-equipped to seek justice for victims -- present a difficult situation. Considering how modern society relies on the Internet and networked services, there is an urgent need for proactive policy to help insulate critical services from damage as well as mitigate harm from potential attacks. For a number of reasons explored below, we argue that, in some circumstances, permitting mitigative counterstrikes in response to cyberattacks would be more optimal. There is an urgent need for dialog on this topic as the development of technology has outpaced the law in this area. n15 While progress has been made in the form of executive orders addressing cybersecurity, n16 the proposed Cyber Intelligence Sharing and Protection Act ("CISPA"), n17 and cybersecurity provisions of the National Defense Authorization Act ("NDAA"), n18 these measures do not go far enough. New discussions and analyses are needed to ensure that responsive actions can be grounded in sound policy. Because of the inadequacy in current means to address cyber threats, this Article examines other possible methods to deter cyberattacks, specifically the use of cyber counterstrikes as part of a model of active defense. Active defense involves (1) detecting an intrusion, (2) tracing the intruder, and (3) some form of cyber counterstrike. n19 [\*420] Though intrusion detection and tracing are essential, counterstriking is key to enhancing the deterrent effects of active defense. At its core, cyber counterstriking is about two things: (1) deterring attackers and (2) ensuring that attacked parties are not deprived of the inherent right to defend themselves and their property. There are many views of deterrence, but deterrence is generally accomplished by the threat of some combination of the following elements: (1) punishing attackers by inflicting unacceptable costs, or (2) preventing attackers from succeeding in their attacks. n20 These two elements of deterrence have led us to apply the terms "retributive counterstriking" and "mitigative counterstriking," respectively, to the counterstriking component of active defense. In the cyber context, a "counterstrike" can involve any number of actions. As discussed in Part III.B, a counterstrike can involve the target executing its own Denial of Service ("DoS") attack against the attacker (for example, by redirecting the attacker's packets back at the attacker to knock the attacker's systems offline), n21 infecting the attacker's system with a virus or worm to permit the victim to take control, or a number of other options. The technologies available to execute counterstrikes are generally the same ones used in initial attacks; as we examine in more detail below, some of these currently available technologies permit an attack to be traced back to its origin -- with varying degrees of accuracy. Furthermore, there is now evidence that "cyber contractors" exist as part of what some have termed the new "military digital complex," whose work involves creating offensive cyber technologies that can have applications in the context of counterstriking. n22 The goal of a counterstrike can vary, from punishing the attacker to simply mitigating the harm to the target. We call the former "retributive counterstriking"; this type should remain under the sole control [\*421] of the military, as a national security matter relating to sensitive domestic and international legal issues. We define "mitigative counterstriking" as taking active efforts to mitigate harm to a targeted system, in a manner strictly limited to the amount of force necessary to protect the victim from further damage. We recognize there may be overlap between retributive and mitigative counterstriking, as the latter could potentially result in damage to the attacker's system. How-ever, the goal of mitigative counterstriking must be to mitigate damage from a current and immediate threat. We argue that whatever measures are deployed must be justifiable under a mitigation frame-work. Cyber counterstrikes, however, are currently controversial, and it can be difficult under the current framework to differentiate between "hack back" vigilantism and legitimate exercises of a right to self-help. n23 Our proposal in this area is both modest and bold. Modest, because while we also discuss active defense as a broad topic, our primary focus is on mitigative counterstriking as a discrete subcategory of active defense activities. Bold, because we advocate for a significant shift from the prevailing approach to cyber intrusions. In recommending a new regime, we have chosen to focus on mitigative counterstriking as a starting point for two reasons. First, it is likely to be more effective than passive defense at accomplishing the goal of deterrence by denial. Second, a mitigative counterstriking regime would endow network administrators with the right to actively defend their property, thereby legitimizing the right to self-defense in the cyber realm. The current regime creates an unconscionable situation where parties are expected to give up the right to actively defend themselves against threats and instead rely on passive defense measures that may prove ineffective. Parties are left with no practical recourse through criminal enforcement or civil litigation for a number of reasons we discuss below. Currently, the biggest barrier to defending against cyberattacks is the lack of a legal method to respond to cyberattacks that also has a credible deterrent effect on potential attackers. We posit that accurate and consistent use of mitigative counterstrikes could serve to deter cyberattacks against sensitive systems such as hospitals, **government defense systems, and** critical national infrastructure ("CNI"), and argue that implementing a regime to permit these sorts of counterattacks should be a priority. There is some evidence that the private sector has [\*422] been tacitly utilizing this sort of technology to protect their systems, n24 effectively acting as cyber vigilantes under the current regime. Such behavior is at best legally ambiguous, and at worst illegal. Currently, the idea of mitigative counterstriking is treated like the proverbial elephant in the room, with legal commentators largely ignoring it. n25 After careful analysis, we conclude that this neglect is due to the lack of an analytical framework distinguishing between the perceived vigilantism of retributive counterstriking and the employment of self-help through mitigative counterstriking. We thus propose a new policy and legal regime to address the threat of cyberattacks using active defense and mitigative counterstriking. There is a grave need to standardize approaches to mitigative counterstrikes, n26 and we must determine when the use of mitigative counterstrikes is appropriate, as well as who should be permitted to conduct mitigative counterstrikes. We recognize that counterstrikes of any variety can raise a number of legal and diplomatic concerns. While additional analysis and technological development may be desirable before implementing a broad self-defense regime, we argue that implementing mitigative counterstriking capabilities to protect CNI should be the first priority. Cyberattacks significantly affect private parties, including owners of CNI, n27 so it is important to legitimize active defense and mitigative counterstriking approaches in order to afford these private parties more protection against these threats.

## Fem K

**They are fundamentally wrong—gendered binaries don’t organize the world**

**Hooper 1**

Charlotte (University of Bristol research associate in politics), *Manly States: Masculinities, International Relations, and Gender Politics* pp 45-46.

Spike Peterson and Anne Sisson Runyan (1993), in their discussion of gendered dichotomies, appear to drop Lacanian psychoanalytic discourse as an explanation for gendered dichotomies in favor of a more straightforward- ly political account.14Gendered dichotomies, rather than uniformly con- structing gendered social relations through universal psychoanalytic mecha- nisms, are seen more ambiguously, as playing a dual role. Where gendered dichotomies are used as an organizing principle of social life (such as in the gendered division of labor) they help to construct gender differences and in- equalities and thus are constitutive of social reality, but in positing a grid of polar opposites, they also serve to obscure more complex relationships, commonalties, overlaps, and intermediate positions (Peterson and Runyan 1993, 24–25). Elaborating on this view, it can be argued that gendered dichotomies are in part ideological tools that mystify, masking more complex social realities and reinforcing stereotypes. On one level, they do help to produce real gen- der differences and inequalities, when they are used as organizing principles that have practical effects commensurate with the extent that they become embedded in institutional practices, and through these, human bodies. They constitute one dimension in the triangular nexus out of which gender identities and the gender order are produced. But at the same time, institutional practices are not always completely or unambiguously informed by such dichotomies, which may then **operate to obscure more complex relationships**. It is a mistake to see the language of gendered dichotomies as a uniﬁed and totalizing discourse that dictates every aspect of social practice to the extent that we are coherently produced as subjects in its dualistic image. As well as the disruptions and discontinuities engendered by the intersections and interjections of other discourses (race, class, sexuality, and so on) **there is always room for evasion, reversal, resistance, and dissonance** between rhetoric, practice, and embodiment, as well as reproduction of the symbolic order, as identities are negotiated in relation to all three dimensions, in a variety of **complex and changing circumstances**. On the other hand, the symbolic gender order does inform practice, and our subjectivities are produced in relation to it, so to dismiss it as performing only an ideological or propagandistic role is also too simplistic.

**Conflating sexual difference and patriarchy ontologizes sexual difference, obscuring women’s complicity in gender violence**

Bibi **Bakare-Yusuf, 2005.** PhD Interdisciplinary Women and Gender Studies, “Beyond Determinism: The Phenomenology of African Female Existence,” <http://www.feministafrica.org/fa%202/02-2003/bibi.html>]

Despite the contributions to understanding oppressive power relations made by theorists who focus emphatically on patriarchal dominance, there are problems with some of their underlying assumptions. By equating sexual difference with male domination, some of these writers collapse two distinct categories into one. According to Iris Young, **we need** to make **a distinction between sexual differentiation**, as "a phenomenon of individual psychology and experience, as well as of cultural categorisation", **and male domination**, as "structural relations of genders and institutional forms that determine those structures" (1997: 26). **Male domination may require sexual difference; however, sexual difference does not** in itself **lead to male domination.** **By collapsing this distinction, there is a danger of ontologising male power, and assuming that** human **relationships are** **inevitably** **moulded by tyrannical power relations.** Moreover, **equating sexual difference with male dominance can** also **obscure the ways in which both men and women help to reproduce and maintain oppressive gendered institutions.** As Young astutely notes, "**most institutions relevant to the theory of male domination are productions of interactions between men and women" (**1997: 32). As a case in point, we only have to think of the pernicious institution of female genital mutilation, which is both defended and practised by many women.

**This essentialism of sexual identity makes true resistance to patriarchy impossible**

Bibi **Bakare-Yusuf, 2005** ,PhD Interdisciplinary Women and Gender Studies, “Beyond Determinism: The Phenomenology of African Female Existence,” <http://www.feministafrica.org/fa%202/02-2003/bibi.html> ACCESSED 8-3-07]

**An emphasis on crushing patriarchal dominance can** also **lead us to ignore women's power** **and active roles within** particular **systems of** social **organisation.** For example, Llewellyn Hendrix and Zakir Hossain (1988) suggest that writers such as Ogundipe-Leslie can make their claims about women's inevitable economic and political disempowerment within their husbands' lineages only by drawing examples from patrilineal societies. In matrilineal or bilineal societies, women have more complex subject positions, as their productive and reproductive capacity is geared towards their natal clans, despite the fact that they are married to outsiders. Careful investigation could uncover the scope that women in these societies have for negotiating individual economic and political freedoms in relation to different families or lineages. Nevertheless, theorists such as Afonja (1990) claim that matrilineal systems provide little more than organising principles for connecting men across generations and space; any apparent power or authority women may have within matrilineal systems is merely symbolic and tangential to the formal power of men. **If we assume** that **women are automatically victims and men victimisers**, **we** fall into the trap of **confirm**ing **the** very **systems we set out to critique.** **We fail to acknowledge how social agents can challenge their ascribed** positions and **identities in complex ways**, **and** indirectly, we **help** to reify or **totalise oppressive** institutions and **relationships. Rather than viewing patriarchy as a fixed** **and monolithic system,** **it would be** more **helpful** **to show how patriarchy is** **constantly** **contested** and reconstituted. As Christine Battersby (1998) suggests, **patriarchy should be viewed** as a dissipative system, **with no** central organising principle or **dominant logic.** Viewing patriarchy in this way allows us to appreciate how institutional power structures restrict and limit women's capacity for action and agency without wholly constraining or determining this capacity. **By conceptualising patriarchy as** a changing and **unstable** system of power, **we can move towards** **an account** of African gendered experience **that** does not assume fixed positions in inevitable hierarchies, but **stresses transformation** and productive forms of contesta

**Gender is not the root cause of war—war causes gender oppression**

Joshua S. **Goldstein 2002**. Professor Emeritus of International Relations, American University (Washington, DC) Research Scholar, University of Massachusetts and Nonresident Sadat Senior Fellow, CIDCM, University of Maryland, War and Gender , P. 412

First**, peace activists face a dilemma in thinking about causes of war and working for peace. Many peace scholars and activists support the approach, “if you want peace, work for justice”. Then if one believes that sexism contributes to war, one can work for gender justice specifically (perhaps among others)** in order to pursue peace. **This approach brings strategic allies to the peace movement** (women, labor, minorities), **but rests on the assumption that injustices cause war.** The evidence in this book suggests that **causality runs at least as strongly the other way. War is not a product of** capitalism, imperialism, **gender**, innate aggression, **or any other single cause,** although all of these influences wars’ outbreaks and outcomes. **Rather, war has in part fueled and sustained these and other injustices. So, “if you want peace, work for peace.” Indeed, if you want justice (gender and others), work for peace. Causality does not run just upward through the levels of analysis from types of individuals, societies, and governments up to war. It runs downward too. Enloe suggests that changes in attitudes toward war and the military may be the most important way to “reverse women’s oppression**/” The dilemma is that peace work focused on justice brings to the peace movement energy, allies and moral grounding, yet, in light of this book’s evidence, **the emphasis on injustice as the main cause of war seems to be empirically inadequate.**

## XO CP

#### Doesn’t solve modeling

Rothschild 13 (Matthew, Feb 4, "The Danger's of Obama's Cyber War Power Grab," [www.progressive.org/dangers-of-obama-cyber-war-power-grab](http://www.progressive.org/dangers-of-obama-cyber-war-power-grab))

When our **founders** were drafting the Constitution, they **went out of their way to give warmaking powers to Congress, not the President.**¶ **They understood that if the President could make war on his own, he’d be no different than a king.**¶ And they also understood, as James Madison said, that such power “would be too much temptation” for one man.¶ And so they vested that power in Congress.¶ But since World War II, one President after another has usurped that power.¶ The latest usurper is President Obama, who did so in Libya, and with drones, and now is prepared to do so in cyberspace.¶ According to The New York Times, **the Obama Administration has concluded that the President has the authority to launch preemptive cyberattacks.**¶ **This is a** very **dangerous**, and very undemocratic **power grab.**¶ **There are no checks** or balances **when the President, alone, decides when to engage in an act of war.**¶ And **this** new aggressive stance **will lead to a cyber arms race.** The United States has evidently already used cyber weapons against Iran, and so many **other countries will assume** that **cyber warfare is** an **acceptable** tool **and** will try to **use it themselves.**¶ **Most troubling, U.S. cybersupremacy—and that is Pentagon doctrine—will also raise fears among nuclear powers like Russia, China, and North Korea that the United States may use a cyberattack as the opening move in a nuclear attack.**¶ For **if the United States can knock out the command and control structure of an enemy’s nuclear arsenal, it can then launch an all-out nuclear attack on that enemy with impunity. This would make such nuclear powers more ready to launch their nuc**lear weapon**s preemptively for fear that they would be rendered useless.** So **we’ve just moved a little closer to midnight**.¶ Now, I don’t think Obama would use cyberwafare as a first strike in a nuclear war. But **our adversaries may not be so sure, either about Obama or his successors.**¶ **They, too, worry about the temptations of a President**.

#### Perm — do both — Congressional involvement makes the plan popular — the CP links to politics

Corcoran 11 --- Professor of Law and Director at University of New Hampshire School of Law (March 2011, Erin M., University of New Hampshire Law Review, “Obama's Failed Attempt to Close Gitmo: Why Executive Orders Can't Bring About Systemic Change,” 9 U.N.H. L. Rev. 207))

Finally, this example highlights that issuing unilateral executive orders, and then asking Congress to fund those decisions, is much less effective than having Congress help create the framework for significant policy changes. Congress is an independent branch of government regardless of whether the members' party affiliation is the same as the President's. Since members of the House are elected every two years, they are particularly sensitive to the idiosyncratic whims of the constituents in their district. For the President, it is often easier to support sweeping change on a policy level. Although Senators are elected every six years, they are still bound to protect parochial concerns of their constituents. Congress members go home every weekend to their respective districts and must explain their votes, decisions, and legislative priorities to the voters often at supermarkets, churches, and bingo halls.¶ Often times, when members of Congress can control the message or create the narrative addressing the problem, they can show their [\*235] constituents how their votes are in line with constituent priorities and concerns. In contrast, when Congress is told to do what the President wants and fund a controversial proposal, the members are in less control of the message and less invested in the outcome.¶Furthermore, in the Senate, particularly in the Appropriations Committee, members work across the aisle. Until recently, appropriators tended to vote as a block regardless of party affiliation, protecting their funding prerogatives and funding for their home districts. For example, the Senate Supplemental Appropriations mark included funding to close Guantanamo Bay. Yet, during the Senate floor debate about closing Guantanamo Bay, ultimately it was the Chair of the Appropriations Committee who filed the amendment on the floor to strip funding out of the supplemental bill. n150 The Chair's action provided cover to other appropriators to vote in support of stripping the funding. Since the Chair authored the amendment, there was no longer any obligation to support the appropriations bill as it was marked up out of committee. Generally, appropriators vote together to protect funding when other senators attempt to strip funding out of appropriations bills or move funds from one account to fund a priority not accommodated by the appropriators. Since these members value collegiality, compromise, and consultation, it is no surprise that Obama's efforts to fund Guantanamo Bay closure was thwarted. If the Senate had been charged with crafting legislation, the members would have been committed to making sure they had the votes to pass it.¶ Overall, if the Obama Administration wants to close Guantanamo Bay, it must get Congress to lead the charge. This is going to be extremely difficult now with a Republican House of Representatives and Democrat Senate that holds the majority by the narrowest of margins. At this point, it seems as if the Administration has abandoned its campaign to close Guantanamo Bay. The only silver lining is that the Administration hopefully has learned important lessons on what works and what is a non-starter and can use this knowledge when advancing the President's future controversial policy changes.

#### Links to politics – congress wants to be involved

Sasso 2012

(Brandon Sasso, December 21, 2012, “House Republicans urge Obama not to issue cybersecurity order,” The Hill, http://thehill.com/blogs/hillicon-valley/technology/274391-house-republicans-urge-obama-not-to-issue-cybersecurity-order)

A group of 46 House Republicans, led by Reps. Marsha Blackburn (Tenn.) and Steve Scalise (La.), sent President Obama a letter on Friday urging him not to issue an executive order on cybersecurity.¶ "Instead of preempting Congress' will and pushing a top-down regulatory framework, your administration should engage Congress in an open and constructive manner to help address the serious cybersecurity challenges facing our country," the lawmakers wrote. ¶ The White House is currently drafting an executive order that would encourage operators of critical infrastructure, such as banks and electric grids, to meet cybersecurity standards. ¶ The administration says the order, which could come as early as January, is necessary to protect vital systems from hackers.¶ The White House began working on the order after Senate Republicans blocked the Democrats' preferred cybersecurity bill.¶ But in their letter, the House Republicans urged the administration to continue working with Congress.

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## Alliances Advantage

**Soft Power High and Increasing- US aid solves**

**Patraeus and O’Hanlon 13**

(Gen. David and Michael, Gen. David Petraeus, who retired from the Army in 2011 after commanding U.S. and coalition forces in Iraq and Afghanistan, was director of the CIA from September 2011 to November 2012. Michael O’Hanlon is a senior fellow at the Brookings Institution and most recently the author of “Healing the Wounded Giant,” on U.S. defense spending, “Fund — don't cut — U.S. soft power,” 04/30/13, <http://www.politico.com/story/2013/04/david-petraeus-defense-diplomacy-soft-power-90781.html>)

¶ **America’s spending on development** and **diplomacy and security aid** — the so-called 150 account — **has strengthened under** Presidents George W. Bush and Barack **Obama.** That has been a positive and long overdue development. Funds for diplomacy and development were starved in much of the 1990s. Some of the reductions in that earlier period were warranted, admittedly, as aid then was not always as productive as it might have been.¶ ¶ Today**, we are arguably doing a good deal better**. **Various forms of development assistance and aid have**, in fact, **produced impressive results on a host of fronts in recent years.** The President’s Emergency **Plan for AIDS Relief**, a major initiative of Presidents Bush and Bill Clinton and now President Obama, **has played a significant role in helping to turn the tide against the HIV/AIDS epidemic** — even if more work remains to be done. **Development assistance has** also **helped more than 600 million people move out of extreme poverty**, achieving one of the United Nations Millennium Development Goals several years before the 2015 target date.¶ ¶ Moreover, as John Podesta has recently written, in this century alone, **aid has helped reduce the global childhood mortality rate by one-third** — impressive, even if only halfway toward the U.N. goal for 2015. The **maternal mortality rate has been reduced by almost half**, as well. And **progress has been seen in** other sectors — such as **agriculture, energy and other realms, including many in the combat zones where each of us spent considerable time in the past decade.**¶ ¶ **America deserves considerable credit for much of this progress, as the U.S. is the world’s largest aid contributor**, at roughly $30 billion in 2012. The United Kingdom, Germany, France and Japan round out the rest of the top five donors, each providing from $10 billion to $15 billion a year. But relative to our economy’s size, America does not do more than its fair share; it provides just 0.19 percent of gross domestic product in development aid, similar to Japan’s level but less than half that of the three big European donors listed above, and less than a third the U.N. goal of 0.7 percent of GDP. Private donations improve our net national position somewhat, but only to an extent. The State Department budget is still less than 5 percent of the military’s — and the number of Foreign Service officers worldwide is less than half the number of soldiers in a single Army division.¶ **¶ Given our military contributions to international stability and the global economic growth that results from that stability in various areas, American foreign aid doesn’t need to grow substantially. But it should not be cut further**. Consider some of the ideas we might want to consider in the years ahead. **These should not be unconditional offers of help but\* would require the right kind of cooperation from key nations abroad whose future stability is central to our own security:**