# \*\*\*2AC

## On

## Off

### T---ASPEC

### CP---Executive

#### Perm do both--- only perm gives executive action the power of law and prevent roll back

Leanna Anderson (clerk for H.R. Lloyd, U.S. Magistrate) Hastings Constitutional Law Quarterly 2002

To be challengeable, an executive order must have the force and effect of law

AND

so that the order does not have the force and effect of law.

#### CP really doesn’t solve---Congress is key---Naiman evidence says that it’s only way to send a signal of restraint and guide executive decision-making.

#### A. Future presidential rollback

Friedersdorf 13 Conor Friedersdorf is CONOR FRIEDERSDORF is a staff writer at The Atlantic, where he focuses on politics and national affairs. He lives in Venice, California, and is the founding editor of The Best of Journalism, a newsletter devoted to exceptional nonfiction. “Does Obama Really Believe He Can Limit the Next President's Power?” 5-28-13, <http://www.theatlantic.com/politics/archive/2013/05/does-obama-really-believe-he-can-limit-the-next-presidents-power/276279/> DOA: 8-24-13, y2k

Administration officials have said as much. A disposition matrix! Strict protocol for putting

AND

unthinkable as it seems, would not be without precedent for this president.

#### B. Doesn’t solve the signaling---can’t solve for prolif leadership or precedent.

Goldsmith 13 Jack Goldsmith is the Henry L. Shattuck Professor at Harvard Law School, where he teaches and writes about national security law, presidential power, cybersecurity, international law, internet law, foreign relations law, and conflict of laws. Professor Goldsmith served as Assistant Attorney General, Office of Legal Counsel from 2003–2004, and Special Counsel to the Department of Defense from 2002–2003. Professor Goldsmith is a member of the Hoover Institution Task Force on National Security, “Why the Administration Needs to Get Congress on Board for Its Stealth War,” 3-7-13, <http://www.lawfareblog.com/2013/03/why-the-administration-needs-to-get-congress-on-board-for-its-stealth-war/> DOA: 9-12-13, y2k

There is a connection between Senator Paul’s filibuster and the need for a comprehensive renewal

AND

at that point the administration will wish it had gone to Congress sooner.

#### C. Obama violates his own restrictions on drones

[Spencer Ackerman](http://www.wired.com/dangerroom/author/spencer_ackerman/), 5/29/13

(Defense reporter for Wired), New Drone Strike Undercuts Obama’s Promises on Robot War, http://www.wired.com/dangerroom/2013/05/drone-strike-restrictions/

It took all of six days for President Obama to undermine his own new rules

AND

. That’s shaping up to be the truest line in the president’s speech.

#### Links to politics – immense opposition to bypassing debate

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

“In an era of polarized parties and a fragmented Congress, the opportunities to

AND

a partisan content, with contemporary complaints coming from the incumbent president’s opponents.”

#### Double bind---either they also prevent Obama from signature striking---means links to the flex DA OR Obama will violate internal restraint---means no solve.

### DA---Debt Ceiling

#### Default is inevitable---House GOP

Greenstein 9/20 Bob Greenstein is the President and Founder of Center on Budget & Policy Priorities, “Don't Be Fooled: This Year's Debt Limit Fight Is Frighteningly Different,” 9-20-13, <http://www.huffingtonpost.com/bob-greenstein/dont-be-fooled-this-years_b_3961773.html>, DOA: 9-20-13, y2k

This fall's debate over raising the debt limit to avert a government default may seem

AND

Treasury to pay bondholders and Social Security recipients first if the government defaults.

#### Their evidence is also vague about negotiation---no reason why PC solves anything---that’s CX

#### Syria thumps the DA

Khan 9/11 Naureen Khan is Al Jazeera Staff Reporter, “Obama pays high political price for fumbling on Syria,” 9-11-13, <http://america.aljazeera.com/articles/2013/9/11/obama-pays-high-politicalpriceforhandlingofsyria.html>, DOA: 9-12-13, y2k

The Obama administration may have found a temporary way to stave off defeat on the

AND

“Accidental diplomacy,” he said, was no way to exude leadership.

#### Losers Win---especially they don’t have any evidence that says Obama won’t restrict

Klaidman 13 Daniel Klaidman is a former NEWSWEEK managing editor, “Exclusive: No More Drones for CIA,” 3-19-13, <http://www.thedailybeast.com/articles/2013/03/19/exclusive-no-more-drones-for-cia.html>, DOA: 9-6-13, y2k

Lately, Obama has signaled his own desire to place the drone program on a

AND

other aspects of the institutionalization plan, may be just what he needs.

#### Fiat is immediate and bypass debate---means no loss of PC or focus

#### Bipartisan challenges to Obama’s drone program now

Spannaus 13 Edward Spannaus has been on the editorial board of Executive Intelligence Review magazine and has been its Law Editor. “Emerging Bipartisan Alliance: End the Imperial Presidency,” 3-15-13, <http://www.larouchepub.com/other/2013/4011end_imper_pres.html>, DOA: 8-18-13, y2k

The highly successful "talking filibuster" mounted by Sen. Rand Paul (R

AND

the commands of our Constitution, including our system of checks and balances."

#### No spill-over---plan has no effect on the budget---if their argument is true, no rational policymaker will allow economy to collapse.

#### Congress hates signature strikes

Herb 12 Jeremy Herb, congressional correspondent for the Hill, 6-13-2012, “Lawmakers want legal justification for drone strikes,” The Hill, http://thehill.com/blogs/defcon-hill/operations/232523-lawmakers-want-legal-justification-for-drone-strikes

A group of more than two dozen anti-war lawmakers wants the White House

AND

in April, has been a tactic used for drone attacks in Pakistan.

#### Logical policy-maker will just pass both---DA isn’t an opportunity cost to the plan

#### Obama and Congress can multi-task---no focus link.

Hoekstra 9/16 Republican Pete Hoekstra represented Michigan's 2nd congressional district from 1993 to 2011 in the House of Representatives. He is the former chairman of the House Permanent Select Committee on Intelligence. “Why can't Congress master the simple art of multi-tasking?” 9-16-13, <http://www.foxnews.com/opinion/2013/09/16/why-cant-congress-master-simple-art-multi-tasking/#ixzz2f4J3IupC>, DOA: 9-16-13, y2k

It’s almost surreal to imagine a time when a government so sharply divided between Republicans

AND

more prosperous America. It happened before, and it can happen again.

#### McKeon pushes the plan in Congress---means no PC expenditure

Crowley 13 Michael Crowley is Times Staff, “Can Obama End the War on Terror?” 5-24-13, <http://swampland.time.com/2013/05/24/can-obama-end-the-war-on-terror/#ixzz2e98PVOe1>, DOA: 9-6-13, y2k

Some of Obama’s plans require no Republican sign-off—he can change the

AND

, but that plan has to consist of more than political talking points.”

#### PC is not key

Jacobs and King ’10 (University of Minnesota, Nuffield College, (Lawrence and Desmond, “Varieties of Obamaism: Structure, Agency, and the Obama Presidency,” Perspectives on Politics (2010), 8: 793-802)

But personality is not a solid foundation for a persuasive explanation of presidential impact and

AND

roadblocks, and anticipated voter reactions. Presidential sales pitches go only so far

#### No econ impact

Jervis 11 Robert Jervis, Professor in the Department of Political Science and School of International and Public Affairs at Columbia University, December 2011, “Force in Our Times,” Survival, Vol. 25, No. 4, p. 403-425

Even if war is still seen as evil, the security community could be dissolved

AND

times bring about greater economic conflict, it will not make war thinkable.

#### Economy is resilient

Zumbrun and Varghese 12 Authors for Bloomberg, Joshua and Romy, “Fed’s Plosser Says U.S. Economy Proving Resilient To Shocks”, Bloomberg, 5/9, http://www.bloomberg.com/news/2012-05-09/fed-s-plosser-says-u-s-economy-proving-resilient-to-shocks.html

Philadelphia Federal Reserve Bank President Charles Plosser said the U.S. economy has

AND

dean of the graduate school of business administration at the University of Rochester.

### DA---Flex

#### Prez power is at all-time low---Syria tanked Obama’s influence

Torossian 9/13 Ronn Torossian is a New York-based public relations executive. “America, the president have never looked weaker,” 9-13-13, <http://www.ctpost.com/opinion/article/America-the-president-have-never-looked-weaker-4812928.php>, DOA: 9-16-13, y2k

I commend Russia's PR firm Ketchum for its brilliant New York Times op-ed

AND

on President Obama for making this great republic appear weaker than ever before.

#### No spill over---no reason why drone restriction hurts iran negotiation

#### Flexibility down---DoD shift

Waxman 13 Matthew Waxman is a professor at Columbia Law School, a fellow at the Council on Foreign Relations, and a member of the Hoover Institution Task Force on National Security and Law. “Going Clear,” 3-20-13, <http://www.foreignpolicy.com/articles/2013/03/20/going_clear>, DOA: 8-15-13, y2k

According to Daniel Klaidman at the Daily Beast, "[T]he White House

AND

perhaps more restrained and formalized, long-term policy of targeted killing.

#### AND-A multitude of other actors hamper presidential flexibility

Rozell 12 Mark Rozell, Professor of Public Policy, George Mason University, “From Idealism to Power: The Presidency in the Age of Obama” 2012, <http://www.libertylawsite.org/book-review/from-idealism-to-power-the-presidency-in-the-age-of-obama/>,

A substantial portion of Goldsmith’s book presents in detail his case that various forces outside

AND

little understanding of the broader implications of tying down the president with legalisms.

#### Flexibility is bad---causes presidential adventurism---entirety of the 1AC is the reason why restricting to personality strike is better---solves your impact.

Guiora & Blank 12 Amos Guiora and Laurie Blank are Guardian Staff, “Targeted killing's 'flexibility' doctrine that enables US to flout the law of war,” 8-10-12, <http://www.theguardian.com/commentisfree/2012/aug/10/targeted-killing-flexibility-doctrine-flout-law-war>, DOA: 9-8-13, y2k

Targeting individuals who pose an imminent threat to the US is a lawful exercise of

AND

on both sides and to our fundamental values, are just too high.

#### AND---No spill-over---Obama has other war powers over armed forces or nuclear capabilities---no reason why drones affect overall level of flexibility.

#### We already look weak---Iranian aggressive posture is inevitable

Karl 13 David J. Karl is president of the Asia Strategy Initiative, an analysis and advisory firm that has a particular focus on South Asia. He serves on the board of counselors of Young Professionals in Foreign Policy and previously on the Executive Committee of the Southern California chapter of TiE (formerly The Indus Entrepreneurs), the world's largest not-for-profit organization dedicated to promoting entrepreneurship. David previously served as director of studies at the Pacific Council on International Policy, in charge of the Council’s think tank focused on foreign policy issues of special resonance to the U.S West Coast, and was project director of the Bi-national Task Force on Enhancing India-U.S. Cooperation in the Global Innovation Economy that was jointly organized by the Pacific Council and the Federation of Indian Chambers & Industry. He received his doctorate in international relations at the University of Southern California, writing his dissertation on the India-Pakistan strategic rivalry, and took his masters degree in international relations from the Johns Hopkins University School of Advanced International Studies. “Obama’s NDU Speech: Implications for Tehran,” 5-31-13, <http://foreignpolicyblogs.com/2013/05/31/obamas-ndu-speech-implications-for-tehran/> DOA: 8-24-13, y2k

The major speech on counter-terrorism policy President Obama delivered last week at the

AND

point person on the Middle East for much of the administration’s first term.

#### Perceived presidential resolve is irrelevant for global stability

Kitfield 11 James Kitfield is Senior Correspondent for The National Journal, three-time winner of the Gerald R. Ford Award for Distinguished Reporting on National Defense, “Power Down,” 11-17-11, <http://www.nationaljournal.com/magazine/an-indispensible-nation-no-more--20111117>, DOA: 9-16-13, y2k

Republicans lay the blame for those international woes on President Obama’s doorstep. They object

AND

, and they defy the efforts of any one nation,” Haass says.

#### U.S. actions cant prevents Iranian prolif- alt causes and gives incentive for a deterrent

Carpenter, 3/18/2013 [Ted Galen, a senior fellow at the Cato Institute and a contributing editor to The National Interest, is the author of nine books and more than 500 articles and policy studies on international affairs. How Washington Encourages Nuclear Proliferation http://nationalinterest.org/commentary/how-america-encourages-nuclear-proliferation-8231 Accessed 7/7/2013 DMW]

The current top priority for U.S. foreign policy is to prevent Iran

AND

That was assuredly not Washington’s intention, but it is the inevitable result.

#### No arms race or offensive nature to nuclear Iran

Chapman 12 (Steve, columnist and editorial writer for the Chicago Tribune, "The Arms Race that Won't Happen", July 9, 2012, reason.com/archives/2012/07/09/the-arms-race-that-wont-happen, Date Accessed: Jul 14, 13) [IB]

If you want to understand the intensifying showdown between the United States and Iran,

AND

have they been for the U.S. in Iraq or Afghanistan?

#### No impact to nuclear Iran- U.S. still have significant advantages- threats are counter-productive

Miklos, 1/28/2013 [Timothy, 2nd year M.A. student at the Elliott School of International Affairs in Security Policy Studies with a focus on nuclear weapons. He holds a bachelor’s degree in Political Science from the University of Michigan, International Affairs Review Contributors Thou Shalt Not Fear a Nuclear Iran: Eliminating the Nuclear Finish Line http://www.iar-gwu.org/node/456 Accessed 7/9/2013 DMW]

A primitive, non-survivable nuclear arsenal should not make the United States or

AND

to nuclear rogues and therefore help to impede the acquisition of nuclear weapons.

# \*\*\*1AR

## CP

#### Counterplan doesn’t solve legitimacy or warfighting – the international community doesn’t trust it

Shane 11/24/12 (SCOTT, staffwriter, “Election Spurred a Move to Codify U.S. Drone Policy” http://www.nytimes.com/2012/11/25/world/white-house-presses-for-drone-rule-book.html?pagewanted=all&\_r=0)

WASHINGTON — Facing the possibility that President Obama might not win a second term,

AND

open a unit in Geneva early next year to investigate American drone strikes.

#### Links to politics –presidents going in alone creases opposition- gun control proves- will see massive republican backlash

#### Internal checks don’t solve and links to politics (this is the OLC card)

Posner 11 Eric Posner is the Kirkland & Ellis Professor, University of Chicago Law School. “DEFERENCE TO THE EXECUTIVE IN THE UNITED STATES AFTER 9/11 CONGRESS, THE COURTS AND THE OFFICE OF LEGAL COUNSEL” available at http://www.law.uchicago.edu/academics/publiclaw/index.html.

These two events neatly encapsulate the dilemma for OLC, and indeed all the president’s

AND

and other institutions with political power, then the president would ignore it.