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## 1

#### CIR will pass now, but pressure is key – the window is closing

**NBC Latino 11/08**/ “Forecast on immigration reform? It’s getting murkier and time’s running out,” **11/08**/2013, http://nbclatino.com/2013/11/08/forecast-on-immigration-reform-its-getting-murkier-and-times-running-out/

Arizona Republican Sen. Jeff Flake told his hometown paper there’s a good shot of a[breakthrough](http://www.azcentral.com/news/politics/articles/20131030flake-house-immigration-breakthrough-possible.html) on [immigration](http://nbclatino.com/2013/11/11/immigration-advocates-press-on-despite-house-gop-no-3-nixing-legislation-for-the-year/) this year. Michigan GOP Rep. Fred Upton told a local crowd some 120 to 140 Republicans back immigration reform, according to a [local website.](http://www.mlive.com/news/kalamazoo/index.ssf/2013/11/congressman_fred_upton_says_he.html) But then, Texas Republican Mike McCaul [told a conservative talk show host](http://www.lauraingraham.com/pg/jsp/charts/streamingAudioMaster.jsp;jsessionid=DD71C5747AD70CED1244B815C2ECE3ED?dispid=302&headerDest=L3BnL2pzcC9tZWRpYS9mbGFzaHdlbGNvbWUuanNwP3BpZD0xNjUxNQ==) last week he opposed going to a conference committee on immigration and Rep. Mario Diaz-Balart [said to the Washington Post](http://www.washingtonpost.com/blogs/plum-line/wp/2013/11/07/immigration-reform-is-dead-for-the-year-top-gop-reformer-says/), immigration isn’t going to happen this year. There have been efforts to crystal ball the future of immigration reform and more specifically what the House plans to do this year or next. What’s becoming clear is that there’s once again a split in the GOP, some of it fed by the upcoming 2014 elections, that the House leadership must navigate to a resolution that satisfies most of its rank-and-file. Speaking at a National Journal [forum](http://www.nationaljournal.com/events/the-next-america-pathways-to-success-20131107) Thursday, Sen. Bob Menendez, D-N.J., said the window for passing immigration reform is open until March. Election filing ends that month for a majority of GOP members. When filing is done for them, they’ll know whether they have primary challengers. Those who don’t get primary challengers or ones that make the race very competitive would “feel more liberated to do right by the nation,” Menendez said. “But we continue to press for a vote this year ,” he said. Clashes within the House GOP – between moderates and conservatives – have been seen on other issues, most recently, in the [debate over Obamacare](http://nbclatino.com/2013/10/01/government-officially-in-shutdown-no-deal-in-congress/) that led to shutting down the government and edging very close to defaulting on the nation’s debt. Republicans are also getting pressure from their backers and donors \_ business, evangelicals, law enforcement and agricultural interests \_ to move immigration along. Hundreds of those GOP loyalists [descended on Washington](http://nbclatino.com/2013/10/29/conservatives-press-house-to-advance-immigration-reform/) last week to cajole GOP members on immigration. “I think the House is probably torn,” said Sen. Lindsey Graham, who helped craft the Senate’s sweeping, bipartisan immigration reform bill. “There are some in the House who want to do a piecemeal approach, which is fine with me, and there are some who just don’t want to deal with the issue. “I don’t know what’s going to happen, but from the country’s point of view our immigration system is hopelessly broken, from the party’s point of view, I think this issue hurts us,” said Graham, R-S.C. Alberto Cardenas, chairman of the American Conservative Union, said reports he got from the conservatives who met with House GOP members have left him believing immigration reform would be done, if not by the end of this year then by early next year, though he said it may not include legalization. Rep. Flake told the Arizona Republic he thought the push from conservatives helped shift momentum on the issue. He suggested the House would only offer those in the country illegally the chance for citizenship through existing pathways of sponsorship from relatives, spouses or employers. House Judiciary Chairman Bob Goodlatte, R-Va., [floated that possibility](http://nbclatino.com/2013/09/19/house-republican-leader-lays-out-citizenship-possibility-for-immigrants/) in September. “I don’t want be seen as trying to tell the House what to do. They are moving a process and have a number of people working on it and I spoke to one of them today (Tuesday). I’m pretty confident they are going to get something on the floor,” Flake told NBC Latino this week. But many in the GOP ranks feel stung by the outcome of last month’s Obamacare-debt ceiling fight. They’ve emerged from the fight unwilling to negotiate with Democrats, saying they no longer trust President Barack Obama or his motives on immigration. House Homeland Security Committee Chairman Mike McCaul said last week he told Boehner he does not want to go to a House-Senate conference committee on the border security bill passed by his committee and included by House Democrats in the comprehensive immigration bill they introduced last month. He told conservative talk show host Laura Ingraham he refused an invitation to a White House meeting because “I saw it as a political trap.” “I’ve been trying to get that border secure for the entire time I have been up here … but I am not going to go down the road of conferencing with the Senate (comprehensive) bill and I told Boehner he needs to stand up and make that very clear … We are not going to conference with the Senate, period,” McCaul said. Others in the GOP see their political survival as dependent on getting immigration reform done in time for 2014 elections when all House members are up for re-election. Some have heavy Hispanic districts with sufficient voters to tilt their elections. Recognizing that,[Reps. Jeff Denham](http://denham.house.gov/) and [David Valadao](http://valadao.house.gov/), R-Calif. and Rep. [Ileana Ros-Lehtinen](http://ros-lehtinen.house.gov/), R-Fla., have signed on to the Democrats’ House immigration bill. Deham’s district is 40 percent Hispanic, Valadao’s is 72 percent and Ros-Lehtinen’s is 73 percent. Others are facing business owners, [farmers and ranchers](http://www.wga.com/blog/2013/10/29/nassif-and-immigration-reform-leaders-push-vote-dc), and evangelical leaders who need the reform to sustain their workforce or are dealing with immigrants in their congregations and communities. Fred Upton told a Rotary Club in his home state there are about 120 to 140 Republican votes in favor of immigration reform and he has backing from Boehner to try to get half the caucus to support reform, according to a report by the website MLive. He also said he expects to see some movement before Thanksgiving. Those Republicans deserve a chance to vote on immigration reform, Senate Majority Leader Harry Reid, D-Nev., said. “I can’t understand what is going on in the House of Representatives. It’s basically a place where no one gets to vote except whom Boehner decides can vote. That isn’t the way the House of Representatives is meant to be,” Reid said Tuesday. “We have Republicans over there who are obsessed with spending. They could get a trillion dollars by passing immigration reform but they refuse to do that. I am so disappointed in how the House is being run,” he said. He addressed the stalled bill again on the [Senate floor](http://www.nbcnews.com/video/nbc-news/53488556/#53488556) Thursday. Diaz-Balart told the Washington Post that if immigration isn’t done by early next year “it flatlines.” House GOP members are ready to move on immigration but are waiting on their leadership, said Ali Noorani, executive director for [National Immigration Reform](http://www.immigrationforum.org/) which organized the conservatives’ lobbying.

#### A reduction in presidential war powers 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.

#### Capital key to make Boehner allow a vote

**Sullivan, 10/24/13** (Sean, “John Boehner's next big test: Immigration” Washington Post Blogs, The Fix, lexis)

President Obama delivered remarks Thursday morning to renew his call for Congress to pass sweeping immigration reform. The prevailing sentiment in Washington is that it’s not going to happen this year, and may not even happen next year. But because of the last few weeks, it just might get done by early next year. It’s all up to House Speaker John A. Boehner (R-Ohio), who by political necessity, must now at least consider leaning in more on immigration. “Let’s see if we can get this done. And let’s see if we can get it done this year,” Obama said at the White House. Fresh off a decisive defeat in the budget and debt ceiling showdown that cost the GOP big and won the party no major policy concessions from Democrats, Boehner was asked Wednesday about whether he plans to bring up immigration legislation during the limited time left on the 2013 legislative calendar. He didn’t rule it out. “I still think immigration reform is an important subject that needs to be addressed. And I’m hopeful,” said Boehner. The big question is whether the speaker’s hopefulness spurs him to press the matter legislatively or whether the cast-iron conservative members who oppose even limited reforms will dissuade him and extinguish his cautiously optimistic if noncommittal outlook. Months ago, as House Republicans were slow-walking immigration after the Senate passed a broad bill, the latter possibility appeared the likelier bet. But times have changed. The position House Republicans adopted in the fiscal standoff badly damaged the party's brand. The GOP is reeling, searching desperately for a way to turn things around. That means Boehner, too, must look for ways to repair the damage. And that's where immigration comes in. Even before the government shutdown showdown, a vocal part of the GOP (think Sen. John McCain) had been talking up the urgent need to do immigration reform or risk further alienating Hispanic voters. Now, amid hard times for the party driven by deeper skepticism from Democrats, independents and even some Republicans following the fiscal standoff, the political imperative is arguably even stronger. The policy imperative already exists for some House Republicans -- perhaps enough of them that if Boehner allowed a vote, reform of some type could pass with a majority of House Democrats and a minority of House Republicans, as did last week's deal to end the government shutdown and raise the debt ceiling. (What specifically could pass and whether Obama could accept it is another question.) What's not clear is whether Boehner would be willing to chart a path with less than majority GOP support again so soon after the last time and without his back against the wall as it was in the fiscal standoff. This much we know: The White House and Senate Democrats will keep applying pressure on Boehner to act on immigration. Obama's planned remarks are the latest example of his plan. The speaker will be feeling external and internal pressure to move ahead on immigration. But he will also feel pressure from conservatives to oppose it. Here's the thing, though: Boehner listened to the right flank of his conference in the fiscal fight, and that path was politically destructive for his party. That's enough to believe he will at least entertain the possibility of tuning the hard-liners out a bit more this time around.

#### Ag industry’s collapsing now---immigration’s key

Alfonso Serrano 12, Bitter Harvest: U.S. Farmers Blame Billion-Dollar Losses on Immigration Laws, Time, 9-21-12, http://business.time.com/2012/09/21/bitter-harvest-u-s-farmers-blame-billion-dollar-losses-on-immigration-laws/

The Broetjes and an increasing number of farmers across the country say that a complex web of local and state anti-immigration laws account for acute labor shortages. With the harvest season in full bloom, stringent immigration laws have forced waves of undocumented immigrants to flee certain states for more-hospitable areas. In their wake, thousands of acres of crops have been left to rot in the fields, as farmers have struggled to compensate for labor shortages with domestic help.¶ “The enforcement of immigration policy has devastated the skilled-labor source that we’ve depended on for 20 or 30 years,” said Ralph Broetje during a recent teleconference organized by the National Immigration Forum, adding that last year Washington farmers — part of an $8 billion agriculture industry — were forced to leave 10% of their crops rotting on vines and trees. “It’s getting worse each year,” says Broetje, “and it’s going to end up putting some growers out of business if Congress doesn’t step up and do immigration reform.”¶ (MORE: Why Undocumented Workers Are Good for the Economy)¶ Roughly 70% of the 1.2 million people employed by the agriculture industry are undocumented. No U.S. industry is more dependent on undocumented immigrants. But acute labor shortages brought on by anti-immigration measures threaten to heap record losses on an industry emerging from years of stiff foreign competition. Nationwide, labor shortages will result in losses of up to $9 billion, according to the American Farm Bureau Federation.

#### Extinction

**Lugar 2k** Chairman of the Senator Foreign Relations Committee and Member/Former Chair of the Senate Agriculture Committee (Richard, a US Senator from Indiana, is Chairman of the Senate Foreign Relations Committee, and a member and former chairman of the Senate Agriculture Committee. “calls for a new green revolution to combat global warming and reduce world instability,” pg online @ http://www.unep.org/OurPlanet/imgversn/143/lugar.html)

In a world confronted by global terrorism, turmoil in the Middle East, burgeoning nuclear threats and other crises, it is easy to lose sight of the long-range challenges. But we do so at our peril. One of the most daunting of them is meeting the world’s need for food and energy in this century. At stake is not only preventing starvation and saving the environment, but also world peace and security. History tells us that states may go to war over access to resources, and that poverty and famine have often bred fanaticism and terrorism. Working to feed the world will minimize factors that contribute to global instability and the proliferation of [WMDs] weapons of mass destruction. With the world population expected to grow from 6 billion people today to 9 billion by mid-century, the demand for affordable food will increase well beyond current international production levels. People in rapidly developing nations will have the means greatly to improve their standard of living and caloric intake. Inevitably, that means eating more meat. This will raise demand for feed grain at the same time that the growing world population will need vastly more basic food to eat. Complicating a solution to this problem is a dynamic that must be better understood in the West: developing countries often use limited arable land to expand cities to house their growing populations. As good land disappears, people destroy timber resources and even rainforests as they try to create more arable land to feed themselves. The long-term environmental consequences could be disastrous for the entire globe. Productivity revolution To meet the expected demand for food over the next 50 years, we in the United States will have to grow roughly three times more food on the land we have. That’s a tall order. My farm in Marion County, Indiana, for example, yields on average 8.3 to 8.6 tonnes of corn per hectare – typical for a farm in central Indiana. To triple our production by 2050, we will have to produce an annual average of 25 tonnes per hectare. Can we possibly boost output that much? Well, it’s been done before. Advances in the use of fertilizer and water, improved machinery and better tilling techniques combined to generate a threefold increase in yields since 1935 – on our farm back then, my dad produced 2.8 to 3 tonnes per hectare. Much US agriculture has seen similar increases. But of course there is no guarantee that we can achieve those results again. Given the urgency of expanding food production to meet world demand, we must invest much more in scientific research and target that money toward projects that promise to have significant national and global impact. For the United States, that will mean a major shift in the way we conduct and fund agricultural science. Fundamental research will generate the innovations that will be necessary to feed the world. The United States can take a leading position in a productivity revolution. And our success at increasing food production may play a decisive humanitarian role in the survival of billions of people and the health of our planet.

## 2

#### A. Interpretation: the aff must provide and defend the implementation of a plan of action that restricts presidential war powers

#### War powers authority is derived from unrestricted implicit or explicit congressional approval

**Krass 11** (Caroline D. Krass, Principal Deputy Assistant Attorney General, Memorandum Opinion For The Attorney General, 2011 “Authority To Use Military Force In Libya,” http://www.justice.gov/olc/2011/authority-military-use-in-libya.pdf

The President had the constitutional authority to direct the use of military force in Libya because he could reasonably determine that such use of force was in the national interest. Prior congressional approval was not constitutionally required to use military force in the limited operations under consideration. Earlier opinions of this Office and other historical precedents establish the framework for our analysis. As we explained in 1992, Attorneys General and this Office “have concluded that the President has the power to commit United States troops abroad,” as well as to “take military action,” “for the purpose of protecting important national interests,” even without specific prior authorization from Congress. Authority to Use United States Military Forces in Somalia, 16 Op.O.L.C. 6, 9 (1992) (“Military Forces in Somalia”). This independent authority of the President, which exists at least insofar as Congress has not specifically restricted it, see Deployment of United States Armed Forces into Haiti, 18 Op. O.L.C. 173, 176 n.4, 178 (1994) (“Haiti Deployment”), derives from the President’s “unique responsibility,” as Commander in Chief and Chief Executive, for “foreign and military affairs,” as well as national security. Sale v. Haitian Centers Council, Inc., 509 U.S. 155, 188 (1993); U.S. Const. art. II, § 1, cl. 1, § 2, cl. 2.¶ The Constitution, to be sure, divides authority over the military between the President and Congress, assigning to Congress the authority to “declare War,” “raise and support Armies,” and “provide and maintain a Navy,” as well as general authority over the appropriations on which any military operation necessarily depends. U.S. Const. art. I, § 8, cl. 1, 11-14. Yet, under “the historical gloss on the ‘executive Power’ vested in Article II of the Constitution,” the President bears the “‘vast share of responsibility for the conduct of our foreign relations,’” Am. Ins. Ass’n v. Garamendi, 539 U.S. 396, 414 (2003) (quoting Youngstown Sheet & Tube Co.¶ v. Sawyer, 343 U.S. 579, 610-11 (1952) (Frankfurter, J., concurring)), and accordingly holds “independent authority ‘in the areas of foreign policy and national security.’” Id. at 429 (quoting Haig v. Agee, 453 U.S. 280, 291 (1981)); see also, e.g., Youngstown Sheet & Tube Co., 343 U.S.6 Authority to Use Military Force in Libya at 635-36 n.2 (Jackson, J., concurring) (noting President’s constitutional power to “act in external affairs without congressional authority”). Moreover, the President as Commander in Chief “superintend[s] the military,” Loving v. United States, 517 U.S. 748, 772 (1996), and “is authorized to direct the movements of the naval and military forces placed by law at his command.” Fleming v. Page, 50 U.S. (9 How.) 603, 615 (1850); see also Placing of United States Armed Forces Under United Nations Operational or Tactical Control, 20 Op. O.L.C. 182, 184 (1996). The President also holds “the implicit advantage . . . over the legislature under our constitutional scheme in situations calling for immediate action,” given that imminent national security threats and rapidly evolving military and diplomatic circumstances may require a swift response by the United States without the opportunity for congressional deliberation and action. Presidential Power to Use the Armed Forces Abroad Without Statutory Authorization, 4A Op.¶ O.L.C. 185, 187 (1980) (“Presidential Power”); see also Haig, 453 U.S. at 292 (noting “‘the changeable and explosive nature of contemporary international relations, and the fact that the Executive is immediately privy to information which cannot be swiftly presented to, evaluated by, and acted upon by the legislature’” (quoting Zemel v. Rusk, 381 U.S. 1, 17 (1965)). Accordingly, as Attorney General (later Justice) Robert Jackson observed over half a century ago, “the President’s authority has long been recognized as extending to the dispatch of armed forces outside of the United States, either on missions of goodwill or rescue, or for the purpose of protecting American lives or property or American interests.” Training of British Flying Students in the United States, 40 Op. Att’y Gen. 58, 62 (1941).¶ This understanding of the President’s constitutional authority reflects not only the express assignment of powers and responsibilities to the President and Congress in the Constitution, but also, as noted, the “historical gloss” placed on the Constitution by two centuries of practice. Garamendi, 539 U.S. at 414. “Our history,” this Office observed in 1980, “is replete with instances of presidential uses of military force abroad in the absence of prior congressional approval.” Presidential Power, 4A Op. O.L.C. at 187; see generally Richard F. Grimmett, Cong. Research Serv., R41677, Instances of Use of United States Armed Forces Abroad, 1798-2010 (2011). Since then, instances of such presidential initiative have only multiplied, with Presidents ordering, to give just a few examples, bombing in Libya (1986), an intervention in Panama (1989), troop deployments to Somalia (1992), Bosnia (1995), and Haiti (twice, 1994 and 2004), air patrols and airstrikes in Bosnia (1993-1995), and a bombing campaign in Yugoslavia (1999), without specific prior authorizing legislation. See Grimmett, supra, at 13-31. This historical practice is an important indication of constitutional meaning, because it reflects the two political branches’ practical understanding, developed since the founding of the Republic, of their respective roles and responsibilities with respect to national defense, and because “[m]atters intimately related to foreign policy and national security are rarely proper subjects for judicial intervention.” Haig, 453 U.S. at 292. In this context, the “pattern of executive conduct, made under claim of right, extended over many decades and engaged in by Presidents of both parties, ‘evidences the existence of broad constitutional power.’” Haiti Deployment, 18 Op. O.L.C. at 178 (quoting Presidential Power, 4A Op. O.L.C. at 187); see also Proposed Deployment of United States Armed Forces into Bosnia, 19 Op. O.L.C. 327, 330-31 (1995) (“Proposed Bosnia Deployment”) (noting that “[t]he scope and limits” of Congress’s power to declare war “are not well defined by constitutional text, case law, or statute,” but the relationship between that power and the President’s authority as Commander in Chief and Chief Executive has been instead “clarified by 200 years of practice”).7¶ Indeed, Congress itself has implicitly recognized this presidential authority. The War Powers Resolution (“WPR”), 50 U.S.C. §§ 1541-1548 (2006), a statute Congress described as intended “to fulfill the intent of the framers of the Constitution of the United States,” id. § 1541(a), provides that, in the absence of a declaration of war, the President must report to Congress within 48 hours of taking certain actions, including introduction of U.S. forces “into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances.” Id. § 1543(a). The Resolution further provides that the President generally must terminate such use of force within 60 days (or 90 days for military necessity) unless Congress extends this deadline, declares war, or “enact[s] a specific authorization.” Id. § 1544(b). As this Office has explained, although the WPR does not itself provide affirmative statutory authority for military operations, see id. § 1547(d)(2), the Resolution’s “structure . . . recognizes and presupposes the existence of unilateral presidential authority to deploy armed forces” into hostilities or circumstances presenting an imminent risk of hostilities. Haiti Deployment, 18 Op. O.L.C. at 175; see also Proposed Bosnia Deployment, 19 Op. O.L.C. at 334. That structure— requiring a report within 48 hours after the start of hostilities and their termination within 60 days after that—“makes sense only if the President may introduce troops into hostilities or potential hostilities without prior authorization by the Congress.” Haiti Deployment, 18 Op. O.L.C. at 175-76; see also Proposed Bosnia Deployment, 19 Op. O.L.C. at 334-35.1 We have acknowledged one possible constitutionally-based limit on this presidential authority to employ military force in defense of important national interests—a planned military engagement that constitutes a “war” within the meaning of the Declaration of War Clause may require prior congressional authorization. See Proposed Bosnia Deployment, 19 Op. O.L.C. at 331; Haiti Deployment, 18 Op. O.L.C. at 177. But the historical practice of presidential military action without congressional approval precludes any suggestion that Congress’s authority to declare war covers every military engagement, however limited, that the President initiates. In our view, determining whether a particular planned engagement constitutes a “war” for constitutional purposes instead requires a fact-specific assessment of the “anticipated nature, scope, and duration” of the congressional approval. Id. at 174 n.1, 178-79 & n.10; see also Address to the Nation on Haiti, 30 Weekly Comp. Pres. Doc. 1799 (Sept. 18, 1994); Maureen Taft-Morales & Clare Ribando Seelke, Cong. Research Serv., RL32294, Haiti: Developments and U.S. Policy Since 1991 and Current Congressional Concerns 4 (2008). “In deciding whether prior Congressional authorization for the Haitian deployment was constitutionally necessary,” we observed, “the President was entitled to take into account the anticipated nature, scope, and duration of the planned deployment, and in particular the limited antecedent risk that United States forces would encounter significant armed resistance or suffer or inflict substantial casualties as a result of the deployment.” Haiti Deployment, 18 Op. O.L.C. at 179. Similarly, a year later we concluded that a proposed deployment of approximately 20,000 ground troops to enforce a peace agreement in Bosnia and Herzegovina also was not a “war,” even though this deployment involved some “risk that the United States [would] incur (and inflict) casualties.” Proposed Bosnia Deployment, 19 Op. O.L.C. at 333. For more than two years preceding this deployment, the United States had undertaken air operations over Bosnia to enforce a UNSC-declared “no-fly zone,” protect United Nations peacekeeping forces, and secure “safe areas” for civilians, including one two-week operation in which NATO attacked hundreds of targets and the United States alone flew over 2300 sorties—all based on the President’s “constitutional authority to conduct the foreign relations of the United States and as Commander in Chief and Chief Executive,” without a declaration of war or other specific prior approval from Congress. Letter to Congressional Leaders Reporting on the Deployment of United States Aircraft to Bosnia-Herzegovina, 1995 Pub. Papers of William J. Clinton 1279, 1280 (Sept. 1, 1995); see also, e.g., Letter to Congressional Leaders on Bosnia, 30 Weekly Comp. Pres. Doc. 2431, 2431 (Nov. 22, 1994); Letter to Congressional Leaders on Bosnia-Herzegovina, 30 Weekly Comp. Pres. Doc. 1699, 1700 (Aug. 22, 1994); Letter to Congressional Leaders on Protection of United Nations Personnel in Bosnia-Herzegovina, 30 Weekly Comp. Pres. Doc. 793, 793 (Apr. 12, 1994); Letter to Congressional Leaders Reporting on NATO Action in Bosnia, 30 Weekly Comp. Pres. Doc. 406, 406 (Mar. 1, 1994); Letter to Congressional Leaders on the Conflict in the Former Yugoslavia, 30 Weekly Comp. Pres. Doc. 324, 325 (Feb. 17, 1994); Letter to Congressional Leaders Reporting on the No-Fly Zone Over Bosnia, 29 Weekly Comp. Pres. Doc. 586, 586 (Apr. 13, 1993); Proposed Bosnia Deployment, 19 Op.¶ O.L.C. at 328-29; Deliberate Force: A Case Study in Effective Air Campaigning 334, 341-44 (Col. Robert C. Owen, ed., 2000), available at http://purl.access.gpo.gov/GPO/LPS20446. This Office acknowledged that “deployment of 20,000 troops on the ground is an essentially different, and more problematic, type of intervention,” than air or naval operations because of the increased risk of United States casualties and the far greater difficulty of withdrawing United States ground forces. But we nonetheless concluded that the anticipated risks were not sufficient to make the deployment a “‘war’ in any sense of the word.” Proposed Bosnia Deployment, 19 Op. O.L.C. at 333-34.\

**B. The aff violates they do not set a restriction on the war powers authority of the president**

**C. Reasons to prefer:**

**Infinite regression—disregarding resolutional syntax produces an endless regression to small, trivial plans. For example, an aff only about the subject opens the door to ANY philosophy that speaks to ‘being’.**

**Limits—resolutional limits encourage aff innovation, predictive research on a designated topic, and clash—a precursor to productive education. Also, the inherent value of arguments within limits is greater, which link turns education arguments.**

**The act is extra topical –**

**D. If our interpretation is net-beneficial it means there’s no reason to vote affirmative. If the case is true then it de-justifies the resolution. Teams are still signified by ‘aff’ and ‘neg’, so the resolution is a required measurement for ‘affirmation.’**

## 3

#### Restrictions are prohibitions on action --- the aff is a reporting requirement

Jean **Schiedler-Brown 12,** Attorney, Jean Schiedler-Brown & Associates, Appellant Brief of Randall Kinchloe v. States Dept of Health, Washington, The Court of Appeals of the State of Washington, Division 1, http://www.courts.wa.gov/content/Briefs/A01/686429%20Appellant%20Randall%20Kincheloe%27s.pdf

3. The ordinary definition of the term "restrictions" also does not include the reporting and monitoring or supervising terms and conditions that are included in the 2001 Stipulation.

Black's Law Dictionary, 'fifth edition,(1979) defines "restriction" as;

A limitation often imposed in a deed or lease respecting the use to which the property may be put. The term "restrict' is also cross referenced with the term "restrain." Restrain is defined as; To limit, confine, abridge, narrow down, restrict, obstruct, impede, hinder, stay, destroy. To prohibit from action; to put compulsion on; to restrict; to hold or press back. To keep in check; to hold back from acting, proceeding, or advancing, either by physical or moral force, or by interposing obstacle, to repress or suppress, to curb.

In contrast, the terms "supervise" and "supervisor" are defined as; To have general oversight over, to superintend or to inspect. See Supervisor. A surveyor or overseer. . . In a broad sense, one having authority over others, to superintend and direct. The term "supervisor" means an individual having authority, in the interest of the employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but required the use of independent judgment.

Comparing the above definitions, it is clear that the definition of "restriction" is very different from the definition of "supervision"-very few of the same words are used to explain or define the different terms. In his 2001 stipulation, Mr. Kincheloe essentially agreed to some supervision conditions, but he did not agree to restrict his license.

#### Restrictions on authority are distinct from conditions

William **Conner 78,** former federal judge for the United States District Court for the Southern District of New York United States District Court, S. D. New York, CORPORACION VENEZOLANA de FOMENTO v. VINTERO SALES, http://www.leagle.com/decision/19781560452FSupp1108\_11379

Plaintiff next contends that Merban was charged with notice of the restrictions on the authority of plaintiff's officers to execute the guarantees. Properly interpreted, the "conditions" that had been imposed by plaintiff's Board of Directors and by the Venezuelan Cabinet were not "restrictions" or "limitations" upon the authority of plaintiff's agents but rather conditions precedent to the granting of authority. Essentially, then, plaintiff's argument is that Merban should have known that plaintiff's officers were not authorized to act except upon the fulfillment of the specified conditions.

#### Restrictions must be enforceable

Elizabeth **Boalt 5**, Professor of Law Emeritus, University of California, Berkeley, University of Arkansas at Little Rock School of Law The Journal of Appellate Practice and Process Fall, 20035 J. App. Prac. & Process 473, lexis

Four questions follow: (1) Are discouraging words "restrictions" on citation under Rule 32.1? (2) What difference, if any, does it make? (3) What is the risk of judicial resistance to [\*493] no-citation rules, through discouraging words or other means? and (4) Should discouraging words be forbidden? 1. Are Discouraging Words "Restrictions" under Rule 32.1? The committee's statement notwithstanding, it is not clear that discouraging words have to be considered "restrictions" on citation under the proposed Rule 32.1. These words may be wholly admonitory - and unenforceable. The Fourth Circuit's rule, for example, states that citing unpublished opinions is "disfavored," but that it may be done "if counsel believes, nevertheless, that [an unpublished opinion] has precedential value in relation to a material issue in a case and that there is no published opinion that would serve as well." n129 On the question of what counsel "believes," surely counsel should be taken at her word; counsel's asserted belief that an unpublished opinion has precedential or persuasive value should not be considered a falsifiable fact. Hence no sanction should be available for violating the Fourth Circuit's rule, and the rule's discouraging language in turn would not be a "prohibition or restriction" that was barred by Rule 32.1 as presently drafted. In the rules of some other circuits, however, the language disfavoring citation of unpublished opinions is unmoored from anyone's "belief" and arguably does impose an objective "prohibition or restriction" determinable by a court. n130 A court might find, for example, that the required "persuasive value with respect to a material issue that has not been addressed in a published opinion" n131 was not present, and hence that the citation was not permitted by the circuit rule. With what result? It would follow, paradoxically, that the opinion could be cited - because the circuit rule would be struck down under Rule 32.1 as a forbidden "restriction" on citation. The committee's double-negative drafting thus creates a Hall of Mirrors in which citation of an unpublished opinion [\*494] would be allowed either way. If the local rule's discouraging language is merely hortatory, it is not a "restriction" forbidden by Rule 32.1; but that doesn't matter, because such a rule does not bar the citation in the first place. If, on the other hand, the local rule's language has bite and is a "restriction," then Rule 32.1 strikes it down, and again the citation is permitted.

#### Vote neg---

#### Only prohibitions on authority guarantee neg ground---their interpretation lets affs no link the best neg offense like deference

#### Precision---only our interpretation defines “restrictions on authority”---that’s key to adequate preparation and policy analysis

## 4

#### Statutory restrictions hurt war fighting effectiveness – strong executive is key – absent that efforts to confront terrorism will fail

**Yoo 2012** (John Yoo, deputy assistant attorney general from 2001 to 2003, professor at the University of California at Berkeley School of Law, February 1, 2012, “War Powers Belong to the President,” ABA Journal, http://www.abajournal.com/magazine/article/war\_powers\_belong\_to\_the\_president)

Congress’ track record when it has opposed presidential leadership has not been a happy one. Perhaps the most telling example was the Senate’s rejection of the Treaty of Versailles at the end of World War I. Congress’ isolationist urge kept the United States out of Europe at a time when democracies fell and fascism grew in their place. Even as Europe and Asia plunged into war, Congress passed the Neutrality Acts designed to keep the United States out of the conflict. President Franklin Roosevelt violated those laws to help the Allies and draw the nation into war against the Axis. While pro-Congress critics worry about a president’s foreign adventurism, the real threat to our national security may come from inaction and isolationism.¶ Many point to the Vietnam War as an example of the faults of the “imperial presidency.” Vietnam, however, could not have continued without the consistent support of Congress in raising a large military and paying for hostilities. And Vietnam ushered in a period of congressional dominance that witnessed American setbacks in the Cold War and the passage of the ineffectual War Powers Resolution. Congress passed the resolution in 1973 over President Richard Nixon’s veto, and no president, Republican or Democrat, George W. Bush or Obama, has ever accepted the constitutionality of its 60-day limit on the use of troops abroad. No federal court has ever upheld the resolution. Even Congress has never enforced it.¶ Despite the record of practice and the Constitution’s institutional design, critics nevertheless argue for a radical remaking of the American way of war. They typically base their claim on Article I, Section 8, of the Constitution, which gives Congress the power to “declare war.” But these observers read the 18th century constitutional text through a modern lens by interpreting “declare war” to mean “start war.” When the Constitution was written, however, a declaration of war served diplomatic notice about a change in legal relations between nations. It had little to do with launching hostilities. In the century before the Constitution, for example, Great Britain—where the framers got the idea of the declare-war power—fought numerous major conflicts but declared war only once beforehand.¶ Our Constitution sets out specific procedures for passing laws, appointing officers and making treaties. There are none for waging war because the framers expected the president and Congress to struggle over war through the national political process. In fact, other parts of the Constitution, properly read, support this reading. Article I, Section 10, for example, declares that the states shall not “engage” in war “without the consent of Congress” unless “actually invaded, or in such imminent danger as will not admit of delay.” This provision creates exactly the limits desired by anti-war critics, complete with an exception for self-defense. If the framers had wanted to require congressional permission before the president could wage war, they simply could have repeated this provision and applied it to the executive.¶ Presidents, of course, do not have complete freedom to take the nation to war. Congress has ample powers to control presidential policy, if it wants to. Only Congress can raise the military, which gives it the power to block, delay or modify war plans. Before 1945, for example, the United States had such a small peacetime military that presidents who started a war would have to go hat in hand to Congress to build an army to fight it. Since World War II, it has been Congress that has authorized and funded our large standing military, one primarily designed to conduct offensive, not defensive, operations (as we learned all too tragically on 9/11) and to swiftly project power worldwide. If Congress wanted to discourage presidential initiative in war, it could build a smaller, less offensive-minded military.¶ Congress’ check on the presidency lies not just in the long-term raising of the military. It can also block any immediate armed conflict through the power of the purse. If Congress feels it has been misled in authorizing war, or it disagrees with the president’s decisions, all it need do is cut off funds, either all at once or gradually. It can reduce the size of the military, shrink or eliminate units, or freeze supplies. Using the power of the purse does not even require affirmative congressional action. Congress can just sit on its hands and refuse to pass a law funding the latest presidential adventure, and the war will end quickly. Even the Kosovo war, which lasted little more than two months and involved no ground troops, required special funding legislation.¶ The framers expected Congress’ power of the purse to serve as the primary check on presidential war. During the 1788 Virginia ratifying convention, Patrick Henry attacked the Constitution for failing to limit executive militarism. James Madison responded: “The sword is in the hands of the British king; the purse is in the hands of the Parliament. It is so in America, as far as any analogy can exist.” Congress ended America’s involvement in Vietnam by cutting off all funds for the war.¶ Our Constitution has succeeded because it favors swift presidential action in war, later checked by Congress’ funding power. If a president continues to wage war without congressional authorization, as in Libya, Kosovo or Korea, it is only because Congress has chosen not to exercise its easy check. We should not confuse a desire to escape political responsibility for a defect in the Constitution.¶ A radical change in the system for making war might appease critics of presidential power. But it could also seriously threaten American national security. In order to forestall another 9/11 attack, or to take advantage of a window of opportunity to strike terrorists or rogue nations, the executive branch needs flexibility. It is not hard to think of situations where congressional consent cannot be obtained in time to act. Time for congressional deliberation, which leads only to passivity and isolation and not smarter decisions, will come at the price of speed and secrecy.¶ The Constitution creates a presidency that can respond forcefully to prevent serious threats to our national security. Presidents can take the initiative and Congress can use its funding power to check them. Instead of demanding a legalistic process to begin war, the framers left war to politics. As we confront the new challenges of terrorism, rogue nations and WMD proliferation, now is not the time to introduce sweeping, untested changes in the way we make war.

#### Maintaining a strong executive branch is essential because the executive can deploy all of the tools it has

**Royal 2011** (John Paul Royal, Institute of World Politics, “War Powers and the Age of Terrorism,” Center for the Study of the Presidency & Congress The Fellows Review, http://www.thepresidency.org/storage/Fellows2011/Royal-\_Final\_Paper.pdf)

Alexis de Tocqueville, that prescient and inimitable observer of America, ¶ noted in his classic work Democracy in America that circumstances eventually ¶ would cause executive power to grow over time as the United States expanded in ¶ power and prestige. Observing the diminutive size and strength of the American ¶ armed forces of the period, he wrote that the “President of the United States is in ¶ the possession of almost royal prerogatives, which he has no opportunity of ¶ exercising; and those privileges which he can at present use are very circumscribed: ¶ the laws allow him to possess a degree of influence which circumstances do not ¶ permit him to employ” (de Tocqueville 1839, 119). Indeed at the time, the United ¶ States had little need for strong defenses since the country was isolated from the ¶ great powers of the day by two vast oceans; had few threats from its direct ¶ neighbors; and did not have major conflicting interests with other nations around ¶ the world. ¶ But Tocqueville stated that as the United States grew and threats to the ¶ nation increased, so too would its dependence on executive power. In foreign ¶ affairs and national security, the executive power of a nation must “exert its skill ¶ and its vigor.” As Tocqueville predicted: ¶ If the existence of the Union were perpetually threatened, and if its chief ¶ interests were in daily connection with those of other powerful nations, ¶ the executive government would assume an increased importance in ¶ proportion to the measures expected of it, and those which it would ¶ carry into effect (de Tocqueville 1839, 119). ¶ And so it has come to pass. Certainly, the Executive has grown but so have ¶ the intelligence services, armed forces, and foreign policy apparatus of the United ¶ States. Congress created, funded, trained, and organized an international U.S. ¶ national security presence throughout the world capable of quickly deployable ¶ global missions executed by the President. In an increasingly dangerous and ¶ globalized world filled with “perpetual threats,” it was prudent and judicious of the ¶ Founders to establish a flexible and fluid constitutional order to protect national ¶ interests during times of uncertainty, crisis, and war.

#### High risk of theft and escalation of accidents

Vladimir Z. **Dvorkin ‘12** Major General (retired), doctor of technical sciences, professor, and senior fellow at the Center for International Security of the Institute of World Economy and International Relations of the Russian Academy of Sciences. The Center participates in the working group of the U.S.-Russia Initiative to Prevent Nuclear Terrorism, 9/21/12, "What Can Destroy Strategic Stability: Nuclear Terrorism is a Real Threat," belfercenter.ksg.harvard.edu/publication/22333/what\_can\_destroy\_strategic\_stability.html

Hundreds of scientific papers and reports have been published on nuclear terrorism. International conferences have been held on this threat with participation of Russian organizations, including IMEMO and the Institute of U.S. and Canadian Studies. Recommendations on how to combat the threat have been issued by the International Luxembourg Forum on Preventing Nuclear Catastrophe, Pugwash Conferences on Science and World Affairs, Russian-American Elbe Group, and other organizations. The UN General Assembly adopted the International Convention for the Suppression of Acts of Nuclear Terrorism in 2005 and cooperation among intelligence services of leading states in this sphere is developing.¶ At the same time, these efforts fall short for a number of reasons, partly because various acts of nuclear terrorism are possible. Dispersal of radioactive material by detonation of conventional explosives (“dirty bombs”) is a method that is most accessible for terrorists. With the wide spread of radioactive sources, raw materials for such attacks have become much more accessible than weapons-useable nuclear material or nuclear weapons. The use of “dirty bombs” will not cause many immediate casualties, but it will result into long-term radioactive contamination, contributing to the spread of panic and socio-economic destabilization.¶ Severe consequences can be caused by sabotaging nuclear power plants, research reactors, and radioactive materials storage facilities. Large cities are especially vulnerable to such attacks. A large city may host dozens of research reactors with a nuclear power plant or a couple of spent nuclear fuel storage facilities and dozens of large radioactive materials storage facilities located nearby. The past few years have seen significant efforts made to enhance organizational and physical aspects of security at facilities, especially at nuclear power plants. Efforts have also been made to improve security culture. But these efforts do not preclude the possibility that well-trained terrorists may be able to penetrate nuclear facilities.¶ Some estimates show that sabotage of a research reactor in a metropolis may expose hundreds of thousands to high doses of radiation. A formidable part of the city would become uninhabitable for a long time.¶ Of all the scenarios, it is building an improvised nuclear device by terrorists that poses the maximum risk. There are no engineering problems that cannot be solved if terrorists decide to build a simple “gun-type” nuclear device. Information on the design of such devices, as well as implosion-type devices, is available in the public domain. It is the acquisition of weapons-grade uranium that presents the sole serious obstacle. Despite numerous preventive measures taken, we cannot rule out the possibility that such materials can be bought on the black market. Theft of weapons-grade uranium is also possible. Research reactor fuel is considered to be particularly vulnerable to theft, as it is scattered at sites in dozens of countries. There are about 100 research reactors in the world that run on weapons-grade uranium fuel, according to the International Atomic Energy Agency (IAEA).¶ A terrorist “gun-type” uranium bomb can have a yield of least 10-15 kt, which is comparable to the yield of the bomb dropped on Hiroshima. The explosion of such a bomb in a modern metropolis can kill and wound hundreds of thousands and cause serious economic damage. There will also be long-term sociopsychological and political consequences.¶ The vast majority of states have introduced unprecedented security and surveillance measures at transportation and other large-scale public facilities after the terrorist attacks in the United States, Great Britain, Italy, and other countries. These measures have proved burdensome for the countries’ populations, but the public has accepted them as necessary. A nuclear terrorist attack will make the public accept further measures meant to enhance control even if these measures significantly restrict the democratic liberties they are accustomed to. Authoritarian states could be expected to adopt even more restrictive measures.¶ If a nuclear terrorist act occurs, nations will delegate tens of thousands of their secret services’ best personnel to investigate and attribute the attack. Radical Islamist groups are among those capable of such an act. We can imagine what would happen if they do so, given the anti-Muslim sentiments and resentment that conventional terrorist attacks by Islamists have generated in developed democratic countries. Mass deportation of the non-indigenous population and severe sanctions would follow such an attack in what will cause violent protests in the Muslim world. Series of armed clashing terrorist attacks may follow. The prediction that Samuel Huntington has made in his book “The Clash of Civilizations and the Remaking of World Order” may come true. Huntington’s book clearly demonstrates that it is not Islamic extremists that are the cause of the Western world’s problems. Rather there is a deep, intractable conflict that is rooted in the fault lines that run between Islam and Christianity. This is especially dangerous for Russia because these fault lines run across its territory. To sum it up, the political leadership of Russia has every reason to revise its list of factors that could undermine strategic stability.  BMD does not deserve to be even last on that list because its effectiveness in repelling massive missile strikes will be extremely low. BMD systems can prove useful only if deployed to defend against launches of individual ballistic missiles or groups of such missiles. Prioritization of other destabilizing factors—that could affect global and regional stability—merits a separate study or studies. But even without them I can conclude that nuclear terrorism should be placed on top of the list. The threat of nuclear terrorism is real, and a successful nuclear terrorist attack would lead to a radical transformation of the global order.  All of the threats on the revised list must become a subject of thorough studies by experts. States need to work hard to forge a common understanding of these threats and develop a strategy to combat them.

**Terrorism causes extinction---hard-line responses are key**

Nathan **Myhrvold '13**, Phd in theoretical and mathematical physics from Princeton, and founded Intellectual Ventures after retiring as chief strategist and chief technology officer of Microsoft Corporation , July 2013, "Stratgic Terrorism: A Call to Action," The Lawfare Research Paper Series No.2, <http://www.lawfareblog.com/wp-content/uploads/2013/07/Strategic-Terrorism-Myhrvold-7-3-2013.pdf>

Several powerful trends have aligned to profoundly change the way that the world works. Technology ¶ now allows stateless groups to organize, recruit, and fund ¶ themselves in an unprecedented fashion. That, coupled ¶ with the extreme difficulty of finding and punishing a stateless group, means that stateless groups are positioned to be ¶ lead players on the world stage. They may act on their own, ¶ or they may act as proxies for nation-states that wish to ¶ duck responsibility. Either way, stateless groups are forces ¶ to be reckoned with.¶ At the same time, a different set of technology trends ¶ means that small numbers of people can obtain incredibly ¶ lethal power. Now, for the first time in human history, a ¶ small group can be as lethal as the largest superpower. Such ¶ a group could execute an attack that could kill millions of ¶ people. It is technically feasible for such a group to kill billions of people, to end modern civilization—perhaps even ¶ to drive the human race to extinction. Our defense establishment was shaped over decades to ¶ address what was, for a long time, the only strategic threat ¶ our nation faced: Soviet or Chinese missiles. More recently, ¶ it has started retooling to address tactical terror attacks like ¶ those launched on the morning of 9/11, but the reform ¶ process is incomplete and inconsistent. A real defense will ¶ require rebuilding our **military and intelligence capabilities** from the ground up. Yet, so far, strategic terrorism has ¶ received relatively little attention in defense agencies, and ¶ the efforts that have been launched to combat this existential threat seem fragmented.¶ History suggests what will happen. The only thing that shakes America out of complacency is a direct threat from a determined adversary that confronts us with our shortcomings by **repeatedly attacking** us or hectoring **us for decades**.

**Prez powers key to solve warming – this administration sets a precedent**

**PCAP 8** (Presidential Climate Action Project, Nonpartisan Project at the University of Colorado Denver, “Climate Action Brief: The Use of Presidential Power”, 2008 is the last date cited, http://www.climateactionproject.com/docs/briefs/Climate\_Brief\_Presidential\_Power.pdf)

This legacy could lead the Congress, the courts and the voters to push the presidential power pendulum to the opposite extreme, handcuffing the executive branch even in areas where its powers are clear. Yet the 44th President will need all the tools he or she commands to deal with the serious problems the next administration will have to tackle, including global climate change. To address this issue, the Presidential Climate Action Project commissioned the Center for Energy and Environmental Security at the University of Colorado School of Law to analyze presidential powers. The result is a 200-page analysis based on a review of 140 legal cases and numerous scholarly articles. ii In its analysis, the Center notes that America’s past presidents have interpreted their authority differently. President William Taft believed the president could not do anything without specific permission from Congress. Theodore Roosevelt was more willing to be assertive under the “stewardship theory” – the idea that presidents have an affirmative duty to pursue the common good unless prevented by a direct constitutional or legislative prohibition. Franklin D. Roosevelt’s philosophy was the most expansive. “In the event that the Congress should fail to act, and act adequately, I shall accept the responsibility and I will act,” he told Congress in his Labor Day address of 1942. As it turned out, FDR did not need to engage in a power struggle with the legislative branch. He was a popular president in a time of crisis. He asked Congress to delegate to him the new authority he felt he needed to deal with the Depression, and Congress did so. As a result, FDR became a strong and enabled leader with the full consent of the legislative branch at a time when strong leadership was critical. That is the precedent the next President should follow in dealing with energy, the climate and the economy. The President will have many traditional tools at his or her disposal, including executive orders, directives, proclamations, signing statements, national security directives, executive communications with Congress, the ability to call Congress into special session, the veto, the execution of treaties and the creation of executive agreements, a type of international agreement that falls short of a formal treaty and does not require Senate ratification. And, of course, the President has the bully pulpit. In regard to climate change, the next administration’s authority includes the power to: • Regulate greenhouse gas emissions under the Clean Air Act; • Institute a carbon cap-and-trade regime as EPA did for SO2 and NOx in 1995; • Propose and champion national goals for energy efficiency, renewable energy use, greenhouse gas reductions and other critical objectives; • Enter into executive agreements to collaborate with other nations on research and policies that will reduce energy vulnerability and greenhouse gas emissions; • Restore the federal government’s capacity for climate action by appointing highly qualified experts in climate science and policy to key government leadership positions; • Rescind Executive Order 13422, in which President Bush established political oversight of federal science; • Restore specific greenhouse gas reduction goals for federal agencies, which were eliminated in another executive order issued by President Bush. But like FDR, the next President may need new powers to deal with climate change and the other urgent issues. As the Center for Energy and Environmental Security notes, “One of the key actions to be taken by a future president to address climate change policy would be to work with Congress for the appropriate and necessary delegations of authority that will give him or her the power to act with flexibility, without delay and with certainty within the framework of the Constitution.” As in FDR’s era, the 44th President will be most able to lead boldly on climate change when there is a clear mandate from the voters that the time has come for strong national action. As University of Chicago Professor William Howell has noted, “Not once in the modern era have the courts overturned a president who enjoys broad-based support from Congress, interest groups and the public.” Creating that mandate for strong but legitimate use of presidential power is one of the key responsibilities facing the presidential candidates in this election season – and one of the key challenges for the many organizations working to build grassroots support for climate action.

#### Unmitigated climate changes risk extinction

Flournoy 11– (Dec. 2011, citing Feng Hsu, PhD in Engingeering Science, NASA scientist at Goddard Space Flight Center, former research fellow of Brookhaven National Laboratory in the fields of risk assessment, risk-based decision making, safety & reliability and mission assurances for nuclear power, space launch, energy infrastructure and other social and engineering systems, Don Flournoy, PhD, University of Texas, Project Manager for University/Industry Experiments for the NASA ACTS Satellite, Professor of Telecommunications, Scripps College of Communications, Ohio University, "Solar Power Satellites," January, Springer Briefs in Space Development, p. 10-1)

In the Online Journal of Space Communication , Dr. Feng Hsu, a  NASA scientist at Goddard Space Flight Center, a research center in the forefront of science of space and Earth, writes, “The evidence of global warming is alarming,” noting the potential for a catastrophic planetary climate change is real and troubling(Hsu 2010 ) . Hsu and his  NASA colleagues were engaged in monitoring and analyzing climate changes on a global scale, through which they received first-hand scientific information and data relating to global warming issues, including the dynamics of polar ice cap melting. After discussing this research with colleagues who were world experts on the subject, he wrote: I now have no doubt global temperatures are rising, and that global warming is a serious problem confronting all of humanity. No matter whether these trends are due to human interference or to the cosmic cycling of our solar system, there are two basic facts that are crystal clear: (a)there is overwhelming scientific evidence showing positive correlations between the level of CO2 concentrations in Earth’s atmosphere with respect to the historical fluctuations of global temperature changes; and (b) the overwhelming majority of the world’s scientific community is in agreement about the risks of a potential catastrophic global climate change. That is, if we humans continue to ignore this problem and do nothing, if we continue dumping huge quantities of greenhouse gases into Earth’s biosphere, humanity will be at dire risk (Hsu 2010 ) . As a technology risk assessment expert, Hsu says he can show with some confidence that the planet will face more risk doing nothing to curb its fossil-based energy addictions than it will in making a fundamental shift in its energy supply. “This,” he writes, “is because the risks of a catastrophic anthropogenic climate change can be potentially the extinction of human species, a risk that is simply too high for us to take any chances” (Hsu 2010 ) .

## 1NC Adv.1

#### Root cause explanations are divisive and moot any chance of effective political mobilization.

**Martin**, professor of science, technology, and society – University of Wollongong, **‘90**

(Brian, <http://www.uow.edu.au/arts/sts/bmartin/pubs/90uw/uw13.html>)

In this chapter and in the six preceding chapters I have examined a number of structures and factors which have some connection with the war system. There is much more that could be said about any one of these structures, and other factors which could be examined. Here I wish to note one important point: **attention should not be focussed on one single factor to the exclusion of others**. **This is** often **done** for example **by** some **Marxists who look only at capitalism as a root of war and** other social problems, and by some **feminists who attribute most problems to patriarchy**. The danger of **monocausal explanations** is that they may **lead to an inadequate political practice. The 'revolution' may be followed by the** persistence or even **expansion of many problems which were not addressed by the single-factor perspective**. The one connecting feature which I perceive in the structures underlying war is an unequal distribution of power. This unequal distribution is socially organised in many different ways, such as in the large-scale structures for state administration, in capitalist ownership, in male domination within families and elsewhere, in control over knowledge by experts, and in the use of force by the military. Furthermore, these **different systems of power are interconnected. They** often **support each other, and sometimes conflict**. This means that the **struggle against war** can and **must be undertaken at many different levels**. It ranges from struggles to undermine state power to struggles to undermine racism, sexism and other forms of domination at the level of the individual and the local community. Furthermore, **the different struggles need to be linked together**. That is the motivation for analysing the roots of war and developing strategies for grassroots movements to uproot them.

#### fear as a motivator for aggressive action is key

**Engdahl 6** (Sylvia, degree from the University of California at Santa Barbara, graduate studies at Portland State University, October 2006, “Achieving Human Commitment to Space Colonization: Is Fear the Answer?”, <http://lifeboat.com/ex/fear.and.space>, MH)

Recently, however, I have come to believe that people are never going to support a sufficient space effort for positive reasons, or even to prevent a distant prospect of extinction. We wouldn't have gotten to the moon **without the immediate fear** of the Soviets, and **we haven't gotten far since without fear** as a motive. Over the past thirty-five years I have watched one space advocacy organization after another fail to gain significant public support despite great enthusiasm on the part of its founders and activists. There have been dozens of them, and for the most part their efforts, like my own, have proved to be mere "preaching to the converted." They have won few if any new converts from among the apathetic majority. And so I think perhaps the Lifeboat Foundation has the answer. It is not a "space advocacy" organization despite its advocacy of self-sufficient colonies. It focuses on **threats of extinction** and on multiple ways of combating them, thus **appealing to a far wider assortment** of people than space enthusiasts. Its emphasis is on potential near-term threats. Many of its supporters believe in the imminent coming of the Singularity, which personally I do not because I don't believe machine intelligence will surpass the as-yet-incomprehensible powers of the human mind. But differences of opinion on this issue don't affect the need to establish ourselves off-world for insurance purposes. There is another reason why I'm convinced that **fear may be** **the only impetus** **strong enough to produce public support for a large-scale space effort**. I have long suspected that it is fear, rather than apathy, that has been holding the majority back — not conscious fear, but the stirring of an unconscious recognition that the universe is very much vaster, and more scary, than most people like to think. Pascal's famous statement, "The eternal silence of these infinite spaces terrifies me," is the earliest formal expression of a human reaction that is widespread, though seldom acknowledged. But in Pascal's time and long after, humans were insulated from the universe by a gulf assumed by most to be unbridgeable. Space was an abstraction, a topic studied by astronomers that was in no way connected to people's lives. With Apollo 8's voyage to the moon in 1968, the public was suddenly jolted into awareness that our access to space is real. Much is said about the positive effect of the photos of Earth obtained by Apollo 8, which for the first time showed our planet as a globe, a fragile refuge amid barren surroundings, and thereby launched the environmental movement. The concomitant negative impact — spread of gut-level knowledge that space is an actual place containing little that's familiar to us and perhaps much that we'd rather not meet — is not spoken of. But it may be no less significant. Could this be one of the reasons why interest in space died so soon after the first moon landing, resulting in the cancellation of the last few planned Apollo missions? Is it the cause of the rise of belief in UFO contacts, and could the experience of being abducted by aliens (which in most cases is neither faked nor a manifestation of mental illness, but a perception that emerges in a form indistinguishable from memory) be an unconsciously-formed metaphor for the unknown terrors that may await us in space? Is the decline of positive space imagery in science fiction movies and corresponding rise of fantasy and disaster films a sign that space is less appealing to the public, and nameless evils are more frightening, when the universe is open to humans than it was when it could be classed with the never-never land? Man used to do more than just orbit the Earth. Very probably, it is. This would explain much that has been puzzling to space enthusiasts, who have long sought an answer to what happened to the vision that offered such promise and evaporated so suddenly. Expansion into the new ecological niche of space is clearly a new stage of human evolution, yet after brief acknowledgement at the time of the first moon landings, our society as a whole has been blind to this . . . or perhaps not. Perhaps underneath people know it all too well. Even space advocates often feel no urgency about bringing off-world settlements into existence; they dream of them as symbols of a hopeful future, but like almost everyone else, they may be reluctant to take the plunge. Only a small minority of adventurers really enjoy the thought of being on the cutting edge of a major step in human evolution, for who knows where that may lead? At the time of Columbus, many thought venturesome ships would fall off the edge of the world, a prospect they viewed with great dismay; others (according to legend), knowing the world extended beyond their maps, marked the edges with the warning "Here Be Dragons". Figuratively speaking, most people of our time may feel the same way about space exploration. If this is true, then the only way to overcome unconscious fear may be to **replace it with conscious fear** — fear not of the "dragons" whose nature we cannot imagine, but of the **disastrous scenarios we can imagine all too clearly**. Paradoxically, fear may be the answer both to why we haven't progressed in space and how we can motivate a push outward. For **the danger we face is real**. One way or another, whether or not terrorists employ dangerous technologies or asteroids strike Earth, **to remain confined to our home forever would mean our extinction**. And we don't have forever to make up our minds about it; as has often been pointed out, we have only a narrow window of opportunity in which the resources for getting started will remain available. Therefore, if the public must be motivated by fear to bring about commitment to space colonization, then **so be it.** Even in the conclusion of The Far Side of Evil, written at the height of my optimism about Apollo, I acknowledged that fear can be the saving grace that leads a world to develop space technology. And after all, as David Tamm has said in his master's thesis on the potential benefits of space development by European nations, "Luckily, **preparing for the worst actually carries the great good fortune of being the best means of furthering our common humanity."**

#### No risk of endless warfare

Gray 7—Director of the Centre for Strategic Studies and Professor of International Relations and Strategic Studies at the University of Reading, graduate of the Universities of Manchester and Oxford, Founder and Senior Associate to the National Institute for Public Policy, formerly with the International Institute for Strategic Studies and the Hudson Institute (Colin, July, “The Implications of Preemptive and Preventive War Doctrines: A Reconsideration”, <http://www.ciaonet.org/wps/ssi10561/ssi10561.pdf>)

7. A policy that favors preventive warfare expresses a futile quest for absolute security. It could do so. Most controversial policies contain within them the possibility of misuse. In the hands of a paranoid or boundlessly ambitious political leader, prevention could be a policy for endless warfare. However, the American political system, with its checks and balances, was designed explicitly for the purpose of constraining the executive from excessive folly. Both the Vietnam and the contemporary Iraqi experiences reveal clearly that although the conduct of war is an executive prerogative, in practice that authority is disciplined by public attitudes. Clausewitz made this point superbly with his designation of the passion, the sentiments, of the people as a vital component of his trinitarian theory of war. 51 It is true to claim that power can be, and indeed is often, abused, both personally and nationally. It is possible that a state could acquire a taste for the apparent swift decisiveness of preventive warfare and overuse the option. One might argue that the easy success achieved against Taliban Afghanistan in 2001, provided fuel for the urge to seek a similarly rapid success against Saddam Hussein’s Iraq. In other words, the delights of military success can be habit forming. On balance, claim seven is not persuasive, though it certainly contains a germ of truth. A country with unmatched wealth and power, unused to physical insecurity at home—notwithstanding 42 years of nuclear danger, and a high level of gun crime—is vulnerable to demands for policies that supposedly can restore security. But we ought not to endorse the argument that the United States should eschew the preventive war option because it could lead to a futile, endless search for absolute security. One might as well argue that the United States should adopt a defense policy and develop capabilities shaped strictly for homeland security approached in a narrowly geographical sense. Since a president might misuse a military instrument that had a global reach, why not deny the White House even the possibility of such misuse? In other words, constrain policy ends by limiting policy’s military means. This argument has circulated for many decades and, it must be admitted, it does have a certain elementary logic. It is the opinion of this enquiry, however, that the claim that a policy which includes the preventive option might lead to a search for total security is **not at all convincing**. Of course, folly in high places is always possible, which is one of the many reasons why popular democracy is the superior form of government. It would be absurd to permit the fear of a futile and dangerous quest for absolute security to preclude prevention as a policy option. Despite its absurdity, this rhetorical charge against prevention is a stock favorite among prevention’s critics. It should be recognized and dismissed for what it is, a debating point with little pragmatic merit. And strategy, though not always policy, **must be nothing if not pragmatic**.

#### Empiricism is the best model for debate- alternatives allow future catastrophes

**Coyne, 06** – Author and Writer for the Times (Jerry A., “A plea for empiricism”, FOLLIES OF THE WISE, Dissenting essays, 405pp. Emeryville, CA: Shoemaker and Hoard, 1 59376 101 5)

Supernatural forces and events, essential aspects of most religions, play no role in science, not because we exclude them deliberately, but because they have never been a useful way to understand nature. Scientific “truths” are empirically supported observations agreed on by different observers. Religious “truths,” on the other hand, are personal, unverifiable and contested by those of different faiths. Science is nonsectarian: those who disagree on scientific issues do not blow each other up. Science encourages doubt; most religions quash it. But religion is not completely separable from science. Virtually all religions make improbable claims that are in principle empirically testable, and thus within the domain of science: Mary, in Catholic teaching, was bodily taken to heaven, while Muhammad rode up on a white horse; and Jesus (born of a virgin) came back from the dead. None of these claims has been corroborated, and while science would never accept them as true without evidence, religion does. A mind that accepts both science and religion is thus a mind in conflict. Yet scientists, especially beleaguered American evolutionists, need the support of the many faithful who respect science. It is not politically or tactically useful to point out the fundamental and unbreachable gaps between science and theology. Indeed, scientists and philosophers have written many books (equivalents of Leibnizian theodicy) desperately trying to show how these areas can happily cohabit. In his essay, “Darwin goes to Sunday School”, Crews reviews several of these works, pointing out with brio the intellectual contortions and dishonesties involved in harmonizing religion and science. Assessing work by the evolutionist Stephen Jay Gould, the philosopher Michael Ruse, the theologian John Haught and others, Crews concludes, “When coldly examined . . . these productions invariably prove to have adulterated scientific doctrine or to have emptied religious dogma of its commonly accepted meaning”. Rather than suggesting any solution (indeed, there is none save adopting a form of “religion” that makes no untenable empirical claims), Crews points out the dangers to the survival of our planet arising from a rejection of Darwinism. Such rejection promotes apathy towards overpopulation, pollution, deforestation and other environmental crimes: “So long as we regard ourselves as creatures apart who need only repent of our personal sins to retain heaven’s blessing, we won’t take the full measure of our species-wise responsibility for these calamities”. Crews includes three final essays on deconstruction and other misguided movements in literary theory. These also show “follies of the wise” in that they involve interpretations of texts that are unanchored by evidence. Fortunately, the harm inflicted by Lacan and his epigones is limited to the good judgement of professors of literature. Follies of the Wise is one of the most refreshing and edifying collections of essays in recent years. Much like Christopher Hitchens in the UK, Crews serves a vital function as National Sceptic. He ends on a ringing note: “The human race has produced only one successfully validated epistemology, characterizing all scrupulous inquiry into the real world, from quarks to poems. It is, simply, empiricism, or the submitting of propositions to the arbitration of evidence that is acknowledged to be such by all of the contending parties. Ideas that claim immunity from such review, whether because of mystical faith or privileged “clinical insight” or the say-so of eminent authorities, are not to be countenanced until they can pass the same skeptical ordeal to which all other contenders are subjected.” As science in America becomes ever more harried and debased by politics and religion, we desperately need to heed Crews’s plea for empiricism.

#### Risk of extinction means you vote neg

Posner, 4-

(Richard, US Court of Appeals judge and Senior Lecturer at the University of Chicago Law School, Catastrophe: Risk and Response 18)

The example suggests that the reason human survival beyond, say, the twenty-second century has little resonance with most of us is merely that the future is hazy; the haziness illustrates the operation of imagination cost. The future that is now the present was as hazy to the Romans as our future is to us. But that would not have been a good reason for their risking the destruction of the human race in what to them was the remote and therefore weightless future. Where the example is misleading, however, is in failing to extrapolate from the Romans’ assumed ability (assumed in my example, that is—obviously the assumption is contrary to fact) to build a particle accelerator 2,000 years ago. If they had had that much knowledge in 4 A.D., then probably within a few hundred more years they would have learned how to avoid an accelerator disaster, and so the risk of extinction by 2004 would have been smaller than 1 in 500. Nevertheless the example is relevant to whether we should be utterly insouciant about the fate of our remote descendants (“remote” on the scale of thousands, not millions or billions, of years). It does not answer the question how much we “owe” the remote future, but the answer may not be important. The threat that the catastrophic risks pose in the near future, the current century, may be a sufficient basis for taking effective action now to prevent the risks from ever materializing.

#### Calls for ‘law’ form the notion of a universal ethic – the promotion of democracy creates foes who present a challenge to ‘human kind’, stripping them of ‘rights’.

Rasch, 03 (Cultural Critique 54 (2003) 121-22, William Rasch is the Henry H. H. Remak Professor of Germanic Studies at Indiana University, Human Rights as Geopolitics  Carl Schmitt and the Legal Form of American Supremacy).NAR

The only power to emerge from the twentieth-century's first world war fresh and at the top of its game was the United States. Although it took another seventy years to subdue fully all its rivals, it was already clear then that this, the twentieth, was to be the American century, perhaps the first of many such centuries. Not only was the United States a new power, but there was also something distinctly new about its power. As Schmitt recognized in 1932 (Schmitt 1988, Positionen und Begriffe, 184-203), America's legal mode of economic expansion and control of Europe—and, by extension or ambition, the rest of the globe—was qualitatively different from previous forms of imperialism. Whereas, for example, Spain in the sixteenth century and Great Britain in the nineteenth justified their imperial conquests by asserting religious and/or cultural superiority, America simply denied that its conquests were conquests. By being predominantly economic—and using, as Schmitt says, the creditor/debtor distinction rather than the more traditional Christian/non-Christian or civilized/uncivilized ones (186)—America's expropriations were deemed to be peaceful and apolitical. Furthermore, they were legal, or rather they presented themselves as the promotion and extension of universally binding legality per se. Because law ruled the United States, the rule of the United States was first and foremost the rule of law. For Schmitt, this widely accepted self-representation was neither merely "ideological" nor simply propagandistic. It was in truth an intellectual achievement, deserving respect, precisely because it was so difficult to oppose. As the American geostrategist Zbigniew Brzezinski has more recently concluded: "The American emphasis on political democracy and economic development ... combines to convey a simple ideological message that appeals to many: the quest for individual success enhances freedom while generating wealth. The resulting blend of idealism and egoism is a potent combination. Individual self-fulfillment is said to be a God-given right that at the same time can benefit others by setting an example and by generating wealth." He goes on to say: "As the imitation of American ways gradually pervades the world, it creates a more congenial setting for the exercise of the indirect and seemingly consensual American hegemony. And as in the case of the domestic American system, that hegemony involves a complex structure of interlocking institutions and procedures, designed to generate consensus and obscure asymmetries in power and influence" (Brzezinski 1997, 26-27). To sum up, Brzezinski notes that "the very multinational and exceptional character of American society has made it easier for America to universalize its hegemony without letting it appear to be a strictly national one" (210). It seems, then, that to oppose American global hegemony is to oppose the universally good and common interests of all of humanity. This—the equation of particular economic and political interests with universally binding moral norms—this is the intellectual achievement Schmitt could not help but admire, even as he continuously embarked on his disastrous attempts at fighting his elusive, because nonlocalizable, enemy, which proved to be mere shadowboxing in the end.

#### Trying to create a uniformly peaceful world justifies violence against deviants who “create conflict”- means war is inevitable

Rasch 4 (William, Prof. of German Studies, Indiana U, Sovereignty and its Discontents, Birkbeck Law Press, pg. 15) my

What could be wrong with such a vision? Certainly it is neither verifiable nor deniable empirically, so one cannot object on that ground. Ontologies are posited, not proven; and the same goes for philosophical anthropology at this level of abstraction. What we have in Milbank, then, is an image of a primordially pacified globe, and a lovely image it is. It satisfies the demands, or so it would seem, of a non-Kantian ethics, based on expansion rather than repression of desire,7 and a quintessentially enlightened theology that places original goodness over sin. It also sketches the outlines for an ideal, noncapitalist economics based on collective utilization of the commons, and links this sketch, much like recent radical histories,8 to a putatively pre-fallen stage of history of the human race not yet marked by the doctrine of property and dominion. It conforms to the demand for the symmetry and ‘noble simplicity’ of a classical aesthetics. And its portrayal of the political, to the extent that such a portrayal exists, does offer a distinct alternative to Schmitt’s friend/enemy model. But, not unexpectedly, here some difficulties arise, because the image of peaceful harmony that is found in the original text of peaceful creation is overlaid by the more violent and imperfect second text. The question becomes: How do we move from that second text back to the first one? How, in other words, do we convince those not already willing to participate in the coming community to give up their ‘sinful’ ways? The question is a difficult one, because if peace is the default mode of the universe and violence only ‘an unnecessary intrusion’ brought into the community by ‘a free subject who asserts a will that is truly independent of God and of others, and thereby a will to the inhibition and distortion of reality’ (Milbank, 1990, p 432), how does one combat that violence if not by violence? The exercise of a corrective violence, a ‘just’ violence, aimed at the sinful intrusion is, of course, a traditional Christian response.9 It is not, however, Milbank’s. Instead he offers something perhaps even more insidious. Milbank opts for ‘ecclesial coercion’, a form of ‘noncoercive persuasion’ (Milbank, 1990, p 418) that is a collective, communal pressure expressed as ‘social anger’ or ‘calm fury’. ‘When a person commits an evil act’, Milbank writes, ‘he cuts himself off from social peace’, because ‘an individual’s sin is never his alone … its endurance harms us all, and therefore its cancellation is also the responsibility of all’ (Milbank, 1990, pp 421, 422). Therefore, non-coercive persuasion is the collective pressure of the group that ideally leads to renewed voluntary conformity, the ‘free consent of will’ (Milbank, 1990, p 418), on the part of the deviant individual. The political as Schmitt envisions it disappears completely once one presupposes the ontological priority of non-violence. ////

But what takes its place? It may seem ironic, but once one renounces the political and embraces the community based on harmonious universal inclusion of the peaceful and absolute exclusion of ‘sin’, one seems to have what Schmitt refers to as ‘democracy’ based on homogeneity. When one excludes the political, one has to guard the borders vigilantly against those willful intruders who deviate from God’s will – which also means that one need be ever vigilant within those borders as well. Such an atmosphere, it seems, lends itself well to the description, cited above, of the ‘total state which no longer knows anything absolutely nonpolitical’ (Schmitt, 1976, p 25), which is to say that the political loses its autonomy and becomes conflated with the moral. What then becomes of those who are not ‘persuaded’, who adamantly refuse to ‘participate’? Is ‘sin’ the only category available to describe their behavior? And is there no legitimate political alternative to pure and absolute consensus? Will all dissent and all dissenters who refuse to repent be eternally damned? We know by now what question to ask, and it is a quintessentially Schmittian question: Who decides? Who decides on what is and what is not peace, what is and what is not violence, what is and what is not sin? And we know the answer: the sovereign, here the far from non-coercive sovereignty of the collective known as the Christian community. By extension, the same question can be asked of the other proponents of the ontological priority of nonviolence, that is, of Agamben and of Hardt and Negri. Does negating the presupposition of violence negate the sovereign, or is not the negation itself a sovereign act, one made by the theologian or the philosopher, or by a liberal order that claims to have solved, once and for all, the nihilistic problem of the political?

#### Drones and targeted killings create a beneficial shift in our cultural view of war---by removing the human element, war is no longer lionized and made heroic---this shift restrains violence by making harm done to our enemies presumptively unjustifiable and therefore only acceptable in truly exceptional circumstances

Kiel Brennan-Marquez 13, Visiting Human Rights Fellow at Yale Law School, 5/24/13, “A Progressive Defense of Drones,” http://www.salon.com/2013/05/24/a\_progressive\_defense\_of\_drones/

In Thursday’s speech before the National Defense University, President Obama reflected on the concerns about “morality and accountability” raised by drone strikes. Emphasizing the importance of “clear guidelines” and intelligence gathering to properly “constrain” the use of drones, the president also maintained a firm stance on their necessity: Even though drone strikes sometimes result in civilian casualties, in many circumstances they remain the most effective option for realizing specific military objectives.¶ As a liberal, I’m against drones essentially by reflex. At least, I used to be. Recently, I’ve begun to reconsider that view; and I’m no longer sure where I come down on the morality of drone strikes. Disturbing as I find state-sponsored violence, when drones do the killing instead of soldiers, it seems apparent that we have an easier time recognizing the violence as horrific. War, in its traditional form, distorts our moral reasoning. Drones do not. And as much it grates against my broader political commitments to say so, this is plainly a benefit of drone warfare, other shortcomings notwithstanding.¶ Many detractors have pointed out that drone strikes, because they put none of our soldiers in harm’s way, are “less costly.” Without our own lives on the line, the theory goes, leaders will feel little compunction — not even the minimal compunction of political exposure — about condemning other human beings to death, especially when those other human beings live many thousands of miles away. To me, this critique seems undeniably right: the numbness that results from using machines rather than soldiers to carry out our dirty work is obviously a moral shortcoming of drone warfare. Simply put, when violence is employed more easily, it will also be employed more often. Hence the nightmarish image of an 18-year-old drone operator basically playing video games from the detached safety of a Nevada bunker.¶ But there is another moral dimension to drone warfare, running in the opposite direction, which I fear has been lost in the haze of (rightful) outcry. For the same reason that drone warfare stands to make violence easier to deploy — none of our lives are on the line — it also makes violence harder to rationalize. The pain and death of drone strikes, unlike the pain and death of traditional missions, can draw no comfort from narratives of heroism. Destruction wrought by machines is neither noble nor grand. It’s asinine, and unfailingly repugnant. This means that drone strikes must be justified on their own terms, without recourse to war’s long-standing mystification. In a world where we apotheosize soldiers, and rope off their actions from everyday opprobrium, it’s important to consider whether the banal violence of machines might be preferable to the lionized violence of men.¶ A year ago, Tom Engelhardt published a memorable essay in the Nation on the vileness of drone warfare. Taking a healthily incredulous view of the Obama administration’s assurance that it would use its lurid toy for exclusively virtuous ends, Engelhardt concluded with a flourish of outrage: “What [our leaders] can’t see in the haze of exceptional self-congratulation is this: they are transforming the promise of America into a promise of death. And death, visited from the skies, isn’t precise. It isn’t glorious. It isn’t judicious. It certainly isn’t a shining vision. It’s hell.” Magnificently put: The only trouble is that these same critiques would apply just as forcefully, if not more so, to traditional warfare. War isn’t precise. It isn’t glorious. It isn’t judicious. It isn’t a shining vision. It’s hell. ¶ The difference between traditional warfare and drone strikes is that the latter can be clearly *identified* as hellacious. Not just by poets and philosophers – but by everyone, everywhere, in the immediacy of its horror. When innocent people end up dead as the result of a drone strike, we easily recognize that outcome as morally lamentable. Undaunted by the symbolic distortion of the battlefield, we confront drones with the skepticism — and, as the case may be, the outrage — that accompanies moral clarity. The burden of proof inverts. Unlike traditional warfare, when the loss of life on the other side is presumptively acceptable, and it only becomes unacceptable if circumstances render it so, in the case of drone strikes, the loss of lives on the other side is presumptively unacceptable, and it only becomes acceptable if a persuasive rationale can be offered. Such rationales are not impossible to formulate, but it faces a steep upward grade. It’s an argument of last resort, defensive rather than triumphant.

#### Moral evaluation of drones requires considering the most likely alternatives that would replace them---they’re all worse for casualties and violence

Kenneth Anderson 13, Professor of International Law at American University, June 2013, “The Case for Drones,” Commentary, Vol. 135, No. 6

EFFECTIVENESS IS ONE THING, MORALITY ANOTHER. The leading objection to drone warfare today is that it supposedly involves large, or "excessive," numbers of civilian casualties, and that the claims of precision and discrimination are greatly overblown. These are partly factual questions full of unknowns and many contested issues. The Obama administration did not help itself by offering estimates of civilian collateral damage early on that ranged absurdly from zero to the low two digits. This both squandered credibility with the media and, worse, set a bar of perfection -- zero civilian collateral damage -- that no weapon system could ever meet, while distracting people entirely from the crucial question of what standard civilian harms should be set against.¶ The most useful estimates of civilian casualties from targeted killing with drones come from the New America Foundation (NAF) and the Foundation for Defense of Democracies, which each keep running counts of strikes, locations, and estimates of total killed and civilian casualties. They don't pretend to know what they don't know, and rely on open sources and media accounts. There is no independent journalistic access to Waziristan to help corroborate accounts that might be wrong or skewed by Taliban sources, Pakistani media, Pakistani and Western advocacy groups, or the U.S. or Pakistani governments. Pakistan's military sometimes takes credit for drone strikes against its enemies and sometimes blames drone strikes for its own air raids against villages. A third source of estimates, UK-based The Bureau of Investigative Journalism (TBIJ), comes up with higher numbers.¶ TBIJ (whose numbers are considered much too high by many knowledgeable American observers) came up with a range, notes Georgetown law professor and former Obama DOD official Rosa Brooks. The 344 known drone strikes in Pakistan between 2004 and 2012 killed, according to TBIJ, between "2,562 and 3,325 people, of whom between 474 and 881 were civilians." The NAF, she continues, came up with slightly lower figures, somewhere "between 1,873 and 3,171 people killed overall in Pakistan, of whom between 282 and 459 were civilians." (Media have frequently cited the total killed as though it were the civilians killed.) Is this a lot of civilians killed? Even accepting for argument's sake TBIJ's numbers, Brooks concludes, if you work out the "civilian deaths per drone strike ratio for the last eight years…on average, each drone strike seems to have killed between 0.8 and 2.5 civilians." In practical terms, adds McNeal, this suggests 'less than three civilians killed per strike, and that's using the highest numbers" of any credible estimating organization.\*¶ Whether any of this is "disproportionate" or "excessive" as a matter of the laws of war cannot be answered simply by comparing total deaths to civilian deaths, or civilian deaths per drone strike, however. Although commentators often leap to a conclusion in this way, one cannot answer the legal question of proportionality without an assessment of the military benefits anticipated. Moreover, part of the disputes over numbers involves not just unverifiable facts on the ground, but differences in legal views defining who is a civilian and who is a lawful target. The U.S. government's definition of those terms, following its longstanding views of the law of targeting in war, almost certainly differs from those of TBIJ or other liberal nongovernmental groups, particularly in Europe. Additionally, much of drone warfare today targets groups who are deemed, under the laws of war, to be part of hostile forces. Targeted killing aimed at individuated high-value targets is a much smaller part of drone warfare than it once was. The targeting of groups, however, while lawful under long-standing U.S. interpretations of the laws of war, might result in casualties often counted by others as civilians.¶ Yet irrespective of what numbers one accepts as the best estimate of harms of drone warfare, or the legal proportionality of the drone strikes, the moral question is simply, What's the alternative? One way to answer this is to start from the proposition that if you believe the use of force in these circumstances is lawful and ethical, then all things being equal as an ethical matter, the method of force used should be the one that spares the most civilians while achieving its lawful aims. If that is the comparison of moral alternatives, there is simply no serious way to dispute that drone warfare is the best method available. It is more discriminating and more precise than other available means of air warfare, including manned aircraft -- as France and Britain, lacking their own drones and forced to rely on far less precise manned jet strikes, found over Libya and Mali -- and Tomahawk cruise missiles.¶ A second observation is to look across the history of precision weapons in the past several decades. I started my career as a human-rights campaigner, kicking off the campaign to ban landmines for leading organizations. Around 1990, I had many conversations with military planners, asking them to develop more accurate and discriminating weapons -- ones with smaller kinetic force and greater ability to put the force where sought. Although every civilian death is a tragedy, and drone warfare is very far from being the perfect tool the Obama administration sometimes suggests, for someone who has watched weapons development over a quarter century, the drone represents a steady advance in precision that has cut zeroes off collateral-damage figures.¶ Those who see only the snapshot of civilian harm today are angered by civilian deaths. But barring an outbreak of world peace, it is foolish and immoral not to encourage the development and use of more sparing and exact weapons. One has only to look at the campaigns of the Pakistani army to see the alternatives in action. The Pakistani military for many years has been in a running war with its own Taliban and has regularly attacked villages in the tribal areas with heavy and imprecise airstrikes. A few years ago, it thought it had reached an accommodation with an advancing Taliban, but when the enemy decided it wanted not just the Swat Valley but Islamabad, the Pakistani government decided it had no choice but to drive it back. And it did, with a punishing campaign of airstrikes and rolling artillery barrages that leveled whole villages, left hundreds of thousands without homes, and killed hundreds.¶ But critics do not typically evaluate drones against the standards of the artillery barrage of manned airstrikes, because their assumption, explicit or implicit, is that there is no call to use force at all. And of course, if the assumption is that you don't need or should not use force, then any civilian death by drones is excessive. That cannot be blamed on drone warfare, its ethics or effectiveness, but on a much bigger question of whether one ought to use force in counterterrorism at all.

#### The likely alternative to targeted killings would be invasions or un-targeted killings, both of which involve far more state violence

Alan M. Dershowitz 12, the Felix Frankfurter professor of law at Harvard Law School, 11/15/12, “The Rule of Proportionality,” http://www.nytimes.com/roomfordebate/2012/11/14/how-can-targeted-killings-be-justified/in-targeted-killings-the-rule-of-proportionality-should-be-the-guiding-principle

If a combatant is appropriately subject to military attack, as the military leader of Hamas certainly was, then targeted assassination may be the preferred legal and moral course. It is certainly better than a broad military attack that might endanger large numbers of noncombatants. Targeted assassinations are intended to limit collateral damage by focusing specifically on the combatant. Every reasonable effort should be made to avoid collateral damage. Sometimes it is impossible to eliminate completely all risk to noncombatants. In such cases, the military value of the target must be weighed against the likelihood and degree of collateral damage. The rule of proportionality should be the guiding principle.¶ It is sometimes argued that targeted assassination should never be permitted because it is a form of “extrajudicial killing.” This view is absurd: all military deaths are extrajudicial (as is killing in self-defense and shooting a fleeing felon). If a judicial element is to be added to targeted assassinations, it could take the form of a warrant requirement. Under such a requirement, the military or the executive would be obligated to seek a judicial warrant setting out the basis for why the target is an appropriate one, and why the risk of collateral damage is warranted. When time permits, such a warrant could be sought prior to the military action, but when immediate action is required by exigent circumstances, the warrant could be obtained after the fact. This is far from a perfect solution, but it introduces a more neutral decision maker into the balancing process. ¶ The alternatives to targeted killing are either to allow terrorists free rein in targeting civilians or to engage in undertargeted military actions that are likely to cause more casualties. Targeted assassination will often be the least bad alternative in an inevitable choice of evils.

#### Egalitarianism demands utility: consequentialism *precludes* zeroing out anyone

Ronald Dworkin, Professor of Law and Philosophy at New York University, 1977, Taking Rights Seriously, p. 274-5

Utilitarian arguments of policy, however, would seem secure from that objection. They do not suppose that any form of life is inherently more valuable than any other, but instead base their claim, that constraints on liberty are necessary to advance some collective goal of the community, just on the fact that that goal happens to be desired more widely or more deeply than any other. Utilitarian arguments of policy, therefore, seem not to oppose but on the contrary to embody the fundamental right of equal concern and respect, because they treat the wishes of each member of the community on a par with the wishes of any other, with no bonus or discount reflecting the view that the member is more or less worthy of concern, or his views more or less worthy of respect, than any other.

#### Moral absolutism suffers from tunnel vision that generates evil and political irrelevance

Issac ’02 (Jeffrey, poli sci prof at Indiana – Bloomington, dir Center for the Study of Democracy and Public life, PhD from Yale, Dissent Magazine, Vol. 49, Iss. 2, “Ends, Means, and Politics,” p. Proquest)

As writers such as Niccolo Machiavelli, Max Weber, Reinhold Niebuhr, and Hannah Arendt have taught, an unyielding concern with moral goodness undercuts political responsibility. The concern may be morally laudable, reflecting a kind of personal integrity, but it suffers from three fatal flaws: (1) It fails to see that the purity of one’s intention does not ensure the achievement of what one intends. Abjuring violence or refusing to make common cause with morally compromised parties may seem like the right thing; but if such tactics entail impotence, then it is hard to view them as serving any moral good beyond the clean conscience of their supporters; (2) it fails to see that in a world of real violence and injustice, moral purity is not simply a form of powerlessness; it is often a form of complicity in injustice. This is why, from the standpoint of politics--as opposed to religion--pacifism is always a potentially immoral stand. In categorically repudiating violence, it refuses in principle to oppose certain violent injustices with any effect; and (3) it fails to see that politics is as much about unintended consequences as it is about intentions; it is the effects of action, rather than the motives of action, that is most significant. Just as the alignment with “good” may engender impotence, it is often the pursuit of “good” that generates evil. This is the lesson of communism in the twentieth century: it is not enough that one’s goals be sincere or idealistic; it is equally important, always, to ask about the effects of pursuing these goals and to judge these effects in pragmatic and historically contextualized ways. Moral absolutism inhibits this judgment. It alienates those who are not true believers. It promotes arrogance. And it undermines political effectiveness.

## 1NC Adv.2

#### Congress is just as bad as the president, - their evidence fails to create a viable alternative.

#### Either A) They place more power in a broken congress or B) ask the public to take up the role in deciding war powers.

#### The B) proves our link to slowing down the ability of the president to enact war

#### You can’t solve the media and propaganda – any form of government can manipulate a public to wage war

Lloyd Lofthouse, 2013 veteran of war, former Marine, Lloyd earned a BA in Journalism and an MFA in writing, Manipulating public opinion to wage war: Part 1/5http://thesoulfulveteran.wordpress.com/2013/07/08/how-to-manipulate-public-opinion-to-wage-war-part-15/

I’m sure that all governments do it—manipulate public opinion to support war. It doesn’t matter if the country has an autocratic government ruled by a dictator or a democracy ruled by elected public officials—the people must be convinced that the enemy is evil and war necessary.¶ If we follow public support for America’s largest wars, we discover the US government’s learning curve to use the media to drum up support of wars. This manipulation of public opinion may be explained by Abraham Lincoln who said, “You can fool all of the people some of the time, and some of the people all of the time, but you cannot fool all the people all the time.”¶ The idea is to fool enough it’s easier to keep a war going even when public support turns people to start a war. After that, against it—for a while anyway.¶ That learning curve started with the American Revolution. For example, many think that the American Revolutionary War (1774 – 1783) was a war fought with the unanimous support of the people for independence from Great Britain.

#### Democratic Authoritarianism is inevitable – the loudest voices will drown out the public

Mark **PENNINGTON** Political Economy @ University of London (Queen Mary) **‘3** “Hayekian Political Economy and the limits of deliberative democracy” *Political Studies* V. 51 p. 734

From a Hayekian perspective, moreover, while claiming to ensure the removal of hierarchical relations based on economic power, deliberative procedures would simply introduce a new set of power relations based on the ability to exercise articulate persuasion. Those who have exercised the ‘power of the better argument’ will inevitably come to the deliberative forum with a greater stock of social status, in much the same way that those who have demonstrated prescient entrepreneurship enter markets with greater buying power. It is far from clear, therefore, that deliberative arrangements would be any less ‘hierarchical’ and more inclusive than private markets. Indeed, procedures relying on explicit reason-giving alone are likely to systematically exclude individuals less able to engage in articulate persuasion of majorities but who may still possess valuable knowledge embodied in the exercise of entrepreneurship or a practical skill. Unlike the relatively easy comparisons of value and knowledge transmission facilitated by the price system, which can be made by both rich and poor, articulate and inarticulate alike, deliberative institutions would privilege those skilled in the use of articulate persuasion alone.

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#### Democratic engagement fails – material exclusions, economic and military secrecy prevent quality decisions

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For a prescriptive scheme of ethics to be applied, an overall transparency would be needed of political, economic, and military institutions, in addition to both exhaustive information being available about the presuppositions behind political decisions and to the predictability of their effects. It would mean that the circuitry of political communication would have to promote the establishment of a competent, active and substantially homogenous public opinion**,** capable of directing itself discursively in the choice of common values. Such conditions, however, can only exist in an idealized or moralistically abstract vision of the functioning of democratic institutions. The attention which Rawls, like all moralists, gives almost exclusively to the problem of distribution presupposes, furthermore, that the essential goods – which he calls primary social goods – should be those which are ‘distributable’. In complex societies, however, it seems, on the contrary, that those goods become primary which are the object of ‘diffused interests’. Increasingly important are elements such as the environment, energy, peace, demographic balance, information, scientific knowledge, protection against technological dangers, all of them goods for which no system of apportionment or measurement can easily be envisaged**.**

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In line with interpretations of Marx that posit a ‘true’ human essence, only realisable where people are free to plan their affairs collectively, deliberative democrats suggest that to overcome social alienation a shift is required away from the impersonality of the market, in favour of conscious collective action. From a Hayekian perspective, this assertion is based on a fundamental misunderstanding of the very nature of complex social wholes. In order for the elements of a complex society to be consciously coordinated, a synoptic overview of how all the different components interact in relational terms would be required. Deliberative democrats appear, therefore, to be suggesting that fundamental epistemological problems involved in coordinating such information could be resolved if only all the relevant actors could be assembled into a deliberative social forum (a logistical impossibility in itself). However, it is because of the magnitude of the interrelations between the elements that make up complex social wholes that they may not be grasped synoptically by a group of minds engaged in such a discussion (Hayek, 1982, pp. 35–54). The limits to conscious reason under conditions of social complexity discussed by Hayek go to the heart of the Marxian-inspired claims made by ‘post-socialist’ writers for deliberative democracy. In short, if conscious social control is epistemologically unachievable, the ‘liberating’ potential of such processes is illusory and the notion of ‘alienation’ (at least in the Marxian sense) simply ceases to exist (Prychitko, 1994). Just as liberation through central economic planning is epistemologically impossible, so too may be the emancipatory claims of deliberative democracy – a sort of central planning by debate. For Hayek, a reliance on spontaneous orders and, in particular, the price system is required, precisely where individuals are involved in coordinative processes, the patterns of which are far too complex for them to grasp and which they cannot construct mechanically. The similarities between the epistemological problems of orthodox socialist planning and those of deliberative democracy appear not to have been considered by most writers within this tradition. In her calls for ‘economic democracy’, for example, Young (1990) has suggested that the division of labour should be subject to deliberative democratic control. In a still more radical vein, Adaman and Devine (1997) suggest that all economic decisions (covering investment, the setting up of new plants, changes in the scale and location of production units, new consumer tastes, the location of labour and the distribution of income) should be subject to a ‘holistic’ process of ‘negotiated coordination’ by deliberative planning committees. In a complex economy with millions of different products and vast numbers of decisions involved, such procedures would involve citizens in an endless succession of committee meetings, reminiscent of Oscar Wilde’s quip that socialism would ‘take up too many evenings’. The principal difficulty with such proposals, however, is that even if these meetings were thought desirable, they would be charged with an impossible task. Under conditions of complexity, where millions of individual decisions must be coordinated with one another, it would be impossible for deliberative committees to comprehend the nature of the interrelationships between all the relevant actors. In markets, however, the constant process of feedback embodied in the changing structure of relative prices facilitates a process of mutual adjustment between people who never actually meet and *cannot* know in sufficient detail the precise circumstances of others. The price system, albeit imperfectly, transmits knowledge in a compact form which represents the complex interrelated decisions of many dispersed actors.

# 2NC

## Case

### Turn - democracy Turn

#### Democracy promotion is inherently undemocratic—citizens have very little influence over externally imposed governments and are coerced into new social arrangements.

**Odysseos—04** (Louiza, Ph.D, Professor of Politics and International Studies at the University of London, “*Über Die Linie*? Carl Schmitt and Martin Heidegger on the Line(s) of Cosmopolitanism and the War on Terror,” September, p. 15-16)

The second strand of cosmopolitanism is neo-liberal in its ideological location. As Peter Gowan notes, it ‘run[s] parallel to the discourse of globalization and rhetorically complement[s] it.’ It is a cosmopolitanism that instantiates a rewriting of the principles of sovereignty and non-intervention, which were regarded as constitutive of the Westphalian order. Seen as conditional, they ‘can be withdrawn should any states fail to meet the domestic or foreign standards laid down by the requirements of liberal governance.’ In the words of William Rasch, state sovereignty becomes restricted by ‘the simple but uncontested sovereignty of liberalism itself’. This neo-liberal cosmopolitanism, which Gowan associates with US and its allies and their academic apologists, often betrays an ‘arbitrary attitude towards enforcing of universalist liberal norms of individual rights’ despite its resting on the argument of a humanity that is ‘finally on the verge of being unified in a single, just world order’. This arbitrariness often results in the imposition of incoherent domestic and international requirements on states in the form of legal domestic arrangements that promote individualism and liberal (i.e. good) governance, but also frequently in the form of social population control and consumerization. Chantal Mouffe suggests that such policies might lead to an increasing detachment of citizens from their *demos* as a result of the imposition of externally acceptable arrangements. This would leave liberal cosmopolitans in the precarious position of losing their democratic rights of lawmaking. They would be left, at best, with their liberal right of appealing to transnational courts to defend their individual rights when those have been violated. In all probability, such a cosmopolitan democracy, if it were ever to be realized, would not be more than an empty name disguising the actual disappearance of democratic forms of government and indicating the triumph of the liberal form of governmental rationality that Foucault called “governmentality”.

#### Democracy subverts the political process – our ‘vote’ comes at the cost of our identity, outweighs any positive things democracy gives us.

Barnett 4 (Clive Barnett, Faculty of Social Sciences @ The Open Univ., 2004 Deconstructing radical democracy: articulation, representation, and being-with-others, Political Geography 23, p. 503–528 Schmitt’s self-consciously irrationalist critique… revelation, not of political participation.) NAR

Schmitt’s self-consciously irrationalist critique of liberal democracy has become a primary reference point for the resurgent interest in the category of the political on the academic left (see Mouffe 1999, Balakrishnan 2000, Agamben 1998). The appeal to Schmitt is made on two related grounds – that he provides an apparently compelling critique of rationalistic understandings of liberal democracy, and because his thought faces squarely up to the dimension of antagonism taken to distinguish ‘the political’. Schmitt saw the complex temporising of democratic representation and liberal compromise as a life-sapping reduction of the vitalistic force of genuine, manly political activity. Radicalizing Max Weber’s account of the disenchantment of modern political authority (see Scheuerman 1994), Schmitt develops a vision of politics understood in terms of absolute antagonism, oriented towards a horizon of mutual annihilation. Schmitt’s hostility to liberal democracy is embedded in a resolutely territorial imagination of difference, community, and identity. The relation between conflict and solidarity is understood to be a mutually exclusive one. This is revealed in the form of friendship that is understood to be constitutive of a genuine political form of society. For Schmitt, the political is the name for the decisive activity of defining the distinction between friends and enemies, “a distinction that denotes the utmost degree of intensity of a union or separation, of an association or dissociation” (Schmitt 1996, 26). Friendship is a strictly derivative term in Schmitt’s conceptual schema, scarred by his insistence on the existential primacy of hostility and antagonism (Derrida 1997, 246). Schmitt’s account of the activity of defining friend-enemy relations presumes and enforces internal homogeneity as the very essence of democracy. On these grounds, representative deliberation is as an affront to genuine democracy precisely because it is a sign of internal division. Schmitt’s critique of liberalism holds to a highly restrictive concept of representation. The value of democracy, Schmitt (1985a, 26) argues, rests on a series of identities: “In this series belong the identity of governed and governing, sovereign and subject, the identity of the subject and the object of state authority, the identity of the people with their representatives in parliament, the identity of state and the current voting population, the identity of the state and law, and finally an identity of the quantitative, (the numerical majority or unanimity) with the qualitative (the justice of the laws)”. Schmitt presupposes that polities should be based on socio-cultural homogeneity, and that representation is only ever an expressive realisation of the unity of an authentic community. This allows him to present dictatorial models of rule, depending on modes of charismatic revelation, as just as democratic as voting and deliberation, if not more so (ibid.). His evaluative opposition of democracy and liberalism depends on a sharp contrast between true representation and forms of mechanical representation (Schmitt 1988). True representation, for Schmitt (1985a, 97-98), refers to the indissoluble sense of shared personal value between the person representing and the person before whom representation is made. This understanding rests on the argument that proper political representation entails the representation of substantive ideals, and therefore can only be undertaken by persons. True representation, for Schmitt, is a medium of existential revelation, not of political participation.

### Democracy Inevitable

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### No impact to Democracy

#### The notion of the public is depoliticizing, universalizing the population erases all antagonism and prevents participation

Jodi Dean, 04- “SECRECY SINCE SEPTEMBER 11”. Professor of Political Science at Hobart and William Smith Colleges. BA from Princeton, MA and PhD from Columbia. interventions Vol. 6(3) 362 Á / 380. http://www.academia.edu/859023/ Secrecy\_Since\_September\_11

I turn, second, to a consideration of the political purchase of the notion of the public. One could be convinced by my argument regarding the function of the secret in the system of distrust that produces a sense of the public, but nevertheless want to retain the ideal of a public for democratic theory. Does not the public function as that ideal subject, space, or ground for universal aspirations today? My answer is no -- the notion of the public eliminates politics. It is depoliticizing to the extent that it represents itself as the impossible immediate universality of the fullness and transparency of community, as that impossible subject of democracy. Central to my argument is the way that new technologies of communication and surveillance as well as expanded capacities for gathering, storing, disseminating, and accessing information have seemed to realize, to materialize, the public sphere -- a claim that appeared in the early days of the information superhighway and has been echoed by Habermas with reference to a ‘world public sphere’ that is today ‘becoming political reality for the first time in a cosmopolitan matrix of communication’ (1999: 514). I find this position, this supposition of a public sphere constituted by some sort of democratic ‘all’, dangerous insofar as it erases the antagonism constitutive of politics. A better approach to democratic politics affirms Ernesto Laclau’s argument that ‘universality cannot be represented in a direct way -- there is no concept corresponding to its object’ (Laclau 2000a: 56). Accordingly, to consider the problems at stake in assigning universality to the public, I take up Laclau’s theory of hegemony. For Laclau, hegemony is ‘the type of political relation by which a particularity assumes the representation of an (impossible) universality entirely incommensurable with it’ (2001: 5). Under conditions of communicative capitalism, ‘public’ presumes a commensurability with the universal and in so doing eliminates the very space of politics, indeed, the very possibility of politicizing, universalizing, a particular.

### Util

**Ethical policymaking requires calculation of consequences**

**Gvosdev 5** – Rhodes scholar, PhD from St. Antony’s College, executive editor of The National Interest (Nikolas, The Value(s) of Realism, SAIS Review 25.1, pmuse, AG)

As the name implies, realists focus on promoting policies that are achievable and sustainable. In turn, the morality of a foreign policy action is judged by its results, not by the intentions of its framers. A foreign policymaker must weigh the consequences of any course of action and assess the resources at hand to carry out the proposed task. As Lippmann warned, Without the controlling principle that the nation must maintain its objectives and its power in equilibrium, its purposes within its means and its means equal to its purposes, its commitments related to its resources and its resources adequate to its commitments, it is impossible to think at all about foreign affairs.8 Commenting on this maxim, Owen Harries, founding editor of The National Interest, noted, "This is a truth of which Americans—more apt to focus on ends rather than means when it comes to dealing with the rest of the world—need always to be reminded."9 In fact, Morgenthau noted that "there can be no political morality without prudence."10 This virtue of prudence—which Morgenthau identified as the cornerstone of realism—should not be confused with expediency. Rather, it takes as its starting point that it is more moral to fulfill one's commitments than to make "empty" promises, and to seek solutions that minimize harm and produce sustainable results. Morgenthau concluded: [End Page 18] Political realism does not require, nor does it condone, indifference to political ideals and moral principles, but it requires indeed a sharp distinction between the desirable and the possible, between what is desirable everywhere and at all times and what is possible under the concrete circumstances of time and place.11 This is why, prior to the outbreak of fighting in the former Yugoslavia, U.S. and European realists urged that Bosnia be decentralized and partitioned into ethnically based cantons as a way to head off a destructive civil war. Realists felt this would be the best course of action, especially after the country's first free and fair elections had brought nationalist candidates to power at the expense of those calling for inter-ethnic cooperation. They had concluded—correctly, as it turned out—that the United States and Western Europe would be unwilling to invest the blood and treasure that would be required to craft a unitary Bosnian state and give it the wherewithal to function. Indeed, at a diplomatic conference in Lisbon in March 1992, the various factions in Bosnia had, reluctantly, endorsed the broad outlines of such a settlement. For the purveyors of moralpolitik, this was unacceptable. After all, for this plan to work, populations on the "wrong side" of the line would have to be transferred and resettled. Such a plan struck directly at the heart of the concept of multi-ethnicity—that different ethnic and religious groups could find a common political identity and work in common institutions. When the United States signaled it would not accept such a settlement, the fragile consensus collapsed. The United States, of course, cannot be held responsible for the war; this lies squarely on the shoulders of Bosnia's political leaders. Yet Washington fell victim to what Jonathan Clarke called "faux Wilsonianism," the belief that "high-flown words matter more than rational calculation" in formulating effective policy, which led U.S. policymakers to dispense with the equation of "balancing commitments and resources."12 Indeed, as he notes, the Clinton administration had criticized peace plans calling for decentralized partition in Bosnia "with lofty rhetoric without proposing a practical alternative." The subsequent war led to the deaths of tens of thousands and left more than a million people homeless. After three years of war, the Dayton Accords—hailed as a triumph of American diplomacy—created a complicated arrangement by which the federal union of two ethnic units, the Muslim-Croat Federation, was itself federated to a Bosnian Serb republic. Today, Bosnia requires thousands of foreign troops to patrol its internal borders and billions of dollars in foreign aid to keep its government and economy functioning. Was the aim of U.S. policymakers, academics and journalists—creating a multi-ethnic democracy in Bosnia—not worth pursuing? No, not at all, and this is not what the argument suggests. But aspirations were not matched with capabilities. As a result of holding out for the "most moral" outcome and encouraging the Muslim-led government in Sarajevo to pursue maximalist aims rather than finding a workable compromise that could have avoided bloodshed and produced more stable conditions, the peoples of Bosnia suffered greatly. In the end, the final settlement was very close [End Page 19] to the one that realists had initially proposed—and the one that had also been roundly condemned on moral grounds.

#### Egalitarianism demands utility: consequentialism *precludes* zeroing out anyone

Ronald Dworkin, Professor of Law and Philosophy at New York University, 1977, Taking Rights Seriously, p. 274-5

Utilitarian arguments of policy, however, would seem secure from that objection. They do not suppose that any form of life is inherently more valuable than any other, but instead base their claim, that constraints on liberty are necessary to advance some collective goal of the community, just on the fact that that goal happens to be desired more widely or more deeply than any other. Utilitarian arguments of policy, therefore, seem not to oppose but on the contrary to embody the fundamental right of equal concern and respect, because they treat the wishes of each member of the community on a par with the wishes of any other, with no bonus or discount reflecting the view that the member is more or less worthy of concern, or his views more or less worthy of respect, than any other.

### Targeted Killing Good

#### Targeted killing against terrorists is a moral imperative---the point of terrorism is senseless, un-targeted killing---responding with force is necessary to preserve and uphold the value of innocent lives targeted killing is most analogous to the figure of the just assassin

Michael Walzer 13, Professor Emeritus of Social Science at the Institute for Advanced Study and co-Editor of Dissent Magazine, 1/11/13, “Targeted Killing and Drone Warfare,” http://www.dissentmagazine.org/online\_articles/targeted-killing-and-drone-warfare

First things first. Untargeted killing, random killing, the bomb in the supermarket, the café, or the bus station: we call that terrorism, and its condemnation is critically important. No qualifications, no apologies: this is wrongfulness of the first order. But someone who takes aim at a particular person, a political official, a military officer, is engaged in a different activity. He may be a just assassin, as in Camus’s play, though I don’t think that the justice of the killing depends on the killer’s willingness to accept death himself (which is Camus’s argument). It depends on the character of the official or the officer, the character of the regime he serves, and the immediate political circumstances: what else is there to do? But even if the assassination is a wrongful act, as it most often is in history if not in literature, the wrongfulness is of a second order. By aiming at a person thought to be guilty of something, the assassin indicates his rejection of aimless killing. Someone in his organization probably thought that it would be better to kill the official’s extended family or to put a bomb in the restaurant where he and “his kind” regularly dine; he refused to do that or, at least, he didn’t do it.

There are radical limits on political assassinations. In democracies, they can never be justified; it is only the blood of tyrants that waters the tree of liberty. And even with tyrants, a trial is preferable to an assassination whenever it is possible to bring down the tyrannical regime without killing its leader. In wartime, international law bars the killing of political leaders on the grounds that they are the ones who will in the end negotiate the peace treaty. But some political leaders, with whom one can’t imagine negotiating, are legitimate targets—Hitler the obvious example. Killing Hitler would have been “extra-judicial” but entirely justified. Tyrants do have to be targeted, however; blowing up the neighborhood in which they live is not a moral option.

Military leaders are obviously legitimate targets in wartime. A sniper sent to a forward position to try to kill a visiting colonel or general is engaged in targeted killing, but no one will accuse him of acting extra-judicially and therefore wrongly. It is probably best to think of insurgent organizations in roughly the same way that we think about states. If they have separated their political and military leaders, it is only the second group who should be targeted since we may eventually negotiate with the first group. I don’t believe that the same distinction is morally required in the case of terrorist organizations, though it may be prudent to make it. Individuals who plan, or organize, or recruit for, or participate in a terrorist attack are all of them legitimate targets. It would be better to capture them and bring them to trial, but that is often not a reasonable option—the risks are too high; innocent bystanders would be killed in the attempt; the planning would take time, and the terrorist attacks are imminent or actual. In cases like this, the phrase “war on terror” makes sense. More often, I think, the “war” is police work, and targeted killing is not permissible for the police. If the terrorist campaign has ended, only the police can deal with the men and women who organized it—and lawyers and judges after the police.

The targeted killing of insurgents and terrorists in wartime is subject to the same constraints as any other act of war. It will have to meet very strict standards of proportionality; given that the target is a single person, it will be difficult to justify any injury to innocent bystanders. So the targeting must be undertaken with great care; collecting information about the targeted individuals, their schedules, their whereabouts, their families and neighbors, is critically important, and if it involves risk for agents in the field, the risks must be accepted before the killing can be justified.

#### Turn invasion – this DA turns the case because it recreates worse forms of violence

#### Moral evaluation of drones requires considering the most likely alternatives that would replace them---they’re all worse for casualties and violence

Kenneth Anderson 13, Professor of International Law at American University, June 2013, “The Case for Drones,” Commentary, Vol. 135, No. 6

EFFECTIVENESS IS ONE THING, MORALITY ANOTHER. The leading objection to drone warfare today is that it supposedly involves large, or "excessive," numbers of civilian casualties, and that the claims of precision and discrimination are greatly overblown. These are partly factual questions full of unknowns and many contested issues. The Obama administration did not help itself by offering estimates of civilian collateral damage early on that ranged absurdly from zero to the low two digits. This both squandered credibility with the media and, worse, set a bar of perfection -- zero civilian collateral damage -- that no weapon system could ever meet, while distracting people entirely from the crucial question of what standard civilian harms should be set against.¶ The most useful estimates of civilian casualties from targeted killing with drones come from the New America Foundation (NAF) and the Foundation for Defense of Democracies, which each keep running counts of strikes, locations, and estimates of total killed and civilian casualties. They don't pretend to know what they don't know, and rely on open sources and media accounts. There is no independent journalistic access to Waziristan to help corroborate accounts that might be wrong or skewed by Taliban sources, Pakistani media, Pakistani and Western advocacy groups, or the U.S. or Pakistani governments. Pakistan's military sometimes takes credit for drone strikes against its enemies and sometimes blames drone strikes for its own air raids against villages. A third source of estimates, UK-based The Bureau of Investigative Journalism (TBIJ), comes up with higher numbers.¶ TBIJ (whose numbers are considered much too high by many knowledgeable American observers) came up with a range, notes Georgetown law professor and former Obama DOD official Rosa Brooks. The 344 known drone strikes in Pakistan between 2004 and 2012 killed, according to TBIJ, between "2,562 and 3,325 people, of whom between 474 and 881 were civilians." The NAF, she continues, came up with slightly lower figures, somewhere "between 1,873 and 3,171 people killed overall in Pakistan, of whom between 282 and 459 were civilians." (Media have frequently cited the total killed as though it were the civilians killed.) Is this a lot of civilians killed? Even accepting for argument's sake TBIJ's numbers, Brooks concludes, if you work out the "civilian deaths per drone strike ratio for the last eight years…on average, each drone strike seems to have killed between 0.8 and 2.5 civilians." In practical terms, adds McNeal, this suggests 'less than three civilians killed per strike, and that's using the highest numbers" of any credible estimating organization.\*¶ Whether any of this is "disproportionate" or "excessive" as a matter of the laws of war cannot be answered simply by comparing total deaths to civilian deaths, or civilian deaths per drone strike, however. Although commentators often leap to a conclusion in this way, one cannot answer the legal question of proportionality without an assessment of the military benefits anticipated. Moreover, part of the disputes over numbers involves not just unverifiable facts on the ground, but differences in legal views defining who is a civilian and who is a lawful target. The U.S. government's definition of those terms, following its longstanding views of the law of targeting in war, almost certainly differs from those of TBIJ or other liberal nongovernmental groups, particularly in Europe. Additionally, much of drone warfare today targets groups who are deemed, under the laws of war, to be part of hostile forces. Targeted killing aimed at individuated high-value targets is a much smaller part of drone warfare than it once was. The targeting of groups, however, while lawful under long-standing U.S. interpretations of the laws of war, might result in casualties often counted by others as civilians.¶ Yet irrespective of what numbers one accepts as the best estimate of harms of drone warfare, or the legal proportionality of the drone strikes, the moral question is simply, What's the alternative? One way to answer this is to start from the proposition that if you believe the use of force in these circumstances is lawful and ethical, then all things being equal as an ethical matter, the method of force used should be the one that spares the most civilians while achieving its lawful aims. If that is the comparison of moral alternatives, there is simply no serious way to dispute that drone warfare is the best method available. It is more discriminating and more precise than other available means of air warfare, including manned aircraft -- as France and Britain, lacking their own drones and forced to rely on far less precise manned jet strikes, found over Libya and Mali -- and Tomahawk cruise missiles.¶ A second observation is to look across the history of precision weapons in the past several decades. I started my career as a human-rights campaigner, kicking off the campaign to ban landmines for leading organizations. Around 1990, I had many conversations with military planners, asking them to develop more accurate and discriminating weapons -- ones with smaller kinetic force and greater ability to put the force where sought. Although every civilian death is a tragedy, and drone warfare is very far from being the perfect tool the Obama administration sometimes suggests, for someone who has watched weapons development over a quarter century, the drone represents a steady advance in precision that has cut zeroes off collateral-damage figures.¶ Those who see only the snapshot of civilian harm today are angered by civilian deaths. But barring an outbreak of world peace, it is foolish and immoral not to encourage the development and use of more sparing and exact weapons. One has only to look at the campaigns of the Pakistani army to see the alternatives in action. The Pakistani military for many years has been in a running war with its own Taliban and has regularly attacked villages in the tribal areas with heavy and imprecise airstrikes. A few years ago, it thought it had reached an accommodation with an advancing Taliban, but when the enemy decided it wanted not just the Swat Valley but Islamabad, the Pakistani government decided it had no choice but to drive it back. And it did, with a punishing campaign of airstrikes and rolling artillery barrages that leveled whole villages, left hundreds of thousands without homes, and killed hundreds.¶ But critics do not typically evaluate drones against the standards of the artillery barrage of manned airstrikes, because their assumption, explicit or implicit, is that there is no call to use force at all. And of course, if the assumption is that you don't need or should not use force, then any civilian death by drones is excessive. That cannot be blamed on drone warfare, its ethics or effectiveness, but on a much bigger question of whether one ought to use force in counterterrorism at all.

#### The likely alternative to targeted killings would be invasions or un-targeted killings, both of which involve far more state violence

Alan M. Dershowitz 12, the Felix Frankfurter professor of law at Harvard Law School, 11/15/12, “The Rule of Proportionality,” http://www.nytimes.com/roomfordebate/2012/11/14/how-can-targeted-killings-be-justified/in-targeted-killings-the-rule-of-proportionality-should-be-the-guiding-principle

If a combatant is appropriately subject to military attack, as the military leader of Hamas certainly was, then targeted assassination may be the preferred legal and moral course. It is certainly better than a broad military attack that might endanger large numbers of noncombatants. Targeted assassinations are intended to limit collateral damage by focusing specifically on the combatant. Every reasonable effort should be made to avoid collateral damage. Sometimes it is impossible to eliminate completely all risk to noncombatants. In such cases, the military value of the target must be weighed against the likelihood and degree of collateral damage. The rule of proportionality should be the guiding principle.¶ It is sometimes argued that targeted assassination should never be permitted because it is a form of “extrajudicial killing.” This view is absurd: all military deaths are extrajudicial (as is killing in self-defense and shooting a fleeing felon). If a judicial element is to be added to targeted assassinations, it could take the form of a warrant requirement. Under such a requirement, the military or the executive would be obligated to seek a judicial warrant setting out the basis for why the target is an appropriate one, and why the risk of collateral damage is warranted. When time permits, such a warrant could be sought prior to the military action, but when immediate action is required by exigent circumstances, the warrant could be obtained after the fact. This is far from a perfect solution, but it introduces a more neutral decision maker into the balancing process. ¶ The alternatives to targeted killing are either to allow terrorists free rein in targeting civilians or to engage in undertargeted military actions that are likely to cause more casualties. Targeted assassination will often be the least bad alternative in an inevitable choice of evils.

# 1NR

## Prez Powers Good DA

#### Terror attacks prevents

DUNN 2007 – PhD, former Assistant Director of the U.S. Arms Control and Disarmament Agency and Ambassador to the 1985 Nuclear Non- Proliferation Treaty Review Conference (Lewis Dunn, Proliferation Papers, “Deterrence Today: Roles, Challenges, and Responses.”)

On the one hand, among many U.S. defense experts and officials **it has become almost a cliché to state that an alleged** *asymmetry of stakes* **between the U**nited **S**tates (and/or other outsiders) **and a regional nuclear power would make it much more difficult to provide credible nuclear security assurances** along the lines suggested above. That purported asymmetry of stakes also is widely seen by those same experts and officials as putting the United States (or other outsiders) at a fundamental disadvantage in any crisis with a regional power and shifting the deterrence balance in its favor. Emphasis on the impact of a perceived asymmetry of stakes partly reflects a view that the intensity of the stakes in any given crisis or confrontation is dependent most on what has been called “the proximity effect”: stakes’ intensity is a function of geography. Concern about an asymmetry of stakes also gains support from the fact that a desire to deter the United States or other outsiders probably is one incentive motivating some new or aspiring nuclear . **This line of argument should not be accepted at face value.** To the contrary**, in two different ways, the stakes for the U**nited **S**tates (and other outsiders) in a crisis or confrontation with a regional nuclear adversary **would be extremely high**. To start, **what is at stake is the likelihood of cascades of proliferation in Asia and the Middle East. Such proliferation cascades** almost certainly **would bring greater regional instability, global political and economic disruption, a heightened risk of nuclear conflict, and a jump in the risk of terrorist access to nuclear weapons**. Equally important, **nuclear blackmail let alone nuclear use against U.S. and other outsiders’ forces**, those of U.S. regional allies and friends, or any of their homelands **would greatly heighten the stakes** for the United States and other outsiders. **Perceptions of American resolve and credibility around the globe, the likelihood that an initial nuclear use would be followed by a virtual collapse of a six-decades’ plus nuclear taboo, and the danger of runaway proliferation all would be at issue**. So viewed, **how the U**nited **S**tates and others **respond is likely to have a far-reaching impact on their own security as well as longer term global security and stability**.

#### And terrorism has its own impact --- triggers full scale war

Hellman ‘8 (Martin E. Hellman\* \* Martin E. Hellman is a member of the National Academy of Engineering and Professor Emeritus at Stanford University. His current project applies risk analysis to nuclear deterrence)

Nuclear proliferation and the specter of nuclear terrorism are creating additional possibilities for triggering a nuclear war. If an American (or Russian) city were devastated by an act of nuclear terrorism, the public outcry for immediate, decisive action would be even stronger than Kennedy had to deal with when the Cuban missiles first became known to the American public. While the action would likely not be directed against Russia, it might be threatening to Russia (e.g., on its borders) or one of its allies and precipitate a crisis that resulted in a full-scale nuclear war. Terrorists with an apocalyptic mindset might even attempt to catalyze a full-scale nuclear war by disguising their act to look like an attack by the U.S. or Russia**.**

#### collapses deterrence making preemptive strikes likely.

Zeisberg, ‘4 [Mariah Zeisberg, PhD in Politics from Princeton, Postdoc Research Associate at the Political Theory Project of Brown University; “INTERBRANCH CONFLICT AND CONSTITUTIONAL MAINTENANCE: THE CASE OF WAR POWERS”; June 2004; found in Word document, can be downloaded from [www.brown.edu/Research/ppw/files/Zeisberg%20Ch5.doc](http://www.brown.edu/Research/ppw/files/Zeisberg%20Ch5.doc)]

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

#### Key to winning all future conflicts

Johson ‘6

Karlton, Army War College, “Temporal and Scalar Mechanics of Conflict Strategic Implications of Speed and Time on the American Way of War,” http://www.dtic.mil/dtic/tr/fulltext/u2/a449394.pdf

The U.S. Army War College uses the acronym “VUCA” to describe the volatile, uncertain, chaotic and ambiguous environment in which strategy is made.4 If the present is any indication of the future, then it is reasonable to assume that the world will become increasingly dangerous as long as that strategic environment exists. Many long-range assessments predict that global tensions will continue to rise as resources become even more constrained and as transnational threats endanger international security. 5 Future leaders and planners can expect to see weak and failed states persisting to dominate U.S. foreign policy agendas. Terrorism will remain a vital interest, and the use of American military strength will remain focused on the dissuasion, deterrence, and, where necessary, the preemption of strategic conflict. Enemies will work aggressively to offset U.S. military superiority by seeking out technologies that will offer some level of asymmetric advantage, and the challenging asymmetric nature of future conflicts will add deeper complexity to both war planning and the development of national security strategy. 6 The “National Defense Strategy of the United States,” published in March 2005, addressed the unconventional nature of the future. It argued that enemies are increasingly likely to pose asymmetric threats resulting in irregular, catastrophic and disruptive challenges.7 This means that, in some cases, non-state actors will choose to attack the United States using forms of irregular warfare that may include the use of weapons of mass destruction. These actors may also seek new and innovative ways to negate traditional U.S. strengths to their advantage.8 In fact, one author theorizes that “speed of light engagements” will be the norm by the year 2025, and America may lose its monopoly on technological advances as hostile nations close the gap between technological “haves” and “have nots.”9 This type of warfare lends itself to engagements of varying speed and temporal geometry. 10 Therefore, in conflicts of the future, time and speed will matter. Consequently, it is necessary to analyze these elements with rigor and discipline in order to understand their far-reaching implications.

#### Scenario planning is good. In a catastrophe-ridden world it’s vital to make predictions about the future.

Benson, 8-

Ophelia editor of the website Butterflies and Wheels and deputy editor of The Philosophers' Magazine “Ways of knowing” http://www.butterfliesandwheels.org/2008/ways-of-knowing/

That comes much too close to saying explicitly that religion has a way of knowing, but that’s the very thing religion doesn’t have. It has lots of ways of claiming to know, of pretending to know, of performing an imitation of knowing; but it has no way of actually legitimately knowing. (Tom says exactly that in the paragraph following the quoted passages. I just felt like saying it too.) By implying non-empiricism might have some epistemic merit as a route to objectivity in certain realms, the NAS and other science-promoting organizations miss the biggest selling point for science, or more broadly, intersubjective empiricism: it has no rival when it comes to modeling reality in *any* domain that’s claimed to exist. The reason is simple but needs to be made explicit: religious and other non-empirical ways of knowing don’t sufficiently respect the distinction between appearance and reality, between subjectivity and objectivity. They are not sufficiently on guard against the possibility that one’s model of the world is biased by perceptual limitations, wishful thinking, uncorroborated intuition, conventional wisdom, cultural tradition, and other influences that may not be responsive to the way the world actually is. Just so – along with the rest of what Tom says about it; it’s hard to excerpt because it’s all so admirably clear and compelling. At any rate – all this is obvious enough and yet it’s kept tactfully veiled in much public discourse simply in order to appease people who are not sufficiently on guard against the possibility that one’s model of the world is biased by wishful thinking among other things. It’s all very unfortunate. **The very people who most need to learn to guard against cognitive bias are the ones who are being appeased lest they get ‘offended’** at discovering that. It’s an endless circle of epistemic disability. Faith-based religions and other non-empirically based worldviews routinely make factual assertions about the existence of god, paranormal abilities, astrological influences, the power of prayer, etc. So they are inevitably in the business of representing reality, of describing what they purport to be objective truths, some of which concern the supernatural. But having signed on to the cognitive project of supplying an accurate model of the world, they routinely violate basic epistemic standards of reliable cognition. There’s consequently no reason to grant them any domain of cognitive competence. Although this might sound arrogant, it’s a judgment reached from the standpoint of epistemic *humility*. The real arrogance is the routine violation of epistemic standards of reliable cognition. There’s something so vain, so self-centered, about doing that – as if it’s appropriate to think that our hopes and wishes get to decide what reality is. It’s just decent humility to realize that reality is what it is and that we are not so important or powerful that we can create it or change it with the power of thought.

#### That should be the threshold for a truth claim --- other modes of evaluating the world cause extinction

**Coyne, 06** – Author and Writer for the Times (Jerry A., “A plea for empiricism”, FOLLIES OF THE WISE, Dissenting essays, 405pp. Emeryville, CA: Shoemaker and Hoard, 1 59376 101 5)

Supernatural forces and events, essential aspects of most religions, play no role in science, not because we exclude them deliberately, but because they have never been a useful way to understand nature. Scientific “truths” are empirically supported observations agreed on by different observers. Religious “truths,” on the other hand, are personal, unverifiable and contested by those of different faiths. Science is nonsectarian: those who disagree on scientific issues do not blow each other up. Science encourages doubt; most religions quash it. But religion is not completely separable from science. Virtually all religions make improbable claims that are in principle empirically testable, and thus within the domain of science: Mary, in Catholic teaching, was bodily taken to heaven, while Muhammad rode up on a white horse; and Jesus (born of a virgin) came back from the dead. None of these claims has been corroborated, and while science would never accept them as true without evidence, religion does. A mind that accepts both science and religion is thus a mind in conflict. Yet scientists, especially beleaguered American evolutionists, need the support of the many faithful who respect science. It is not politically or tactically useful to point out the fundamental and unbreachable gaps between science and theology. Indeed, scientists and philosophers have written many books (equivalents of Leibnizian theodicy) desperately trying to show how these areas can happily cohabit. In his essay, “Darwin goes to Sunday School”, Crews reviews several of these works, pointing out with brio the intellectual contortions and dishonesties involved in harmonizing religion and science. Assessing work by the evolutionist Stephen Jay Gould, the philosopher Michael Ruse, the theologian John Haught and others, Crews concludes, “When coldly examined . . . these productions invariably prove to have adulterated scientific doctrine or to have emptied religious dogma of its commonly accepted meaning”. Rather than suggesting any solution (indeed, there is none save adopting a form of “religion” that makes no untenable empirical claims), Crews points out the dangers to the survival of our planet arising from a rejection of Darwinism. Such rejection promotes apathy towards overpopulation, pollution, deforestation and other environmental crimes: “So long as we regard ourselves as creatures apart who need only repent of our personal sins to retain heaven’s blessing, we won’t take the full measure of our species-wise responsibility for these calamities”. Crews includes three final essays on deconstruction and other misguided movements in literary theory. These also show “follies of the wise” in that they involve interpretations of texts that are unanchored by evidence. Fortunately, the harm inflicted by Lacan and his epigones is limited to the good judgement of professors of literature. Follies of the Wise is one of the most refreshing and edifying collections of essays in recent years. Much like Christopher Hitchens in the UK, Crews serves a vital function as National Sceptic. He ends on a ringing note: “The human race has produced only one successfully validated epistemology, characterizing all scrupulous inquiry into the real world, from quarks to poems. It is, simply, empiricism, or the submitting of propositions to the arbitration of evidence that is acknowledged to be such by all of the contending parties. Ideas that claim immunity from such review, whether because of mystical faith or privileged “clinical insight” or the say-so of eminent authorities, are not to be countenanced until they can pass the same skeptical ordeal to which all other contenders are subjected.” As science in America becomes ever more harried and debased by politics and religion, we desperately need to heed Crews’s plea for empiricism.

#### Especially true in the context of nuclear weapons---key to change

Krieger 12 David, President of the Nuclear Age Peace Foundation, "Fear of Nuclear Weapons", June 19, www.wagingpeace.org/articles/db\_article.php?article\_id=371

I was recently asked during an interview whether people fear nuclear weapons too much, causing them unnecessary anxiety. The implication was that it is not necessary to live in fear of nuclear weapons.¶ My response was that fear is a healthy mechanism when one is confronted by something fearful. It gives rise to a fight or flight response, both of which are means of surviving real danger.¶ In the case of nuclear weapons, these are devices to be feared since they are capable of causing terrifying harm to all humanity, including one’s family, city and country. If one is fearful of nuclear weapons, there will be an impetus to do something about the dangers these weapons pose to humanity.¶ But, one might ask, what can be done? In reality, there is a limited amount that can be done by a single individual, but when individuals band together in groups, their power to bring about change increases. Individual power is magnified even more when groups join together in coalitions and networks to bring about change.¶ Large numbers of individuals banded together to bring about the fall of the Berlin Wall, the breakup of the Soviet Union and the end of apartheid in South Africa. The basic building block of all these important changes was the individual willing to stand up, speak out and join with others to achieve a better world. The forces of change have been set loose again by the Arab Spring and the Occupy Movement across the globe.¶ When dangers are viewed rationally, there may be good cause for fear, and fear may trigger a response to bring about change. On the other hand, complacency can never lead to change. Thus, while fear may be a motivator of change, complacency is an inhibitor of change. In a dangerous world, widespread complacency should be of great concern. ¶ If a person is complacent about the dangers of nuclear weapons, there is little possibility that he will engage in trying to alleviate the danger. Complacency is the result of a failure of hope to bring about change. It is a submission to despair.¶ After so many years of being confronted by nuclear dangers, there is a tendency to believe that nothing can be done to change the situation. This may be viewed as “concern fatigue.” We should remember, though, that any goal worth achieving is worth striving for with hope in our hearts. A good policy for facing real-world dangers is to never give up hope and never stop trying.

#### Any attack turns the K

Peter **Beinart 8**, associate professor of journalism and political science at CUNY, The Good Fight; Why Liberals – and only Liberals – Can Win the War on Terror and Make America Great Again, 110-1

Indeed, while the Bush administration bears the blame for these hor- rors, White House officials exploited a shift in public values after 9/11. When asked by Princeton Survey Research Associates in 1997 whether stopping terrorism required citizens to cede some civil liberties, less than one-t hird of Americans said yes. By the spring of 2002, that had grown to almost three- quarters. Public support for the government’s right to wire- tap phones and read people’s mail also grew exponentially. In fact, polling in the months after the attack showed Americans less concerned that the Bush administration was violating civil liberties than that **it wasn’t violating them enough**. What will happen the next time? It is, of course, impossible to predict the reaction to any particular attack. But in 2003, the Center for Public Integrity got a draft of something called the Domestic Security Enhance- ment Act, quickly dubbed Patriot II. According to the center’s executive director, Charles Lewis, **it expanded government power** five or **ten times as much as its predecessor**. One provision permitted the government to strip native-born Americans of their citizenship, allowing them to be indefinitely imprisoned without legal recourse if they were deemed to have provided any support—even nonviolent support—to groups designated as terrorist. After an outcry, the bill was shelved. But it offers a hint of what this administration—or any administration—might do if the United States were hit again. ¶ When the CIA recently tried to imagine how the world might look in 2020, it conjured four potential scenarios. One was called the “cycle of fear,” and it drastically inverted the assumption of security that C. Vann Woodward called central to America’s national character. The United States has been attacked again and the government has responded with “large- scale intrusive security measures.” In this dystopian future, two arms dealers, one with jihadist ties, text- message about a potential nuclear deal. One notes that terrorist networks have “turned into mini-s tates.” The other jokes about the global recession sparked by the latest attacks. And he muses about how terrorism has changed American life. “That new Patriot Act,” he writes, “went **way beyond anything imagined after 9/11**.” “The fear cycle generated by an increasing spread of WMD and terrorist attacks,” comments the CIA report, “once under way, would be one of the **hardest to break**.” And the more entrenched that fear cycle grows, the less free America will become. Which is why a new generation of American liberals must make the fight against this new totalitarianism their own.

# 2NR

## Warming Key

**Ecosecurity discourse key to solvency**

**Matthew 2**, Richard A, associate professor of international relations and environmental political at the University of California at Irvine, Summer (ECSP Report 8:109-124)

In addition, **environmental security's language** and findings can benefit conservation and sustainable development."' Much environmental security literature emphasizes the importance of development assistance, sustainable livelihoods, fair and reasonable access to environmental goods, and conservation practices as the vital upstream measures that in the long run will contribute to higher levels of human and state security. The Organization for Economic Cooperation and Development (OECD) and the International Union for the Conservation of Nature (IUCN) are examples of bodies that have been quick to recognize how the language of environmental security can help them. The scarcity/conflict thesis has alerted these groups to prepare for the possibility of working on environmental rescue projects in regions that are likely to exhibit high levels of related violence and conflict. These groups are also aware that an **association with security can expand** their **acceptance and constituencies** in some countries in which the military has political control, For the first time in its history; the contemporary environmental movement can regard military and intelligence agencies as potential **allies in the struggle** to contain or reverse humangenerated environmental change. (In many situations, of course, the political history of the military--as well as its environmental record-raise serious concerns about the viability of this cooperation.) Similarly, **the language of security has provided a basis for** some **fruitful discussions** between environmental groups and representatives of extractive industries. In many parts of the world, mining and petroleum companies have become embroiled in conflict. These companies have been accused of destroying traditional economies, cultures, and environments; of political corruption; and of using private militaries to advance their interests. They have also been targets of violence, Work is now underway through the environmental security arm of the International Institute for Sustainable Development (IISD) to address these issues with the support of multinational corporations. Third, the general conditions outlined in much environmental security research can help organizations such as USAID, the World Bank, and IUCN identify priority cases--areas in which investments are likely to have the greatest ecological and social returns. For all these reasons, IUCN elected to integrate environmental security into its general plan at the Amman Congress in 2001. Many other environmental groups and development agencies are taking this perspective seriously (e.g. Dabelko, Lonergan& Matthew, 1999). However, for the most part these efforts remain preliminary.'

Conclusions **Efforts to dismiss environment and security research and policy activities on the grounds that they have been unsuccessful are premature and misguided**. This negative criticism has all too often been based on an excessively simplified account of the research findings of Homer-Dixon and a few others. Homer-Dixon’s scarcity-conflict thesis has made important and highly visible contributions to the literature, but it is only a small part of a larger and very compelling theory. This broader theory has roots in antiquity and speaks to the pervasive conflicts and security implications of complex nature-society relationships. The theory places incidents of violence in larger structural and historical contexts while also specifying contemporarily significant clusters of variables. From this more generalized and inclusive perspective, violence and conflict are revealed rarely as a society’s endpoint and far more often as parts of complicated adaptation processes. The contemporary research on this classical problematic has helped to revive elements of security discourse and analysis that were marginalized during the Cold War. It has also made valuable contributions to our understanding of the requirements of human security, the diverse impacts of globalization, and the nature of contemporary transnational security threats. Finall,y environmental security research has been valuable in myriad ways to a range of academics, policymakers, and activists, although the full extent of these contributions remains uncertain, rather than look for reasons to abandon this research and policy agenda, **now is the time** to recognize and **to build on the** remarkable **achievements** of the entire environmental security field.