### 1nc

## Off

#### Restrictions means prohibition on action

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.

#### Authority means “authorization” – topical affirmatives must remove the permission to act, not just regulate the President

Hohfeld,Yale Law,1919(Wesley, http://www.hku.hk/philodep/courses/law/HohfeldRights.htm)

Many examples of legal powers may readily be given. Thus, X, the owner of ordinary personal property "in a tangible object" has the power to extinguish his own legal interest (rights, powers, immunities, etc.) through that totality of operative facts known as abandonment; and-simultaneously and correlatively-to create in other persons privileges and powers relating to the abandoned object,-e. g., the power to acquire title to the latter by appropriating it. Similarly, X has the power to transfer his interest to Y, that is to extinguish his own interest and concomitantly create in Y a new and corresponding interest. So also X has the power to create contractual obligations of various kinds. Agency cases are likewise instructive. By the use of some metaphorical expression such as the Latin, qui facit per alium, facit per se\* the true nature of agency relations is only too frequently obscured. The creation of an agency relation involves, inter alia, the grant of legal powers to the so-called agent, and the creation of correlative liabilities in the principal. That is to say, one party, P, has the power to create agency powers in another party, A,-for example, the power to convey P's property, the power to impose (so called) contractual obligations on P, the power to discharge a debt owing to P, the power to "receive" title to property so that it shall vest in P, and so forth. In passing, it may be well to observe that the term "authority," so frequently used in agency cases, is very ambiguous and slippery in its connotation. Properly employed in the present connection, the word seems to be an abstract or qualitative term corresponding to the concrete "authorization," the latter consisting of a particular group of operative facts taking place between the principal and the agent. All too often, however, the term in question is so used as to blend and confuse these operative facts with the powers and privileges thereby created in the agent. A careful discrimination in these particulars would, it is submitted, go far toward clearing up certain problems in the law of agency.

#### Violation – Aff isn’t a restriction on WPA, just an after-the-fact correction.

#### Voting issue –

#### 1) Ground – all DAs and CPs like ESR, flexibility, and politics compete based off restrictions on the presidential decision-making process – skews the topic in favor of the aff.

#### 2) Limits – the plan amounts to deterrence of prez powers, not statutory limitations – that’s opens a floodgate of affs that just dissuade presidential expansion of power

## Off

#### The 1AC represents a strategy of lawfare - using the law as a means to legitimize and justify an ever-expanding system of violence.

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Foucault’s envisioning of a more governmentalized and securitized modernity, framed by a ubiquitous architecture of security, speaks on various levels to the contemporary US military’s efforts in the war on terror, but I want to mention three specifically, which I draw upon through the course of the paper. First, in the long war in the Middle East and Central Asia, the US military actively seeks to legally facilitate both the ‘circulation’ and ‘conduct’ of a target population: its own troops. This may not be commonly recognized in biopolitical critiques of the war on terror but, as will be seen later, the Judge Advocate General Corps has long been proactive in a ‘juridical’ form of warfare, or lawfare, that sees US troops as ‘technical-biopolitical’ objects of management whose ‘operational capabilities’ on the ground must be legally enabled. Secondly, as I have explored elsewhere, the US military’s ‘grand strategy of security’ in the war on terror — which includes a broad spectrum of tactics and technologies of security, including juridical techniques — has been relentlessly justified by a power/knowledge assemblage in Washington that has successfully scripted a neoliberal political economy argument for its global forward presence.’9 Securitizing economic volatility and threat and regulating a neoliberal world order for the good of the global economy are powerful discursive touchstones registered perennially on multiple forums in Washington — from the Pentagon to the war colleges, from IR and Strategic Studies policy institutes to the House and Senate Armed Services Committees — and the endgame is the legitimization of the military’s geopolitical and biopolitical technologies of power overseas,20 Finally, Foucault’s conceptualization of a ‘society of security’ is marked by an urge to ‘govern by contingency’, to ‘anticipate the aleatory’, to ‘allow for the evental’.2’ It is a ‘security society’ in which the very language of security is promissory, therapeutic and appealing to liberal improvement. The lawfare of the contemporary US military is precisely orientated to plan for the ‘evental’, to anticipate a 4 series of future events in its various ‘security zones’ — what the Pentagon terms ‘Areas of Responsibility’ or ‘AORs’ (see figure 1)•fl These AORs equate, in effect, to what Foucault calls “spaces of security”, comprising “a series of possible events” that must be securitized by inserting both “the temporal” and “the uncertain”. And it is through preemptive juridical securitization ‘beyond the battlefield’ that the US military anticipates and enables the necessary biopolitical modalities of power and management on the ground for any future interventionary action. AORs and the ‘milieu’ of security For CENTCOM Commander General David Petraeus, and the other five US regional commanders across the globe, the population’ of primary concern in their respective AORs is the US military personnel deployed therein. For Petraeus and his fellow commanders, US ground troops present perhaps less a collection of “juridical-political” subjects and more what Foucault calls “technical- political” objects of “management and government”.25 In effect, they are tasked with governing “spaces of security” in which “a series of uncertain elements” can unfold in what Foucault terms the “milieu”.26 What is at stake in the milieu’ is “the problem of circulation and causality”, which must be anticipated and pLanned for in terms of “a series of possible events” that need to “be regulated within a multivalent and transformable framework”.27 And the “technical problem” posed by the eighteenth-century town planners Foucault has in mind is precisely the same technical problem of 5 space, population and regulation that US military strategists and Judge Advocate General Corps (JAG) personnel have in the twenty-first century. For US military JAGs, their endeavours to legally securitize the AORs of their regional commanders are ultimately orientated to “fabricate, organize, and plan a milieu” even before ground troops are deployed (as in the case of the first action in the war on terror, which I return to later: the negotiation by CENTCOM JAGs of a Status of Forces Agreement with Uzbekistan in early October 2OO1).2 JAGs play a key role in legally conditioning the battlefield, in regulating the circulation of troops, in optimizing their operational capacities, and in sanctioning the privilege to kill. The JAG’s milieu is a “field of intervention”, in other words, in which they are seeking to “affect, precisely, a population”.29 To this end, securing the aleatory or the uncertain is key. As Michael Dillon argues, central to the securing of populations are the “sciences of the aleatory or the contingent” in which the “government of population” is achieved by the regulation of “statistics and probability”.30 As he points out elsewhere, you “cannot secure anything unless you know what it is”, and therefore securitization demands that “people, territory, and things are transformed into epistemic objects”.3’ And in planning the milieu of US ground forces overseas, JAGs translate regional AORs into legally-enabled grids upon which US military operations take place. This is part of the production of what Matt Hannah terms “mappable landscapes of expectation”;32 and to this end, the aleatory is anticipated by planning for the ‘evental’ in the promissory language of securitization.¶ The ontology of the event’ has recently garnered wide academic engagement. Randy Martin, for example, has underlined the evental discursive underpinnings of US military strategy in the war on terror; highlighting how the risk of future events results in ‘preemption’ being the tactic of their securitization.33 Naomi Klein has laid bare the powerful event-based logic of disaster capitalism’;34 while others have pointed out how an ascendant logic of premediation’. in which the future is already anticipated and mediated”. is a marked feature of the “post-9/1 I cultural landscape”.35 But it was Foucault who first cited the import of the evental’ in the realm of biopolitics. He points to the “anti-scarcity system” of seventeenth-century Europe as an early exemplar of a new ‘evental’ biopolitics in which “an event that could take place” is prevented before it “becomes a reality”.36 To this end, the figure of ‘population’ becomes both an ‘object’, “on which and towards which mechanisms are directed in order to have a particular effect on it”, but also a ‘subject’, “called upon to conduct itself in such and such a fashion”.37 Echoing Foucault, David Nally usefully argues that the emergence of the “era of bio-power” was facilitated by “the ability of ‘government’ to seize, manage and control individual bodies and whole populations”.38 And this is part of Michael Dillon’s argument about the “very operational heart of the security dispositif of the biopolitics of security”, which seeks to ‘strategize’, ‘secure’. ‘regulate’ and ‘manipulate’ the “circulation of species Iife”.3 For the US military, it is exactly the circulation and regulation of life that is central to its tactics of lawfare to juridically secure the necessary legal geographies and biopolitics of its overseas ground presence.

#### The impact is militarism and the precursor to atrocities in the name of national security.

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(Thomas, International Studies Quarterly 46, The New Law of War: Legitimizing Hi-Tech and Infrastructural Violence)

The role of military lawyers in all this has, according to one study, “changed irrevocably” ~Keeva, 1991:59!. Although liberal theorists point to the broad normative contours that law lends to international relations, the Pentagon wields law with technical precision. During the Gulf War and the Kosovo campaign, JAGs opined on the legal status of multinational forces, the U.S. War Powers Resolution, rules of engagement and targeting, country fly-overs, maritime interceptions, treatment of prisoners, hostages and “human shields,” and methods used to gather intelligence. Long before the bombing began, lawyers had joined in the development and acquisition of weapons systems, tactical planning, and troop training. In the Gulf War, the U.S. deployed approximately 430 military lawyers, the allies far fewer, leading to some amusing but perhaps apposite observations about the legalistic culture of America ~Garratt, 1993!. Many lawyers reviewed daily Air Tasking Orders as well as land tactics. Others found themselves on the ground and at the front. According to Colonel Rup- pert, the idea was to “put the lawyer as far forward as possible” ~Myrow, 1996–97!. During the Kosovo campaign, lawyers based at the Combined Allied Operations Center in Vicenza, Italy, and at NATO headquarters in Brussels approved every single targeting decision. We do not know precisely how decisions were taken in either Iraq or Kosovo or the extent to which the lawyers reined in their masters. Some “corrections and adjustments” to the target lists were made ~Shot- well, 1993:26!, but by all accounts the lawyers—and the law—were extremely accommodating. The exigencies of war invite professional hazards as military lawyers seek to “find the law” and to determine their own responsibilities as legal counselors. A 1990 article in Military Law Review admonished judge advocates not to neglect their duty to point out breaches of the law, but not to become military ombuds- men either. The article acknowledged that the JAG faces pressure to demonstrate that he can be a “force multiplier” who can “show the tactical and political soundness of his interpretation of the law” ~Winter, 1990:8–9!. Some tension between law and necessity is inevitable, but over the past decade the focus has shifted visibly from restraining violence to legitimizing it. The Vietnam-era perception that law was a drag on operations has been replaced by a zealous “client culture” among judge advocates. Commanding officers “have come to realize that, as in the relationship of corporate counsel to CEO, the JAG’s role is not to create obstacles, but to find legal ways to achieve his client’s goals—even when those goals are to blow things up and kill people” ~Keeva, 1991:59!. Lt. Col. Tony Montgomery, the JAG who approved the bombing of the Belgrade television studios, said recently that “judges don’t lay down the law. We take guidance from our government on how much of the consequences they are willing to accept” ~The Guardian, 2001!. Military necessity is undeterred. In a permissive legal atmosphere, hi-tech states can meet their goals and remain within the letter of the law. As noted, humanitarian law is firmest in areas of marginal military utility. When opera- tional demands intrude, however, even fundamental rules begin to erode. The Defense Department’s final report to Congress on the Gulf War ~DOD, 1992! found nothing in the principle of noncombatant immunity to curb necessity. Heartened by the knowledge that civilian discrimination is “one of the least codified portions” of the law of war ~p. 611!, the authors argued that “to the degree possible and consistent with allowable risk to aircraft and aircrews,” muni- tions and delivery systems were chosen to reduce collateral damage ~p. 612!. “An attacker must exercise reasonable precautions to minimize incidental or collat- eral injury to the civilian population or damage to civilian objects, consistent with mission accomplishments and allowable risk to the attacking forces” ~p. 615!. The report notes that planners targeted “specific military objects in populated areas which the law of war permits” and acknowledges the “commingling” of civilian and military objects, yet the authors maintain that “at no time were civilian areas as such attacked” ~p. 613!. The report carefully constructed a precedent for future conflicts in which human shields might be deployed, noting “the presence of civilians will not render a target immune from attack” ~p. 615!. The report insisted ~pp. 606–607! that Protocol I as well as the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons “were not legally applicable” to the Gulf War because Iraq as well as some Coalition members had not ratified them. More to the point that law follows practice, the report claimed that certain provisions of Protocol I “are not a codification of the customary practice of nations,” and thus “ignore the realities of war” ~p. 616!. Nor can there be any doubt that a more elaborate legal regime has kept pace with evolving strategy and technology. Michael Ignatieff details in Virtual War ~2000! how targets were “developed” in 72-hour cycles that involved collecting and reviewing aerial reconnaissance, gauging military necessity, and coding antici- pated collateral damage down to the directional spray of bomb debris. A judge advocate then vetted each target in light of the Geneva Conventions and calcu- lated whether or not the overall advantage to be gained outweighed any expected civilian spillover. Ignatieff argues ~2000:198–199! that this elaborate symbiosis of law and technology has given birth to a “veritable casuistry of war.” Legal fine print, hand-in-hand with new technology, replaced deeper deliberation about the use of violence in war. The law provided “harried decision-makers with a critical guarantee of legal coverage, turning complex issues of morality into technical issues of legality.” Astonishingly fine discrimination also meant that unintentional civilian casualties were assumed to have been unintentional, not foreseen tragedies to be justified under the rule of double effect or the fog of war. The crowning irony is that NATO went to such lengths to justify its targets and limit collateral damage, even as it assured long-term civilian harm by destroy- ing the country’s infrastructure. Perhaps the most powerful justification was provided by law itself. War is often dressed up in patriotic abstractions—Periclean oratory, jingoistic newsreels, or heroic memorials. Bellum Americanum is cloaked in the stylized language of law. The DOD report is padded with references to treaty law, some of it obscure, that was “applicable” to the Gulf War, as if a surfeit of legal citation would convince skeptics of the propriety of the war. Instances of humane restraint invariably were presented as the rule of law in action. Thus the Allies did not gas Iraqi troops, torture POWs, or commit acts of perfidy. Most striking is the use of legal language to justify the erosion of noncombatant immunity. Hewing to the legal- isms of double effect, the Allies never intentionally targeted civilians as such. As noted, by codifying double effect the law artificially bifurcates intentions. Har- vard theologian Bryan Hehir ~1996:7! marveled at the Coalition’s legalistic word- play, noting that the “briefers out of Riyadh sounded like Jesuits as they sought to defend the policy from any charge of attempting to directly attack civilians.” The Pentagon’s legal narrative is certainly detached from the carnage on the ground, but it also oversimplifies and even actively obscures the moral choices involved in aerial bombing. Lawyers and tacticians made very deliberate decisions about aircraft, flight altitudes, time of day, ordnance dropped, confidence in intelligence, and so forth. By expanding military necessity to encompass an extremely prudential reading of “force protection,” these choices were calculated to protect pilots and planes at the expense of civilians on the ground, departing from the just war tradition that combatants assume greater risks than civilians. While it is tempting to blame collateral damage on the fog of war, much of that uncertainty has been lifted by technology and precision law. Similarly, in Iraq and in Yugoslavia the focus was on “degrading” military capabilities, yet a loose view of dual use spelled the destruction of what were essentially social, economic, and political targets. Coalition and NATO officials were quick to apologize for accidental civilian casualties, but in hi-tech war most noncombatant suffering is by design. Does the law of war reduce death and destruction? International law certainly has helped to delegitimize, and in rare cases effectively criminalize, direct attacks on civilians. But in general humanitarian law has mirrored wartime practice. On the ad bellum side, the erosion of right authority and just cause has eased the path toward war. Today, foreign offices rarely even bother with formal declara- tions of war. Under the United Nations system it is the responsibility of the Security Council to denounce illegal war, but for a number of reasons its mem- bers have been extremely reluctant to brand states as aggressors. If the law were less accommodating, greater effort might be devoted to diplomacy and war might be averted. On the in bello side the ban on direct civilian strikes remains intact, but double effect and military demands have been contrived to justify unnecessary civilian deaths. Dual use law has been stretched to sanction new forms of violence against civilians. Though not as spectacular as the obliteration bombing to which it so often is favorably compared, infrastructural war is far deadlier than the rhetoric of a “clean and legal” conflict suggests. It is true that rough estimates of the ratio of bomb tonnage to civilian deaths in air attacks show remarkable reductions in immediate collateral damage. There were some 40.83 deaths per ton in the bombing of Guernica in 1937 and 50.33 deaths per ton in the bombing of Tokyo in 1945. In the Kosovo campaign, by contrast, there were between .077 and .084 deaths per ton. In Iraq there were a mere .034 ~Thomas, 2001:169!. According to the classical definition of collateral damage, civilian protection has improved dramatically, but if one takes into account the staggering long-term effects of the war in Iraq, for example, aerial bombing looks anything but humane. For aerial bombers themselves modern war does live up to its clean and legal image. While war and intervention have few steadfast constituents, the myth of immaculate warfare has eased fears that intervening soldiers may come to harm, which polls in the U.S., at least, rank as being of great public concern, and even greater military concern. A new survey of U.S. civilian and military attitudes found that soldiers were two to four times more casualty-averse than civilians thought they should be ~Feaver and Kohn, 2001!. By removing what is perhaps the greatest restraint on the use of force—the possibility of soldiers dying—law and technology have given rise to the novel moral hazards of a “postmodern, risk-free, painless war” ~Woollacott, 1999!. “We’ve come to expect the immacu- late,” notes Martin Cook, who teaches ethics at the U.S. Army War College in Carlisle, PA. “Precision-guided munitions make it very much easier to go to war than it ever has been historically.” Albert Pierce, director of the Center for the Study of Professional Military Ethics at the U.S. Naval Academy argues, “standoff precision weapons give you the option to lower costs and risks . . . but you might be tempted to do things that you might otherwise not do” ~Belsie, 1999!. Conclusion The utility of law to legitimize modern warfare should not be underestimated. Even in the midst of war, legal arguments retain an aura of legitimacy that is missing in “political” justifications. The aspirations of humanitarian law are sound. Rather, it is the instrumental use of law that has oiled the skids of hi-tech violence. Not only does the law defer to military necessity, even when very broadly defined, but more importantly it bestows on those same military demands all the moral and psychological trappings of legality. The result has been to legalize and thus to justify in the public mind “inhumane military methods and their consequences,” as violence against civilians is carried out “behind the protective veil of justice” ~af Jochnick and Normand, 1994a:50!. Hi-tech states can defend hugely destructive, essentially unopposed, aerial bombardment by citing the authority of seemingly secular and universal legal standards. The growing gap between hi- and low-tech means may exacerbate inequalities in moral capital as well, as the sheer barbarism of “premodern” violence committed by ethnic cleansers or atavistic warlords makes the methods employed by hi-tech warriors seem all the more clean and legal by contrast. This fusion of law and technology is likely to propel future American interventions. Despite assurances that the campaign against terrorism would differ from past conflicts, the allied air war in Afghanistan, marked by record numbers of unmanned drones and bomber flights at up to 35,000 feet, or nearly 7 miles aloft, rarely strayed from the hi-tech and legalistic script. While the attack on the World Trade Center confirmed a thousand times over the illegality and inhu- manity of terrorism, the U.S. response has raised further issues of legality and inhumanity in conventional warfare. Civilian deaths in the campaign have been substantial because “military objects” have been targeted on the basis of extremely low-confidence intelligence. In several cases targets appear to have been chosen based on misinformation and even rank rumor. A liberal reading of dual use and the authorization of bombers to strike unvetted “targets of opportunity” also increased collateral damage. Although 10,000 of the 18,000 bombs, missiles, and other ordnance used in Afghanistan were precision-guided munitions, the war resulted in roughly 1000 to 4000 direct civilian deaths, and, according to the UNHCR, produced 900,000 new refugees and displaced persons. The Pentagon has nevertheless viewed the campaign as “a more antiseptic air war even than the one waged in Kosovo” ~Dao, 2001!. General Tommy Franks, who commanded the campaign, called it “the most accurate war ever fought in this nation’s history” ~Schmitt, 2002!.9 No fundamental change is in sight. Governments continue to justify collateral damage by citing the marvels of technology and the authority of international law. One does see a widening rift between governments and independent human rights and humanitarian relief groups over the interpretation of targeting and dual-use law. But these disputes have only underscored the ambiguities of human- itarian law. As long as interventionist states dominate the way that the rules of war are crafted and construed, hopes of rescuing law from politics will be dim indeed. '

#### Their regulation of war powers in the name of more equitable and democratic control represent the transition of war to police which maintains the falsity of that binary in the first place and reify the power of the state to pacify.

Neocleous 13 - Department of Politics and History (Mark, http://www.socialiststudies.com/index.php/sss/article/viewFile/334/289, THE DREAM OF PACIFICATION: ACCUMULATION, CLASS WAR, AND THE HUNT , Socialist Studies / Études socialistes 9 (2) Winter 2013 Copyright © 2013)

Marx here highlights the fact that capitalism is not a spontaneous order and that, in contrast to the myth of an idyllic origin of private property, in actual history violence plays a central role. What is at stake in Marx’s discussion is the constitution of bourgeois order through what Marx calls ‘primitive accumulation’: the use of force and violence in separating people from a means of subsistence other than the wage. I want to suggest that the insight Marx here offers into the violence of accumulation is one that lies at the heart of the process of pacification. In a previous essay trying to help map out the terrain of a project organised around the idea of anti-security (Neocleous, 2011a; also 2010), I argued that for tactical purposes critical theory really needs to re-appropriate the term ‘pacification’. The central argument was that we need to grasp security as pacification. I suggested that whereas for most people ‘pacification’ is associated with the actions of colonizing powers, has a close connection to counter-insurgency tactics and is therefore widely understood as the military crushing of resistance, an examination of the theory and practice of pacification reveals a far more ‘productive’ dimension to the idea. ‘Productive’ in that what is involved is less the military crushing of resistance and more the fabrication of order, of which the crushing of resistance is but one part. This is why the key theorists of pacification, from Machuca in the late-sixteenth century, through to General Thomas-Robert Bugeaud, General Galliéni, Lieutenant Colonel Lyautey in the nineteenth century, taking in Roger Trinquier and David Galula in the twentieth century, all talk about pacification as a war to build rather than destroy. It is also why the key practice of pacification is nothing less than a feat of enormous social engineering to (re)build a social order. And what is to be built in this new order is a secure foundation for accumulation. This image of pacification aligns it with what has historically been understood as the police project – the fabrication of social order organised around the administration of wage labour – and connects very closely with the fact that the critique of security reads and treats security as a police mechanism (Neocleous, 2000; 2008; Neocleous and Rigakos, 2011). What this means, in turn, and especially so given the connections between pacification and war, is that to employ the category ‘pacification’ critically we are compelled to connect the police power to the war power. Indeed, as a critical concept ‘pacification’ insists on conjoining war and police in a way which is fundamentally opposed to the mainstream tendency that thinks of war and police as two separate activities institutionalized in two separate institutions (the military and the police). This ideological separation has had a debilitating effect on radical scholarship within the academy, since it has imposed on scholars a banal dichotomy of ‘models’, such as the ‘criminological model’ versus the ‘military model’, and generated a set of what are ultimately liberal concerns, such as the ‘militarization of the police’ and the ‘policization of the military’ or the coming together of ‘high intensity policing’ with ‘low-intensity warfare’. Such models and concerns obscure the unity of state power and act as a blockage on radical thought. In other words, if radical theory in general and the politics of anti-security in particular are to get any kind of purchase on pacification as an idea then we must address the ways in which it invokes the conjunction of war and police. As much as the art of war is the art of the polis – the polis originates as a guild of warriors, as Weber (1978, 1359) points out – so too the polis connotes police as well as city. ‘Pacification’ is intended to capture the way in which war and police are always already together, the way they operate conjointly under the sign of security, and the way in which this operation is entwined with the process of accumulation. In other words, ‘pacification’ is intended to grasp a nexus of ideas – war-police-accumulation – in the security of bourgeois order. All of which is to say that from the perspective of the critique of security, it is impossible to understand the history of bourgeois society without grasping it as a process of pacification in the name of security and accumulation. Starting with Marx’s category of ‘primitive accumulation’, which I believe helps us understand the police power at the heart of class war, the intention in this article is to make ‘pacification’ a central category for our understanding of that war. To stress the ‘active’ or ‘productive’ nature of pacification, the article places the manhunt at the heart of the process, seeking to posit the hunt for workers, for criminals, for terrorists, and for the enemies of order as integral to the most significant demand imposed on human beings in the last 500 years: let there be accumulation!

#### Reject their legitimacy arguments - the United States has repeatedly gone behind the back of international institutions. Their claims that these institutions need to be 'saved' miss the point about who they should be saved from.

Jones 13 - Department of Geography, University of British Columbia, Vancouver (Craig, http://warlawspace.files.wordpress.com/2013/04/jones-travelling-law-shifting-borders.pdf, Targeted Killing, Lawfare and the Deconstruction of the Battlefield)

Early in the WoT Condoleezza Rice spoke of a 'new kind of war' that renders the Geneva Conventions irrelevant and "quaint". 105 Of course, in a way she was right: the original Geneva Conventions are in some ways quaint and their language can seem antiquated today. But IHL is not a static legal regime, neither in custom nor treaty and the U.S. (and Israel) refused to sign the most significant update to IHL – the 1977 Additional Protocols – since the 1949 Conventions were founded. So while the Conventions may well be out of date, the U.S. then and now are plainly not prepared to have IHL updated in ways consonant with (most of) the rest of the international community. The updates and ‘new laws’ sought are ones that defy international consensus because they favour a particularly narrow and sui generis way of fighting war: a pre-emptive ‘counter-terror’ war. It is no surprise then that the U.S. has attempted to change law not through treaty but through recourse to consensus defying practice. Today these generalisations that ‘new wars need new laws’106 have taken on very specific and almost deregulatory form. The new laws are ones that expand the scope and ontology of war. Laurie Blank for example, has expressed the need to move away from traditional conceptions of 'battlefiled' to something called she calls the 'zone of combat'. But what does it mean, and where does it go? Blank defines the zone expansively: "anywhere terrorist attacks are taking place, or perhaps even being planned and financed". 107 Indeed, she goes on to claim, citing Natasha Balendra, that a "war against groups of transnational terrorists, by its very nature, lacks a well delineated timeline or a traditional battlefield context [...]”108. The war cannot, in her view, be limited to this static thing called the battlefield, but must follow the terrorist wherever s/he may go. In this perspective, the transition from the Israeli battlefield to the vision of the ‘world as battlefield’ is upon us, and is allegedly supported by the relevant international law, or at least by lawfare.

#### The alternative is to raise the question of jus CONTRA bellum—voting negative injects epistemic doubt about militarism into our decision calculus which is the prerequisite to shifting away from violence as the solution.

Neu 13—University of Brighton (Michael, “The tragedy of justified war”, International Relations 27(4) 461–480, dml)

Just war theory is not concerned with millions of starving people who could be saved from death and disease with a fraction of the astronomical amount of money that, every year, goes into the US defence budget alone (a budget that could no longer be justified if the United States ran out of enemies one day). It is not interested in exposing the operating mechanisms of a global economic structure that is suppressive and exploitative and may be conducive to outbreaks of precisely the kind of violence that their theory is concerned with. As intellectually impressive as analytical just war accounts are, they do not convey any critical sense of Western moralism. It is as though just war theory were written for a different world than the one we occupy: a world of morally responsible, structurally unconstrained, roughly equal agents, who have non-complex and non-exploitative relationships, relationships that lend themselves to easy epistemic access and binary moral analysis. Theorists write with a degree of confidence that fails to appreciate the moral and epistemic fragility of justified war, the long-term genesis of violent conflict, structural causes of violence and the moralistic attitudes that politicians and the media are capable of adopting. To insist that, in the final analysis, the injustice of wars is completely absorbed by their being justified reflects a way of doing moral philosophy that is frighteningly mechanical and sterile. It does not do justice to individual persons,59 it is nonchalant about suffering of unimaginable proportions and it suffocates a nuanced moral world in a rigid binary structure designed to deliver unambiguous, action-guiding recommendations. According to the tragic conception defended here, justified warfare constitutes a moral evil, not just a physical one – whatever Coates’ aforementioned distinction is supposed to amount to. If we do not recognise the moral evil of justified warfare, we run the risk of speaking the following kind of language when talking to a tortured mother, who has witnessed her child being bombed into pieces, justifiably let us assume, in the course of a ‘just war’: See, we did not bomb your toddler into pieces intentionally. You should also consider that our war was justified and that, in performing this particular act of war, we pursued a valid moral goal of destroying the enemy’s ammunition factory. And be aware that killing your toddler was not instrumental to that pursuit. As you can see, there was nothing wrong with what we did. (OR: As you can see, we only infringed the right of your non-liable child not to be targeted, but we did not violate it.) Needless to say, we regret your loss. This would be a deeply pathological thing to say, but it is precisely what at least some contemporary just war theorists would seem to advise. The monstrosity of some accounts of contemporary just war theory seems to derive from a combination of the degree of certainty with which moral judgements are offered and the ability to regard the moral case as closed once the judgements have been made. One implication of my argument for just theorists is clear enough: they should critically reflect on the one-dimensionality of their dominant agenda of making binary moral judgements about war. If they did, they would become more sympathetic to the pacifist argument, not to the conclusion drawn by pacifists who are also caught in a binary mode of thinking (i.e. never wage war, regardless of the circumstances!) but to the timeless wisdom that forms the essence of the pacifist argument. It is wrong to knowingly kill and maim people, and it does not matter, at least not as much as the adherents of double effect claim, whether the killing is done intentionally or ‘merely’ with foresight. The difference would be psychological, too. Moral philosophers of war would no longer be forced to concede this moral truth; rather, they would be free to embrace it. There is no reason for them to disrespect the essence of pacifism. The just war theorist Larry May implicitly offers precisely such a tragic vision in his sympathetic discussion of ‘Grotius and Contingent Pacifism’. According to May, ‘war can sometimes be justified on the same grounds on which certain forms of pacifism are themselves grounded’.60 If this is correct, just war theorists have good reason to stop calling themselves by their name. They would no longer be just war theorists, but unjust war theorists, confronting politicians with a jus contra bellum, rather than offering them a jus ad bellum. Beyond being that, they would be much ‘humbler in [their] approach to considering the justness of war’ (or, rather, the justifiability), acknowledging that: notions of legitimate violence which appear so vivid and complete to the thinking individual are only moments and snapshots of a wider history concerning the different ways in which humans have ordered their arguments and practices of legitimate violence. Humility in this context does not mean weakness. It involves a concern with the implicit danger of adopting an arrogant approach to the problem of war.61 Binary thinking in just war theory is indeed arrogant, as is the failure to acknowledge the legitimacy of – and need for – ambiguity, agony and doubt in moral thinking about war. Humble philosophers of war, on the contrary, would acknowledge that any talk of justice is highly misleading in the context of war.62 It does not suffice here, in my view, to point out that ‘we’ have always understood what ‘they’ meant (assuming they meant what we think they meant). Fiction aside, there is no such thing as a just war. There is also no such thing as a morally justified war that comes without ambiguity and moral remainders. Any language of justified warfare must therefore be carefully drafted and constantly questioned. It should demonstrate an inherent, acute awareness of the fragility of moral thinking about war, rather than an eagerness to construct unbreakable chains of reasoning. Being uncertain about, and agonised by, the justifiability of waging war does not put a moral philosopher to shame. The uncertainty is not only moral, it is also epistemic. Contemporary just war theorists proceed as if certainty were the rule, and uncertainty the exception. The world to which just war theory applies is one of radical and unavoidable uncertainty though, where politicians, voters and combatants do not always know who their enemies are; whether or not they really exist (and if so, why they exist and how they have come into existence); what weapons the enemies have (if any); whether or not, when, and how they are willing to employ them; why exactly the enemies are fought and what the consequences of fighting or not fighting them will be. Philosophers of war should also become more sensitive to the problem of political moralism. The just war language is dangerous, particularly when spoken by eager, selfrighteous, over-confident moralists trying to make a case. It would be a pity if philosophers of war, despite having the smartest of brains and the best of intentions, effectively ended up delivering rhetorical ammunition to political moralists. To avoid being inadvertently complicit in that sense, they could give public lectures on the dangers of political moralism, that is, on thinking about war in terms of black and white, good and evil and them and us. They could warn us against Euro-centrism, missionary zeal and the emperors’ moralistic clothes. They could also investigate the historical genesis and structural conditionality of large-scale aggressive behaviour in the global arena, deconstructing how warriors who claim to be justified are potentially tied into histories and structures, asking them: Who are you to make that claim? A philosopher determined to go beyond the narrow discursive parameters provided by the contemporary just war paradigm would surely embrace something like Marcus’ ‘second-order regulative principle’, which could indeed lead to ‘“better” policy’.63 If justified wars are unjust and if it is true that not all tragedies of war are authentic, then political agents ought to prevent such tragedies from occurring. This demanding principle, however, may require a more fundamental reflection on how we ‘conduct our lives and arrange our institutions’ (Marcus) in this world. It is not enough to adopt a ‘wait and see’ policy, simply waiting for potential aggressions to occur and making sure that we do not go to war unless doing so is a ‘last resort’. Large-scale violence between human beings has causes that go beyond the individual moral failure of those who are potentially aggressing, and if it turns out that some of these causes can be removed ‘through more careful decision-making’ (Lebow), then this is what ought to be done by those who otherwise deprive themselves, today, of the possibility of not wronging tomorrow.

## Off

#### Gitmo is politicized now - the squo solves the aff.

**Prasasouk 1/17/14** (Palina Prasasouk is an independent photojournalist, managing editor at CloseGitmo.net, and organizer with Witness Against Torture located in Brooklyn, New York, 1/17/2014, OpEd News, A Fast for Guantanamo: From Winter to Winter, http://www.opednews.com/articles/3/A-Fast-for-Guantanamo-Fro-by-Palina-Prasasouk-Guantanamo\_Guantanamo\_Guantanamo-Naval-Base\_Guantanamo-Prison-140117-394.html, jj)

January 2013--From the Last Fast When we left DC in January 2013, we were in the mind-frame that Guantanamo would not be closing anytime soon with 0 releases from the prison in the previous year, excluding the death of Adnan Latif and the transfer of Omar Khadr to another prison in Canada. February 2013--A New Hunger Strike Then, the game changed when military guards raided prison cells in February 2013, throwing the belongings of prisoners--Qurans, legal papers, and letters from their families. A new hunger strike grew, which has now become the largest and longest running protest inside the prison. Government officials denied any such knowledge of a hunger strike. It was only known after Shaker Aamer reported to his attorneys that nearly all the men in GTMO were on a hunger strike. The strike peaked in June at 106 men on hunger strike and 45 being force-fed. What has been forgotten on the minds of Americans, where most had assumed Guantanamo had been closed by Obama, ***was now in the media headlines***. Even mainstream comedy such as the Colbert Report and the Daily Show were talking about the protest. Spring 2013--On Our Minds Again Witness Against Torture orchestrated a rolling fast, which called for people to fast for a day, write a letter to a detainee, and make phone calls to Southcom, the Department of Defense, and The White House. Over 250 people have signed up for the rolling fast. Human rights organizations such as Codepink, Reprieve, and Veterans for Peace also organized a rolling fast. Over a thousand folks have signed on to the Codepink fast, including such names as Julian Assange and Deepak Chopra. Cities from the west, east, and in between began organizing weekly vigils and demonstrations. The London Guantanamo Campaign holds a monthly demo in front of the American Embassy. Latin America and Australia also staged protests. A coalition of over 20 groups who have been working to close Guantanamo came together to form CloseGitmo.net. On April 14, 2013, The New York times published an op-ed by hunger-striking detainee Samir Naji al Hasan Moqbel, "Gitmo Is Killing Me." Witness Against Torture co-founder Matthew Daliosio, who has read almost every article that has come out about Guantanamo since 2005, described it as the most he art-breaking piece he has read. "I've been on a hunger strike since Feb. 10 and have lost well over 30 pounds. I will not eat until they restore my dignity. During one force-feeding the nurse pushed the tube about 18 inches into my stomach, hurting me more than usual, because she was doing things so hastily. The only reason I am still here is that President Obama refuses to send any detainees back to Yemen. This makes no sense. I am a human being, not a passport, and I deserve to be treated like one. I do not want to die here, but until President Obama and Yemen's president do something, that is what I risk every day." Numerous letters from Guantanamo have been published. A collection of them can be found at www.visiitorpictures.com. Shaker Aamer's wife, Umm Johina, has also published letters through her facebook account. Obama's Second Promise On May 23, 2013, Obama made a second promise to close the prison during a National Defense Speech, using much of the same language as he did during his first promise in 2009. 2009, Protecting Our System and Our Values speech by Obama: "So going forward, my administration will work with Congress to develop an appropriate legal regime" to handle such detainees "so that our efforts are consistent with our values and our Constitution." 2013, White House news conference when asked about the hunger strike: "I've asked my team to review everything that's currently being done in Guantanamo, everything that we can do administratively, and I'm going to re-engage with Congress to try to make the case that this is not something that's in the best interests of the American people." Since Obama's second promise, the ban on releasing Yemeni prisoners was lifted, a State Department envoy and Pentagon envoy were appointed, and the Periodic Review Board (PRB) started closed meetings in November 2013. On January 10, 2014, Mahmoud Mujahid, a Yemeni national and "forever prisoner," was the first to be re-evaluated. He was an alleged former bodyguard of Osama and has been held without charge or evidence since 2002. He was unanimously cleared for release. There is no indication that Mujahid will be be going home soon. Two Algerians, Nabil Hadjarab and Mutia Sadiq Ahmad Sayyab, were the first to be released from GTMO in September 2013. Two more Algerians, Djamel Ameziane and Belkacem Bensayah, were involuntarily sent back to Algeria. Djamel is a citizen of Algeria and fled the country during the Algerian Civil War where he became a chef in Canada. His family lives in Canada and wishes to return to them. Summer 2013 By summer, the hunger strike surpassed 100 days. Activists across the country continued to bare hot summer days inside orange jumpsuits and black hoods. A small group of activists went on their own hunger strikes lasting upwards of 100 days. In one case, Andres Thomas Conteris has undergone live tube-feedings in both the U.S. and Latin America. On June 26, 2013, International Day in Support of Victims of Torture, hundreds of protesters gathered in front of The White House. Diane Wilson, a solidarity hunger striker on her 57th day of hunger strike, scaled the White House fence in an attempt to deliver a message to the President. She was arrested and charged with unlawful entry and given 90 days' suspended prison and a $200 fine. The first Senate Hearing on Guantanamo since 2009 was held on July 24, 2013. In the hearing, ranking member Sen. Ted Cruz (R-Texas) suggested that President Obama thinks the United States should take a "holiday" from the war on terror. Cruz and others brought up the perceived threat of detainee recidivism several times during the hearing, which lasted one hour and 45 minutes. Witnesses at the hearing repeatedly mentioned that the federal court system has effectively tried over 500 terrorism-related cases. Though the figure is technically correct, journalist Trevor Aaronson has shown in his book The Terror Factory that many of those cases were in fact created and managed by the FBI through stings, and that the actual number of legitimate terrorist threats has been far lower. House Rep. Adam Smith (D-Washington) also testified before the committee about the need to close Guantanamo. While Smith stated that the Constitution applies fully at the prison because of the Supreme Court's 2008 ruling in Boumediene v. Bush, which determined detainees had habeas-corpus rights, this is not entirely accurate. Winter 2014 Eleven men have been released from Guantanamo, 8 of those in the past month, December 2013. And so 155 men remain languishing behind prison walls, 77 of whom have been cleared for release since January 2010 by an inter-agency task force established by President Obama. The hunger strike continues despite a media blackout. The last official report of hunger strikers released from the Department of Defense was 15 on December 2, 2013. It has been reported from detainees to attorneys that there are at least 35 men on hunger strike with the numbers increasing daily. It is now one year since Witness Against Torture last gathered in Washington, DC. Every year we come together to fast and bring attention to the torture inside the prison camp. According to Guantanamo Bay defense attorney Todd Pierce, the worst form of torture is sleep deprivation. I averaged three hours of sleep per night during the fast and could not tell whether or not I was hungry. I started hallucinating and thinking people were making expressions that weren't on their faces. I am often asked why I fast and ask myself that question as well--the only answer I can give is that while fasting won't directly close Guantanamo, it gives me motivation to work harder. The work that we all do might actually close the prison. What the Obama administration has done in 2013 to close Guantanamo Bay: - Lifted the ban on releasing Yemeni prisoners - Appointed Department of Defense and Pentagon envoys - Released 11 prisoners What the Obama administration still needs to do to close Guantanamo Bay: - Release the 77 prisoners cleared for release - Review the remaining 71 cases - Return Nabil Hadjarab to Canada - Stop force-feeding - Lift the ban on sending prisoners to the US

#### The plan functions as an illusion used to stifle resistance to the apparatus which produces the indefinite detention regime.

**Gregory, 13** (Anthony Gregory, Gilbert I. Collins Fellow at the Independent Institute, “The power of habeas corpus in America [electronic resource] : from the King's Prerogative to the War on Terror” The Independent Institute, Oakland, Cambridge University Press, 2013, accessed via Wayne State Ebooks, online, pg 279-282)

If it is a “mere absurdity” to think that the king should check the Commons and yet the Commons should check the king – if this notion betrays a simultaneous mistrust in both executive and legislative authority as well as a naïve faith in the constituent parts of the system as a whole – this mistrust could apply as well to a constitutional system of government, such as that of the United States. If Americans can trust Congress, why do they need a president? If they can have faith in the president, what’s the need for Congress? Regarding habeas corpus, if the people cannot trust the executive to detain prisoners without a judge’s approval, why would they trust the executive to detain anyone in the first place? One could easily respond that the people do not trust their government, hence the power of habeas corpus. But insofar as the existence of the judicial remedy calms fears about an out-of-control executive, an illusion might be under way. Most Guantanamo prisoners were freed without any traditional habeas corpus remedy. Tens of thousands were released from prison camps in Iraq without any judicial protection. John Walker Lindh, the “American Taliban,” enjoyed civil process and found himself sentenced to twenty years, whereas Yaser Hamdi, captured in nearly identical circumstances, was initially deprived of habeas corpus but set free much more quickly. Furthermore, the United States had at the beginning of the twenty-first century two million domestic prisoners, many convicted of crimes that were not seen as crimes only a few decades before. The existence of habeas corpus, though itself not an evil, may ~~numb~~[deny] the concerns that great evils have been committed by the executive and criminal justice system. Federman roots a significant part of his analysis in the method of philosopher Michel Foucault, who has deconstructed many social institutions, including the prison system, and found that power relations have as much to do with the way people discuss matters at they do with the sheer use of physical force.22 Indeed, force alone cannot sustain governmental structures. Political institutions rest on a foundation of ideas. Not only post-modern theorists have studied the role of public ideology in sustaining state power. Many others, including Robert Higgs, Murray Rothbard, and Franz Oppenheimer, have focused on the key function of public opinion.23 If the goal is to ensure a free society that does not imprison people without a minimum standard of justice, another paradox arises. Given this goal, the people must see due process and the rule of law as prerequisites, so that a government unbound by such mechanisms as habeas corpus loses some of its legitimacy. The people must also, however, recognize that the existence of habeas alone does not ensure legitimacy and justice. The state loses its moral high ground insofar as it compromises habeas corpus, yet it is dangerous to give the state too much credit merely for formally respecting the writ. Foucault himself recognized that a social attitude toward an institution could yield consequences opposite of what is expected. Condemning repression can actually enhance a culture’s repressiveness. Applying this principle to Federman’s analysis reveals the paradoxical way in which adopting habeas corpus as part of societal discourse may undermine social vigilance in guaranteeing individual liberty. In particular, Federman finds that the nationalization of habeas corpus was crucial in its development into a discursive and mechanical tool on the individual’s side – “By accusing the state of acting illegally, the habeas petitioned aligns himself with the national over the local, with reason over prejudice, with law over vengeance.”24 However, this view neglects the way that the nationalization of habeas accompanied an expansion of the criminal justice system, the courts’ failure to provide as effective a remedy to state detentions in the bulk of cases,25 and the federal government’s use of the language of habeas corpus going back to the Suspension Clause’s adoption to pervert the writ’s meaning, betray its purpose, and obscure society’s power relations. Was expanding federal habeas corpus over state detentions with the goal of enforcing federal taxation in the 1830s, and then using that law to enforce the Fugitive Slave Act, for example, really an example of law and reason superseding prejudice and vengeance? The presence of the U.S. Constitution, which purportedly guarantees liberty, may in fact allow the U.S. government to behave in ways totally destructive of this document’s principles, using it as a cover. Just as Great Britain’s unwritten constitution has become part of that state’s civic region, so too has the U.S. Constitution become a fig leaf for the U.S. government’s violations of individual rights. The idea that the government follows a “rule of law” can lead people to tolerate its lawlessness. George W. Bush, as president, repeatedly stressed that his administration’s detention policy followed the rule of law, the Geneva Conventions, and the Constitution, even though this policy by most reasonable interpretations ran counter to all three. Had he announced to the world that he was making up the law as he was going along, perhaps his lawbreaking would have been easier to identify and rein in. Similarly, Barack Obama, standing in front of the National Archives in May 2009, spoke highly of the Constitution sitting behind him and stressed the importance of the rule of law, all while unveiling his new program of extraconstitutional “prolonged detention.” The many technical developments in habeas corpus law feature strong opinions on all sides of every imaginable controversy. For hundreds of years, scholars have argued on multiple sides about what the Great Writ has “always meant,” what its limits “always were,” and how its more technical elements should clearly be interpreted in light of real-world circumstances, statues, and court decisions going back centuries. On the basis of technical arguments alone, all sides have valid points. Enough precedent exists to make a colorable case for liberal habeas corpus activism or for a restrained federal judiciary on virtually any specific question. But of this Great Writ of liberty, which emerged amid power struggles and evolved into one of the most enviable features of the Western legal tradition, perhaps a moral principle might emerge that goes beyond all the legal jargon and case law. If habeas corpus is as meaningful as everyone claims, then perhaps it can take a life of its own that not only reaches the foundations of our legal systems but transcends it. Perhaps what is lost in much of the discourse over habeas corpus – discourse that both undermines and paradoxically bolsters social faith in the state – is its essence, a meaning whose radical implications even many devotees of the Great Writ are so far unprepared to consider.

## Solvency

#### The executive will fall back on immigration authority

Chow 11 (Samuel, JD Benjamin N. Cardozo School of Law, “THE KIYEMBA PARADOX: CREATING A JUDICIAL FRAMEWORK TO ERADICATE INDEFINITE, UNLAWFUL EXECUTIVE DETENTIONS”, 19 Cardozo J. Int'l & Comp. L. 775 2011)

The facts that legitimized the Court's holding in Munaf are substantially different from the facts in Kiyemba. In Kiyemba, the D.C. Circuit Court also held that it did not have the authority to order the petitioners' release into the United States, but for different reasons from those espoused in Munaf. There, the circuit court determined that such release would violate the traditional distribution of immigration authority-a problem that did not exist with the American petitioners in Munaf.2 z As in Munaf, the government concluded that the Kiyemba petitioners' request amounted to a request for "release-plus. ' 23 Unlike Munaf, however, a troubling paradox is raised under the Kiyemba facts as it now stands, the Executive has determined that certain detainees being held unlawfully may, nonetheless, remain indefinitely detained.24 There are three primary elements that contributed to the Uighur 25 plaintiffs' dilemma. First, because of the high risk of torture, the Uighurs could not return to their home country of China.26 Second, diplomatic solutions had failed and no third-party country had been willing to accept them.27 Third, the D.C. Circuit Court determined that release into the United States would violate immigration laws and undermine the Executive's ability to administer those laws. 28 Lacking refuge and possibility of asylum, the Uighurs were forced to remain, indefinitely, as prisoners at Guantanamo Bay.

#### No one can win their Habeas hearings.

Denbeaux et al 12

Mark - Professor,!Seton!Hall!University!School!of!Law, Jonathan!Hafetz! - Associate!Professor,!Seton!Hall!University!School!of!Law, Sara!Ben5David,!Nicholas!Stratton,!&!Lauren!Winchester - Co?Authors!&!Research!Fellows!, Bahadir!Ekiz,!Christopher!Fox,!Erin!Hendrix,!Chrystal!Loyer,!Philip!Taylor,!Edward!Dabek,!Sean!Kennedy,!Edward!Kerins,!Eric!Miller,!Emma!Mintz,!Kelly!Ross,!Kelly!Ann!Taddonio,!Richard!Tracy! -- Contributors!&!Research!Fellows! “NO HEARING HABEAS: D.C. CIRCUIT RESTRICTS MEANINGFUL REVIEW” http://www.ccrjustice.org/files/Appendix%20-%20Part%203%20of%203.pdf

There is a marked difference between the first 34 habeas decisions and the last 12 in both the number of times that detainees win habeas and the frequency in which the trial court has deferred to the government’s factual allegations rather than reject them.1 The difference between these two groups of cases is that the first 34 were before and the remaining 12 were after the July 2010 grant reversal by the D.C. Circuit in Al-Adahi. Detainees won 59% of the first 34 habeas petitions. Detainees lost 92% of the last 12. The sole grant post-Al-Adahi in Latif v. Obama has since been vacated and remanded by the D.C. Circuit. The differences were not limited merely to winning and losing. Significantly, the two sets of cases were different in the deference that the district courts accorded government allegations. In the 34 earlier cases, courts rejected the government’s factual allegations 40% of the time. In the most recent 12 cases, however, the courts rejected only 14% of these allegations. The effect of Al-Adahi on the habeas corpus litigation promised in Boumediene is clear. After Al-Adahi, the practice of careful judicial fact-finding was replaced by judicial deference to the government's allegations. Now the government wins every petition. Given the fact-intensive nature of district court fact-finding, the shifting pattern of lower court decisions could only be due to an appellate court’s radical revision of the legal standards thought to govern habeas petitions, raising questions about whether the D.C. Circuit has in fact correctly applied Boumediene. This Report analyzes allegations that repeatedly appear in habeas cases to reveal the actual pattern of district court fact-finding.

#### No solvency - no country will take them and other hurdles prevent release

Washington Post, 4/25, http://www.washingtonpost.com/blogs/worldviews/wp/2013/04/25/kafka-at-gitmo-why-86-prisoners-are-cleared-for-release-but-might-never-get-it/

For the 86 prisoners, it's a plight almost Kafkaesque in its cruel absurdity: though the United States believes they should be released from their concrete cells at Guantanamo Bay, they have stayed in prison, often for years, not because of any crime they committed or immediate threat they pose, but because of diplomatic and political hurdles out of their control.¶ For the Obama administration, it's a maze with no obvious exits: it doesn't want to keep these prisoners locked up in Gitmo, which is politically and diplomatically costly, not to mention antithetical to Obama's stated desire to close the prison, but Congress has forbidden the prisoners from being transferred to U.S. soil. Though the administration had searched for foreign countries to which the detainees could be released, it appears to have since given up, having closed the office responsible for finding those countries.¶ All of this means that a number of Guantanamo's detainees are stuck in the facility even though the United States believes they should be released. Perhaps understandably, the detainees are not happy about this. Increasingly aware that the world has largely given up on them, they are starting to make noise.¶ The past three months have been hard ones at Guantanamo. A hunger strike that began in February now includes 93 of the camp's 166 detainees, fighting has broken out in the normally sedate Camp Six between inmates and guards, and tensions are reportedly worsening at the facility.¶ So who are the 86 detainees who have been cleared for transfer out of Guantanamo, and why are they still there? When the Obama administration came into office and took ownership of the camp, it announced its intention to close it. The administration had four ways to deal with the detainees: put them through civilian trials, put them through military tribunals, send them to a foreign country's prison system or, for a lucky few dozen, release them. The United States has since released 31 detainees to their home countries and another 40 to countries that were not their homelands, either because their home country would not accept them or because the United States believed the home country might subject them to torture or other abuses.¶ These remaining 86 detainees are the ones who, the United States believes, should be released to either their home or another country, but haven't been because of diplomatic and political hurdles. There are two theories as to why an individual detainee cleared for release might not get it. The first theory is that no country will accept him. It's not implausible; as an example of how tough it can be to find safe homes for the detainees, some Chinese Muslim dissidents held at Gitmo had to released to, of all places, Bermuda. But the second theory that's increasingly mentioned by critics: some administration officials might fear that a released detainee could later participate in terrorism, for which the administration might well be blamed. Rep. Howard P. McKeon (R-Calif.) said in the New York Times that Congress recently gave the Pentagon the power to circumvent some of the restrictions that make it tough for them to release detainees to foreign countries, but that the Pentagon doesn't appear to have taken advantage of this.

## Judicial Review

**Social science proves no modeling- US signals are dismissed**

**Zenko ‘13** [Micah, Council on Foreign Relations Center for Preventive Action Douglas Dillon fellow, "The Signal and the Noise," Foreign Policy, 2-2-13, www.foreignpolicy.com/articles/2013/02/20/the\_signal\_and\_the\_noise, accessed 6-12-13, mss]

Later, Gen. Austin observed of cutting forces from the Middle East: "Once you reduce the presence in the region, you could very well signal the wrong things to our adversaries." Sen. Kelly Ayotte echoed his observation, claiming that President Obama's plan to withdraw 34,000 thousand U.S. troops from Afghanistan within one year "leaves us dangerously low on military personnel...it's going to send a clear signal that America's commitment to Afghanistan is going wobbly." Similarly, during a separate House Armed Services Committee hearing, Deputy Secretary of Defense Ashton Carter ominously warned of the possibility of sequestration: "Perhaps most important, the world is watching. Our friends and allies are watching, potential foes -- all over the world." These routine and unchallenged assertions highlight what is perhaps the most widely agreed-upon conventional wisdom in U.S. foreign and national security policymaking: the inherent power of signaling. This psychological capability rests on two core assumptions: All relevant international audiences can or will accurately interpret the signals conveyed, and upon correctly comprehending this signal, these audiences will act as intended by U.S. policymakers. Many policymakers and pundits fundamentally believe that the Pentagon is an omni-directional radar that uniformly transmits signals via presidential declarations, defense spending levels, visits with defense ministers, or troop deployments to receptive antennas. A bit of digging, however, exposes cracks in the premises underlying signaling theories. There is a half-century of social science research demonstrating the cultural and cognitive biases that make communication difficult between two humans. Why would this be any different between two states, or between a state and non-state actor? Unlike foreign policy signaling in the context of disputes or escalating crises -- of which there is an extensive body of research into types and effectiveness -- policymakers' claims about signaling are merely made in a peacetime vacuum. These signals are never articulated with a precision that could be tested or falsified, and thus policymakers cannot be judged misleading or wrong. Paired with the faith in signaling is the assumption that policymakers can read the minds of potential or actual friends and adversaries. During the cycle of congressional hearings this spring, you can rest assured that elected representatives and expert witnesses will claim to know what the Iranian supreme leader thinks, how "the Taliban" perceives White House pronouncements about Afghanistan, or how allies in East Asia will react to sequestration. This self-assuredness is referred to as the illusion of transparency by psychologists, or how "people overestimate others' ability to know them, and...also overestimate their ability to know others." Policymakers also conceive of signaling as a one-way transmission: something that the United States does and others absorb. You rarely read or hear critical thinking from U.S. policymakers about how to interpret the signals from others states. Moreover, since U.S. officials correctly downplay the attention-seeking actions of adversaries -- such as Iran's near-weekly pronouncement of inventing a new drone or missile -- wouldn't it be safer to assume that **the majority of U.S. signals are** similarly **dismissed**? During my encounters with foreign officials, few take U.S. government pronouncements seriously, and instead assume they are made to appease domestic audiences.

#### US is an anti-model

**Schor 08** - Professor of Law @ Suffolk University Law School. [Miguel Schor, “Judicial Review and American Constitutional Exceptionalism,” Osgoode Hall Law Journal, Vol. 46, 2008

This article questions the conventional wisdom that the logic of Marbury has conquered the world’s democracies by exploring two questions: why do social movements contest constitutional meaning by fighting over judicial appointments in the United States, and why does such a strategy make little sense in democracies that constitutionalized rights in the late twentieth century?6 The short answer is that the United States has been both a model and an anti-model 7 in the worldwide spread of judicial review. The United States stood astride the world after the Second World War and elements of American constitutionalism such as judicial review proved irresistible to democracies around the globe.8 Polities that adopted judicial review in the late twentieth century, however, rejected the key assumption on which judicial review in the United States is founded.. American constitutionalism assumes that law is separate from politics and that courts have the power and the duty to maintain that distinction. ¶ This assumption was rejected because other democracies learned from the American experience that courts that exercise judicial review are powerful political as well as legal actors. The fear of providing constitutional courts with too much power played an important role in shaping judicial review outside the United States. 9 When judicial review began to spread around the globe in the second half of the twentieth century, the hope of Marbury (the promise of constitutionalized rights) became fused with the fear of Lochner 10 (the possibility that courts might run amok). In seeking to thread a needle between Marbury and Lochner , the American assumption that a constitution is a species of law was rejected in favour of a very different baseline assumption that constitutions are neither law nor politics, but an entirely new genus of “political law.” 11Consequently, democracies abroad adopted stronger mechanisms by which citizens can hold constitutional courts accountable 12and which make it less likely that social forces will use appointments as a vehicle for constitutional battles. Pg. 37-38

#### No Iraqi instability -- civilian government integration

Arraf 13 (Jane Arraf, Correspondent for the Christian Science Monitor, August 1, 2013“Why bombings and jailbreaks won't tip Iraq back into civil war”, http://www.csmonitor.com/World/Middle-East/2013/0801/Why-bombings-and-jailbreaks-won-t-tip-Iraq-back-into-civil-war, we reject the ableist language used in the evidence, AB)

At checkpoints across Baghdad, plainclothes intelligence officers watch for suspicious cars while police scan vehicles with metal wands in a largely futile attempt to detect bombs. Despite the Iraqi government’s attempt to combat a record wave of bombings, the attacks across central and southern Iraq are paralyzing the country, leaving many Iraqis to suffer through a long hot summer with neither public services nor security. But seven years after an Al Qaeda bombing of a Shiite shrine touched off a civil war, attacks aimed at reigniting a sectarian battle have failed to provoke wider conflict. Although the country continues to reel from the explosions, enough has changed since 2006 that even continued attacks are unlikely to bring Iraq back to the brink of war, officials and many analysts say. “There are car bombs but there are restraints also. We’ve been there and we don’t want to go there again,” says Foreign Minister Hoshyar Zebari, whose own ministry was hit by a truck bomb four years ago. "Before people said ‘No, we will not be involved in the political process. We’ve been robbed, we’ve been cheated, and that’s why we’re going to fight',” says Mr. Zebari, referring to widespread Sunni boycotts of Iraq’s first elections. “Now the situation is completely different because all the communities are engaged in parliament, in government, in running their provinces, in administration as a whole.”

#### No Iraq war or instability - no interest

Arraf 13 (Jane Arraf, Correspondent for the Christian Science Monitor, August 1, 2013“Why bombings and jailbreaks won't tip Iraq back into civil war”, http://www.csmonitor.com/World/Middle-East/2013/0801/Why-bombings-and-jailbreaks-won-t-tip-Iraq-back-into-civil-war, we reject the ableist language used in the evidence, AB)

Invested in stability While little of it trickles down, Iraq’s oil revenue has helped make participating in government an appealing option for both Sunni and Shiite factions willing to lay down arms and enter the political process. Shiite cleric Muqtada Sadr has gone from commanding a militia that played a main role in Iraq’s sectarian violence to a mainstream political figure who has so far kept his movement’s armed wing in check. National elections, which in 2010 resulted in a fragile coalition government cobbled together by Prime Minister Nouri al Maliki, are only a year away. “Believe me, everyone is preparing for next year – that’s why no one has an interest in blowing up a sectarian war,” Zebari says.

#### No Spillover – other countries won’t get drawn in

Maloney et al. ‘7

 –Senior Fellow, Foreign Policy, Saban Center for Middle East Policy. Suzanne 2007. “Why the Iraq War Won’t Engulf the Mideast”. http://www.brookings.edu/opinions/2007/0628iraq\_maloney.aspx

Long before the Bush administration began selling "the surge" in Iraq as a way to avert a general war in the Middle East, observers both inside and outside the government were growing concerned about the potential for armed conflict among the regional powers. Underlying this anxiety was a scenario in which Iraq's sectarian and ethnic violence spills over into neighboring countries, producing conflicts between the major Arab states and Iran as well as Turkey and the Kurdistan Regional Government. These wars then destabilize the entire region well beyond the current conflict zone, involving heavyweights like Egypt. This is scary stuff indeed, but with the exception of the conflict between Turkey and the Kurds, the scenario is far from an accurate reflection of the way Middle Eastern leaders view the situation in Iraq and calculate their interests there. It is abundantly clear that major outside powers like Saudi Arabia, Iran and Turkey are heavily involved in Iraq. These countries have so much at stake in the future of Iraq that it is natural they would seek to influence political developments in the country. Yet, the Saudis, Iranians, Jordanians, Syrians, and others are very unlikely to go to war either to protect their own sect or ethnic group or to prevent one country from gaining the upper hand in Iraq. The reasons are fairly straightforward. First, Middle Eastern leaders, like politicians everywhere, are primarily interested in one thing: self-preservation. Committing forces to Iraq is an inherently risky proposition, which, if the conflict went badly, could threaten domestic political stability. Moreover, most Arab armies are geared toward regime protection rather than projecting power and thus have little capability for sending troops to Iraq. Second, there is cause for concern about the so-called blowback scenario in which jihadis returning from Iraq destabilize their home countries, plunging the region into conflict. Middle Eastern leaders are preparing for this possibility. Unlike in the 1990s, when Arab fighters in the Afghan jihad against the Soviet Union returned to Algeria, Egypt and Saudi Arabia and became a source of instability, Arab security services are being vigilant about who is coming in and going from their countries. In the last month, the Saudi government has arrested approximately 200 people suspected of ties with militants. Riyadh is also building a 700 kilometer wall along part of its frontier with Iraq in order to keep militants out of the kingdom. Finally, there is no precedent for Arab leaders to commit forces to conflicts in which they are not directly involved. The Iraqis and the Saudis did send small contingents to fight the Israelis in 1948 and 1967, but they were either ineffective or never made it. In the 1970s and 1980s, Arab countries other than Syria, which had a compelling interest in establishing its hegemony over Lebanon, never committed forces either to protect the Lebanese from the Israelis or from other Lebanese. The civil war in Lebanon was regarded as someone else's fight. Indeed, this is the way many leaders view the current situation in Iraq. To Cairo, Amman and Riyadh, the situation in Iraq is worrisome, but in the end it is an Iraqi and American fight. As far as Iranian mullahs are concerned, they have long preferred to press their interests through proxies as opposed to direct engagement. At a time when Tehran has access and influence over powerful Shiite militias, a massive cross-border incursion is both unlikely and unnecessary. So Iraqis will remain locked in a sectarian and ethnic struggle that outside powers may abet, but will remain within the borders of Iraq. The Middle East is a region both prone and accustomed to civil wars. But given its experience with ambiguous conflicts, the region has also developed an intuitive ability to contain its civil strife and prevent local conflicts from enveloping the entire Middle East. Iraq's civil war is the latest tragedy of this hapless region, but still a tragedy whose consequences are likely to be less severe than both supporters and opponents of Bush's war profess.

## Legitimacy

#### No impact to cred and focusing on it stunts effective US foreign policy

Stephen M. Walt [Professor of International Relations at Harvard]¶ Tuesday, September 11, 2012¶ Why are U.S. leaders so obsessed with credibility?¶ http://walt.foreignpolicy.com/posts/2012/09/11/the\_credibility\_fetish

What's the biggest mistake the United States has made since the end of the Cold War? Invading Iraq? Helping screw up the Israel-Palestine peace process? Missing the warning signs for 9/11, and then overreacting to the actual level of danger that Al Qaeda really posed? Not recognizing we had a bubble economy and a corrupt financial industry until after the 2007 meltdown?¶ Those are all worthy candidates, and I'm sure readers can think of others. But today I want to propose another persistent error, which lies at the heart of many of the missed opportunities or sins of commission that we made since the Berlin Wall came down. It is in essence a conceptual mistake: a failure to realize just how much the world changed when the Soviet Union collapsed, and a concomitant failure to adjust our basic approach to foreign policy appropriately.¶ I call this error the "credibility fetish." U.S. leaders have continued to believe that our security depends on convincing both allies and adversaries that we are steadfast, loyal, reliable, etc., and that our security guarantees are iron-clad. It is a formula that reinforces diplomatic rigidity, because it requires us to keep doing things to keep allies happy and issuing threats (or in some cases, taking actions) to convince foes that we are serious. And while it might have made some degree of sense during the Cold War, it is increasingly counterproductive today.¶ One could argue that credibility did matter during the Cold War. The United States did face a serious peer competitor in those days, and the Soviet Union did have impressive military capabilities. Although a direct Soviet attack on vital U.S. interests was always unlikely, one could at least imagine certain events that might have shifted the global balance of power dramatically. For example, had the Soviet Union been able to conquer Western Europe or the Persian Gulf and incorporate these assets into its larger empire, it would have had serious consequences for the United States. Accordingly, U.S. leaders worked hard to make sure that the U.S. commitment to NATO was credible, and we did similar things to bolster U.S. credibility in Asia and the Gulf.¶ Of course, we probably overstated the importance of "credibility" even then. Sloppy analogies like the infamous "domino theory" helped convince Americans that we had to fight in places that didn't matter (e.g., Vietnam) in order to convince everyone that we'd also be willing to fight in places that did. We also managed to convince ourselves that credible nuclear deterrence depended on having a mythical ability to "prevail" in an all-out nuclear exchange, even though winning would have had little meaning once a few dozen missiles had been fired.¶ Nonetheless, in the rigid, bipolar context of the Cold War, it made sense for the United States to pay some attention to its credibility as an alliance leader and security provider. But today, the United States faces no peer competitor, and it is hard to think of any single event that would provoke a rapid and decisive shift in the global balance of power. Instead of a clear geopolitical rival, we face a group of medium powers: some of them friendly (Germany, the UK, Japan, etc.) and some of them partly antagonistic (Russia, China). Yet Russia is economically linked to our NATO allies, and China is a major U.S. trading partner and has been a major financier of U.S. debt. This not your parents' Cold War. There are also influential regional powers such as Turkey, India, or Brazil, with whom the U.S. relationship is mixed: We agree on some issues and are at odds on others. And then there are clients who depend on U.S. protection (Israel, Saudi Arabia, Afghanistan, Taiwan, etc.) but whose behavior often creates serious headaches for whoever is in the White House.¶ As distinguished diplomat Chas Freeman recently commented, "the complexity and dynamism of the new order place a premium on diplomatic agility. Stolid constancy and loyalty to pre-existing alliance relationship are not the self-evident virtues they once were. We should not be surprised that erstwhile allies put their own interest ahead of ours and act accordingly. Where it is to our long-term advantage, we should do the same."¶ What might this mean in practice? As I've noted repeatedly, it means beginning by recognizing that the United States is both very powerful and very secure, and that there's hardly anything that could happen in the international system that would alter the global balance of power overnight. The balance is shifting, to be sure, but these adjustments will take place over the course of decades. Weaker states who would like U.S. protection need it a lot more than we need them, which means our "credibility" is more their problem than ours. Which in turn means that if other states want our help, they should be willing to do a lot to convince us to provide it.¶ Instead of obsessing about our own "credibility," in short, and bending over backwards to convince the Japanese, South Koreans, Singaporeans, Afghans, Israelis, Saudis, and others that we will do whatever it takes to protect them, we ought to be asking them what they are going to do for themselves, and also for us. And instead of spending all our time trying to scare the bejeezus out of countries like Iran (which merely reinforces their interest in getting some sort of deterrent), we ought to be reminding them over and over that we have a lot to offer and are open to better relations, even if the clerical regime remains in power and maybe even if -- horrors! -- it retains possession of the full nuclear fuel cycle (under IAEA safeguards). If nothing else, adopting a less confrontational posture is bound to complicate their own calculations.¶ This is not an argument for Bush-style unilateralism, or for a retreat to Fortress America. Rather, it is a call for greater imagination and flexibility in how we deal with friends and foes alike. I'm not saying that we should strive for zero credibility, of course; I'm merely saying that we'd be better off if other states understood that our credibility was more conditional. In other words, allies need to be reminded that our help is conditional on their compliance with our interests (at least to some degree) and adversaries should also be reminded that our opposition is equally conditional on what they do. In both cases we also need to recognize that we are rarely going to get other states to do everything we want. Above all, it is a call to recognize that our geopolitical position, military power, and underlying economic strength give us the luxury of being agile in precisely the way that Freeman depicts.¶ Of course, some present U.S. allies would be alarmed by the course I'm suggesting, because it would affect the sweetheart deals they've been enjoying for years. They'll tell us they are losing confidence in our leadership, and they'll threaten to go neutral, or maybe even align with our adversaries. Where possible, they will enlist Americans who are sympathetic to their plight to pressure on U.S. politicians to offer new assurances. In most cases, however, such threats don't need to be taken seriously. And we just have to patiently explain to them that we're not necessarily abandoning them, we are merely 1) making our support more conditional on their cooperation with us on things we care about, and 2) remaining open to improving relations with other countries, including some countries that some of our current allies might have doubts about. I know: It's a radical position: we are simply going to pursue the American national interest, instead of letting our allies around the world define it for us.¶ The bottom line is that the United States is in a terrific position to play realpolitik on a global scale, precisely because it needs alliance partners less than most of its partners do. And even when allies are of considerable value to us, we still have the most leverage in nearly every case. As soon as we start obsessing about our credibility, however, we hand that leverage back to our weaker partners and we constrain our ability to pursue meaningful diplomatic solutions to existing conflicts. Fetishizing credibility, in short, is one of the reasons American diplomacy has achieved relatively little since the end of the Cold War.

#### UN Report means your legitimacy means nothing

RT 3/28 “UN hammers US human rights record on spying, torture, drones and death penalty” http://rt.com/usa/human-rights-us-un-757/

A UN report hammers the United States’ human rights record, denouncing vast surveillance, ongoing unaccountability for torture, deadly drone strikes, one of the world’s highest death penalty counts, and mass incarceration, among other black marks.¶ The United Nations human rights committee issued its assessment of the US and how it complies with the International Covenant on Civil and Political Rights (ICCPR), a UN General Assembly treaty in force since 1976.¶ The committee, led by British law professor Sir Nigel Rodley, focused most prominently on the National Security Agency’s global surveillance regime, revealed via classified documents leaked by former NSA contractor Edward Snowden last June.¶ The 11-page report, according to the Guardian, said the collection of communications gathered from US-based telecom and internet companies through the PRISM operation, among others, was an affront to the right to privacy. The secretive legal oversight supposedly in place to protect privacy, the report went on, failed dramatically to respect the rights of those whose communications were wantonly collected amid the NSA’s assortment of spying programs.¶ The UN urged the US to reform its surveillance tactics to comply with US law and the nation’s obligations under the ICCPR.¶ On Thursday, President Barack Obama proposed a plan that would restrain some NSA spying, most notably the bulk collection of domestic telephony metadata.¶ The report criticized the complete failure to investigate, much less prosecute, senior US officials and private contractors for their complicity in the post-September 11, 2001 “war on terror” torture complex. A “meager number” of criminal charges for torture and targeted killings had been brought against low-level figures, the report said.¶ The report noted that, in 2012, all investigations into the kidnappings that occurred through the CIA’s extraordinary rendition program were closed, and details of the operations remain hidden from the public.¶ The US was asked to "ensure that all cases of unlawful killing, torture or other ill-treatment, unlawful detention, or enforced disappearance are effectively, independently and impartially investigated, that perpetrators, including, in particular, persons in command positions, are prosecuted and sanctioned.”¶ The UN committee – a panel of 18 experts from a variety of countries – also excoriated America’s broad justifications and problematic rationale for targeted killings with the use of unmanned drones. The US claims the preemptive strikes against so-called terrorists and insurgents in Afghanistan, Pakistan, Yemen, and Somalia are part of its war against Al-Qaeda and the Taliban, though many civilian deaths have occurred in the process.¶ The UN urged a review of the legal framework that the US uses to execute supposed militants overseas.¶ The committee further chastised the US government’s ongoing failure to close the prison at Guantanamo Bay, where about half of the 154 detainees have been approved for release, yet the Obama administration must find resettlement or repatriation options for them. Forty-five captives are held indefinitely, without charges or a trial.¶ As for domestic prisons, the committee said there was a gross disproportion of black inmates in US jails.¶ The report noted the “still high number” of fatal shootings by police forces, especially in Chicago.¶ The report also expressed concern about the ongoing use of death penalty in 16 US states.¶ A new report released Thursday by Amnesty International found that in 2013, the US ranked fifth in the world with 39 executions. The 2013 total was actually an improvement from 2012. Also, 2013 saw more states abolish the use of capital punishment. In May, Maryland became the latest of 18 to do so.¶ Ahead of the US in executions was Iran (369+), Iraq (169+), Saudi Arabia (79+), and China, whose secrecy hinders an accurate total. Amnesty said, though, that China’s amount of executions in 2013 was likely more than all other countries combined.¶ Totals for countries with likely high numbers of executions - such as Syria and Egypt - were not available.

#### Alt causes to legitimacy decline –

#### A. Human rights report –

Carasik 3/12 [Lauren Carasik is Clinical Professor of Law and Director of the International Human Rights Clinic at Western New England University School of Law, Al Jazeera American, 3/12/14, http://america.aljazeera.com/opinions/2014/3/the-us-lacks-moralauthorityonhumanrights.html]

Last month U.S. Secretary of State John Kerry unveiled the State Department’s comprehensive annual assessment of human rights around the globe. It painted a grim picture of pervasive violations. Notably absent from the report, however, was any discussion of Washington’s own record on human rights. The report elicited sharp rebukes from some of the countries singled out for criticism. Many of them questioned the United States’ legitimacy as self-appointed global champion of human rights.¶ China issued its own report, 154 pages long, excoriating the U.S. record on human rights and presenting a list of Washington’s violations. Egypt’s Foreign Ministry called the report “unbalanced and nonobjective” and censured the U.S. for appointing itself the world’s watchdog. Ecuador, Russia and Iran also criticized the report.¶ By signaling that the world cares about human rights violations, the report provides a useful tool for advocates. While the omission of any internal critique is unsurprising, that stance ultimately undermines the State Department’s goals of promoting human rights abroad. Abuses unfolding around the world demand and deserve condemnation. But it is difficult for the U.S. to don the unimpeachable mantle, behave hypocritically and still maintain credibility. North-south schism¶ It is tempting to dismiss the scolding as retaliatory howls by authoritarian states, but their critiques have long been echoed by others. Pointing to simmering divisions over human rights standards, China argued that developing countries face a different set of challenges from their more developed counterparts. This ideological debate has permeated rights discourse and often underscores a north-south schism. The divide has its roots in the history of human rights.¶ In 1945, still reeling from the atrocities of World War II, world powers gathered in Paris to forge a multilateral agreement that would form “the foundation of freedom, justice and peace in the world.” Those principles were enshrined in the nonbinding Universal Declaration of Human Rights (UDHR). The U.N. then adopted two covenants that would have the force of law: one focused on civil and political rights and the other on economic, social and cultural rights. Together with the UDHR, they form the International Bill of Human Rights. The covenants were meant to be universal, interdependent and indivisible and equally treated, but they do not exist in a political vacuum.¶ Although the U.S. was instrumental in creating this international framework, it has resisted conforming to many of the norms for which there is an emerging international consensus. The U.S. holds sacred its commitment to civil and political rights, such as those protected by its robust and revered Bill of Rights and proclaims itself a beacon of freedom and justice in the world. Critics argue that the rhetoric exceeds the reality on the ground. Economic and social rights are far more contested, in part because they require affirmative duties that affect resource allocation: States must take progressive action toward providing housing, food, education, health care and a host of other rights.¶ The U.S. has been singularly unwilling to ratify key international human rights instruments, reinforcing its status as an outlier in the field. ¶ The U.S. purports to be evenhanded. But geopolitical interests influence the tenor and content of its assessments, leading some critics to accuse the U.S. of sacrificing human rights at the altar of political expediency. For example, the U.S. has been accused of blunting its appraisal of allies such as Saudi Arabia, Bahrain, Mexico, Uzbekistan, Honduras and Israel. Economic interests also factor in. Critics decry the sale of arms to countries that by Washington’s own assessment are complicit in human rights abuses. While politically and economically self-interested maneuvering is inevitable, not all countries issue an ostensibly definitive and unvarnished report on the state of global human rights.¶ In December during Human Rights Week, U.S. President Barack Obama issued a proclamation reaffirming the United States’ “unwavering support for the principles enshrined in the Universal Declaration of Human Rights.” Yet global headlines are dominated by high-profile U.S. human rights transgressions — indefinite detention at Guantánamo Bay, torture, extraordinary rendition, extrajudicial assassination by drones that claims the lives of innocents in addition to its targets, the aggressive pursuit of whistle-blowers and data collection that violates privacy both at home and abroad.¶ Advocates criticize a litany of other human rights abuses, such as mass incarceration (the U.S. has 5 percent of the world’s population but 25 percent of its inmates, with disproportionate representation among minority groups), the death penalty (including post-execution revelations that raise serious doubt about already questionable convictions), racial profiling, the disenfranchisement of felons, sentences of life without parole for juvenile offenders, gun violence, solitary confinement, the shackling of pregnant inmates and many others.¶ The New York–based Human Rights Watch says these violations disproportionately affect minority communities. “Victims are often the most vulnerable members of society: racial and ethnic minorities, immigrants, children, the elderly, the poor and prisoners,” it said in its annual report on the U.S. last year.¶ Evading treaties¶ Aside from specific human rights violations, the U.S. has been singularly unwilling to ratify key international human rights instruments, which reinforces its status as an outlier in the field. These include its refusal to ratify the Convention to Eliminate All Forms of Discrimination Against Women (only seven other countries are not parties to it), the International Covenant on Economic, Social and Cultural Rights, the Convention on Rights of the Child (ratified by all states except the U.S., Somalia and South Sudan) and the Convention on the Rights of Persons with Disabilities. The U.S. has also failed to ratify the American Convention on Human Rights, a regional framework on human rights in the Americas. It has ratified only two of the International Labor Organization’s eight fundamental conventions.¶ Washington’s refusal to sign on to the Rome Statute of the International Criminal Court (ICC) has provoked particular consternation. The international community has a profound interest in deterring the most violent abuses by ending impunity for war crimes, crimes against humanity and genocide. The ICC was created to promote accountability for these crimes, which are, for a complex and interrelated constellation of reasons, notoriously difficult to prosecute in domestic courts. But the U.S. will not submit to its jurisdiction, citing a number of concerns, including that the court would be subject to political manipulation and lack accountability to the U.N. and that submitting to it would violate state sovereignty.¶ Some critics claim that it is the U.S. that fears being held to account in the international arena for the global expansion of its military and its possible commission of war crimes. To be fair, the ICC has its critics as well, who contest both its legitimacy and its efficacy. Subjects of complaint include its perceived preoccupation with African criminals, its slow pace of prosecutions and questions about how and when the international community should protect citizens of a sovereign state against atrocities. But the U.S. refusal to sign the Rome Statute, which established the ICC, undermines the principle that each and every country must be accountable to certain universal standards if they are to be rendered meaningful.

#### B. Failure to follow through on Syria red line

CBS, 3/7/14, http://washington.cbslocal.com/2014/03/07/politics-expert-obama-is-perceived-to-be-weak-dealing-with-putin/

WASHINGTON (CBSDC/AP) — President Barack Obama is taking a hit on the world stage.

From Russia, to Syria, to the National SecurityAgency reportedly spying on allies, Obama’s global power has waned from when he first took office in 2009.¶ The president has been fielding criticism recently in regards to international incidents as the Syrian civil war continues to wage after Obama initially threatened military intervention before taking it off the table. Now, Russian Putin rebuff came after he spoke with Obama Thursday by telephone for an hour over Russia’s military intervention in Crimea.¶ “Russia cannot ignore calls for help and it acts accordingly, in full compliance with international law,” Putin said, according to Reuters.¶ In response to Russia’s actions, the White House put new visa restrictions on pro-Russian opponents of the new government in Ukraine and Obama himself issued an executive order to initiate economic sanctions against individuals and businesses that might be undermining Ukraine’s new government.¶ Larry Sabato, director of the Center for Politics at the University of Virginia, told CBSDC that Putin’s actions are allowing Obama to be perceived as weak.¶ “It’s never a good thing for the United States when the president speaks and an adversary doesn’t listen. Power is partly perception, and in circumstances like this, Obama is perceived to be weak,” Sabato said. “Of course, Putin isn’t listening to the other world powers opposed to his move either. Those leaders know that the only potentially effective solution in the short term would be military action — and that’s a nonstarter because of public opinion.”¶ Danielle Pletka, the vice president for foreign and defense policy studies at the American Enterprise Institute, says there is a global perception that the U.S. “is stepping back.”¶ “One of the reasons that you have a large and a capable and a multi-faceted military is not so you can fight; it’s so you don’t have to fight,” she told “Face the Nation” this past Sunday. “And that deterrent power, I think, is being diminished substantially.”¶ Sabato stated that Russia is holding the cards during this crisis in Ukraine.¶ “Obama lucked into winning, of a sort, with Syria. He avoided unpopular military action and yet appeared to have made major progress on the use of chemical weapons,” Sabato told CBSDC. “The president needs some more luck, though Russia holds a large majority of the cards in this dangerous game. Maybe Russia will decide sustaining the invasion is too costly, or will keep only Crimea and cede the status of the rest of Ukraine.”¶ Several Republicans have taken shots at Obama’s foreign policy, blaming his diplomatic strategy for what’s going on in Ukraine right now.¶ “The fundamental problem is that this president doesn’t understand Vladimir Putin,” McCain said on the Senate floor Tuesday. “He does not understand his ambitions. He does not understand that Vladimir Putin is an old KGB colonel bent on restoration of the Soviet empire. This president has never understood it.”¶ McCain added: “This president believes the cold war was over. Vladimir Putin doesn’t believe the cold war is over.”¶ Sen. Lindsey Graham told CNN that Putin is showing that Obama is a “weak and indecisive president.”¶ “Stop going on television and trying to threaten thugs and dictators; it is not your strong suit,” Graham told CNN. “Every time the president goes on national television and threatens Putin or anyone like Putin, everybody’s eyes roll, including mine. We have a weak and indecisive president that invites aggression.”¶ CBS News senior national security analyst Juan Zarate believes it will be “extremely difficult to push the Russians back” on their Ukraine stance.¶ “It will take diplomatic and political capital and sacrifice if we are serious. I’m not sure we or the international community have proven we’re willing to sacrifice much in recent years — even in other cases when the costs are lower and the solutions less complicated,” Zarate told CBS News.¶ Crimea’s parliament has called a March 16 referendum on whether the semi-autonomous region should join Russia outright, a move Obama has called a violation of international law.¶ Putin said Tuesday that Russia has no intention of annexing Crimea, but Valentina Matvienko, the speaker of Russia’s upper house of parliament, made clear that the country would welcome Crimea if it votes in the referendum to join its giant neighbor. About 60 percent of Crimea’s population identifies itself as Russian.¶ Russia President Vladimir Putin is seemingly not taking Obama’s actions seriously on Ukraine.¶ The latest has called Ukraine’s new government “illegitimate” after months of protests upended President Viktor Yanukovych’s rule and sent him fleeing to Russia.

#### C. US legitimacy collapses inevitably- can’t maintain economic strength

Richard Neu [a senior economist at the RAND Corporation and a professor at the Pardee RAND Graduate School] September 16, 2013 U.S. Debt Could Reduce U.S. Global Influence in the Future http://www.rand.org/news/press/2013/09/16.html

The United States still has the economic muscle to shape important aspects of the international environment, but high government debt in the future may undermine its economic instruments of power and its ability to influence global conditions through nonmilitary means, according to a new report from the RAND Corporation. A persistently high level of government debt may threaten future economic growth and may constrain the ability of the government to act in pursuit of both international and domestic goals, according to the study. Efforts to reduce the debt will further constrain government outlays and action. However, if the United States does not act to reduce its debt, the result may be a U.S. economy that is smaller than it could have been and declining U.S. influence globally. “The principal basis for U.S. economic power is the size of the U.S. economy,” said C. Richard Neu, lead author of the report and a senior economist at RAND, a nonprofit research organization. “Evidence is accumulating that high levels of debt can slow economic growth, especially when gross general government debt surpasses 85 percent or 90 percent of the gross domestic product. U.S. government debt crossed that threshold in 2009, and the negative consequences of high debt may still be in the future.” History suggests that countries rarely grow their way out of burdensome debt, Neu said. If the United States wants to reduce its national debt, it's going to have to increase government revenues or constrain spending — or do both.

### 2nc

#### Multilaterialism through legal frameworks are doomed to fail - the alt is a pre-req for global governance.

**Langenhove, 11** – Luk Van, Director of the Comparative Regional Integration Studies Institute of the United Nations University (“Multilateralism 2.0: The transformation of international relations,” UN University, 5/31/11, http://unu.edu/publications/articles/multilateralism-2-0-the-transformation-of-international-relations.html)

Two major developments are currently transforming the multilateral system. The first is the trend towards multi-polarity as expressed by the rising number of states that act as key players. There have been times when only a few or even one player dominated the geopolitical game. But today it seems that several states are becoming dominant players as global or regional actors. The (voting) behavior of the BRICS countries (Brazil, Russia, India, China and South Africa) in the UN and their presence in the G20 illustrates this trend. The second development, meanwhile, is that new types of actors are changing the nature of the playing multilateral field. Regions with statehood properties are increasingly present in the area of international relations. Since 1974, the European Union (EU) for instance has been an observer in the United Nations General Assembly (UNGA). But on 3 May 2011, UNGA upgraded the EU’s status by giving it speaking rights. And that same resolution opens the door for other regional organizations to request the same speaking rights. Undoubtedly, this is what is what will happen in the near future. But as stated by some UN members in discussions on this resolution, this could unbalance the ‘one state, one vote’ rule within the UN. On the other hand, this opening towards regional organizations brings with it new opportunities. Together these two developments illustrate that multilateralism is no longer only a play between states: various regions as well as other actors are present and are profoundly changing the multilateral game. **But thinking about multilateralism is still very much based upon the centrality of states**: they are regarded as the constitutive elements of the multilateral system and it is their interrelations that determine the form and content of multilateralism. This implies that international politics is regarded as a closed system in at least two ways: firstly, it spans the whole world; and, secondly, there are huge barriers to enter the system. Many authors have pointed to all kinds of dys-functions such as the complexity of the UN system with its decentralized and overlapping array of councils and agencies, or to the divides between developed and developing countries. The emergence of truly global problems such as climate change, proliferation of weapons of mass destruction and many others have indeed **led to an increasing paradox** of governance. As Thakur and Van Langenhove put it in Global Governance (2006, 12:3) “[t]he policy authority for tackling global problems still belong to the states, while the sources of the problems and potential solutions are situated at transnational, regional or global level”. As such the building blocks of multilateralism, the states, seem to be **less and less capable of dealing with the challenges** of globalization. But because the multilateral world order is so dependent on the input of states, **multilateralism itself is not functioning well.** From an open to a closed system One way to capture the above-mentioned developments is to use the metaphor of ‘multilateralism 2.0’ in order to stress how the playing field and the players in multilateralism are changing. The essence of the Web 2.0 metaphor is that it stresses the emergence of network thinking and practices in international relations, as well as the transformation of multilateralism from a closed to an open system. In multilateralism 1.0 the principle actors in the inter-state space of international relations are states. National governments are the ‘star players’. Intergovernmental organizations are only dependent agents whose degrees of freedom only go as far as the states allow them to go. The primacy of sovereignty is the ultimate principle of international relations. In contrast, in multilateralism 2.0, there are players other than sovereign states that play a role and some of these players challenge the notion of sovereignty. Regions are one such type of actor. Conceived by states, other players can have statehood properties and as such aim to be actors in the multilateral system. Regional organizations especially are willing and able to play such a role. But sub-national regions as well increasingly have multilateral ambitions as demonstrated by their efforts towards para-diplomacy. As a result ‘international relations’ is becoming much more than just inter-state relations. Regions are claiming their place as well. This has major consequences for how international relations develop and become institutionalized, as well as for how international relations ought to be studied. What was once an exclusive playing ground for states has now become a space that states have to share with others. It is a fascinating phenomenon: both supra- and sub-national governance entities are largely built by states and can therefore be regarded as ‘dependent agencies’ of those states. However, once created, these entities start to have a life of their own and are not always totally controllable by their founding fathers. These new sub- and supra-entities are knocking on the door of the multilateral system because the have a tendency to behave ‘as if’ they were states. This actorness gives them, at least in principle, the possibility to position themselves against other actors, including their founding fathers! All of this has weakened the Westphalian relation between state and sovereignty. ‘One state, one vote’ Organizing multilateralism in a state-centric would only be possible if all states are treated as equal. This means that irrespective of the differences in territorial size, population size, military power or economic strength, all states have the same legal personality. Or in other words, the Westphalian principle of sovereign equality means working with the principle of ‘one state, one vote’, although it is universally acknowledged that this principle does not correspond to the reality. In multilateralism 2.0 this could be balanced through a more flexible system that compares actors in terms of certain dimensions (such as economic power) regardless of the type of actors they are. In other words, one can for instance compare big states with regions or small states with sub-national regions. This allows not only a more flexible form of multilateralism. It could perhaps also lead to a more just system with a more equal balance of power and representation. Within the present multilateral system, the UN occupies a major position. But, in order to adapt to the emerging ‘mode 2.0’ of multilateralism, it needs to open up to regions. This is a problem, as the UN is a global organization with sovereign states as members. Indeed, the way the UN is organized, only sovereign states, the star players, can be full members (see Article four of the UN Charter). Even though the EU was granted speaking rights, it was not granted voting rights. Chapter VIII of the Charter also mentions the possibility of cooperation with regional organizations and right from its conception there have been attempts to go beyond a state-centric approach. However, for many years now, the UN has struggled with the question of what place supra-national regional organizations should and could take in achieving UN goals. On one end of the spectrum is the position that regionalism blocks the necessary global and universal approach needed to solve the problems of today. At the other end there is the position that regionalism can serve the overall goals of the UN. Obviously, the question is not only a philosophical one. Rather, it is also about power of institutions. Are regional organizations weakening the UN or can they be considered as allies of the UN in dealing with supra-national problems? Further recognition required The key issue in relation to any institutional reform aimed at reinforcing multilateralism is how to create a balance of power among UN members and a balance of responsibilities and representation for the people of our planet. **Such a complex set of balances cannot be found if reform propositions continue to be based upon states as the sole building blocks of multilateralism. A radical rethinking is needed**, which recognizes that, next to states, world regions based upon integration processes between states have to play a role in establishing an effective multilateralism. Today’s reality is that, next to states, world regions are becoming increasingly important tools of global governance. There needs to be, however, a lot of creative and innovative thinking based upon careful analysis of the regional dimensions of ongoing conflicts and of existing cooperation between the UN and regional organizations. The upgrading of the EU’s status in the UN is an important step forward. But it is not enough. Other regional organizations such as the African Union, ASEAN or the League of Arab States should follow. And next to speaking rights, collaboration between the UN and regional organizations needs to be further developed. This is the only way to increase regional ownership of what the UN and its Security Council decide. As a matter of fact, this recently happened with the UNSC resolution 1973 regarding Libya: explicit reference is made to the African Union, the League of Arab States and the Organization of Islamic Conference. Moreover, the League of Arab States’ members are requested to act in the spirit of Chapter VIII of the UN Charter in implementing the resolution. Reviving Chapter VIII seems to be a promising way to combine global concerns with local (regional) legitimacy and capacity to act. The challenge is that in line with the complexity of the emerging new world order, any proposal to rethink multilateralism in such a way that it incorporates regionalism needs to be flexible. A simplistic system of regional representations that replace the national representations will not work. And not only the UN, but also the regional organizations themselves need to adjust to the reality of multilateralism 2.0. In this respect it remains to be seen to what extent the EU Member States will allow the EU to speak with one vision. And above all, in order to become politically feasible, the idea of a multi-regional world order needs to be supported and promoted by civil society. As long as this is not the case, **old habits and organizational structures will not change, and the world will not become a more secure place to live in.**

#### Reject their legitimacy arguments - the United States has repeatedly gone behind the back of international institutions. Their claims that these institutions need to be 'saved' miss the point about who they should be saved from.

Jones 13 - Department of Geography, University of British Columbia, Vancouver (Craig, http://warlawspace.files.wordpress.com/2013/04/jones-travelling-law-shifting-borders.pdf, Targeted Killing, Lawfare and the Deconstruction of the Battlefield)

Early in the WoT Condoleezza Rice spoke of a 'new kind of war' that renders the Geneva Conventions irrelevant and "quaint". 105 Of course, in a way she was right: the original Geneva Conventions are in some ways quaint and their language can seem antiquated today. But IHL is not a static legal regime, neither in custom nor treaty and the U.S. (and Israel) refused to sign the most significant update to IHL – the 1977 Additional Protocols – since the 1949 Conventions were founded. So while the Conventions may well be out of date, the U.S. then and now are plainly not prepared to have IHL updated in ways consonant with (most of) the rest of the international community. The updates and ‘new laws’ sought are ones that defy international consensus because they favour a particularly narrow and sui generis way of fighting war: a pre-emptive ‘counter-terror’ war. It is no surprise then that the U.S. has attempted to change law not through treaty but through recourse to consensus defying practice. Today these generalisations that ‘new wars need new laws’106 have taken on very specific and almost deregulatory form. The new laws are ones that expand the scope and ontology of war. Laurie Blank for example, has expressed the need to move away from traditional conceptions of 'battlefiled' to something called she calls the 'zone of combat'. But what does it mean, and where does it go? Blank defines the zone expansively: "anywhere terrorist attacks are taking place, or perhaps even being planned and financed". 107 Indeed, she goes on to claim, citing Natasha Balendra, that a "war against groups of transnational terrorists, by its very nature, lacks a well delineated timeline or a traditional battlefield context [...]”108. The war cannot, in her view, be limited to this static thing called the battlefield, but must follow the terrorist wherever s/he may go. In this perspective, the transition from the Israeli battlefield to the vision of the ‘world as battlefield’ is upon us, and is allegedly supported by the relevant international law, or at least by lawfare.

#### Reject all of their modeling claims - their belief that other countries CAN or WILL implement the same system of norms as the US is the product of ideological exceptionalism which makes intervention inevitable.

Peck & Theodore 10

(Jamie, Department of Geography, University of British Columbia, Nik, Center for Urban Economic Development and Department of Urban Planning and Policy, “Mobilizing policy: Models, methods, and mutations”, Geoforum 41 (2010) 169–174)

Which policies rise to the status of ‘‘models,” or objects of emulation? Do they simply rise to the top in some competitive marketplace for policies, or are they, instead, creatures of dominant interests, traveling from centers of authority along politically constructed and ideologically lubricated channels? Robertson’s exploration of this question suggests the latter, patterns of policy borrowing tending to follow (prior) ideological alignments (Robertson, 1991; Robertson and Waltman, 1993). More generally, it would seem that policy models that affirm and extend dominant paradigms, and which consolidate powerful interests, are more likely to travel with the following wind of hegemonic compatibility or imprimatur status. As Muniesa and Callon (2007, p. 167) have argued in the context of prevailing forms of (market-oriented) economic policy, mobile models are not simply ‘‘observed at a distance but are produced inside the experimental setting [and] formed and deformed in order to put forward some particular economic traits” that in turn are externally projected as widely generalizable, if not wholly immutable and universal. While policy models seek to stabilize and validate an explicit set of rules, techniques, and behaviors, that when applied in ‘‘foreign” settings might be expected to yield comparable results, this rational gaze is persistently disrupted by the messy realities of policymaking at the ‘‘ground” level. The socioeconomic outcomes of policies remain, to varying degrees, products of local politico-institutional contexts. Paradoxically, however, the principal appeal of policy innovations qua policy models remains the expectation of comparable results, despite obvious differences in institutional arrangements and political alignments between the places of policy innovation and the zones of policy emulation. Consequently, and notwithstanding the performative power of policy models, it does not necessarily follow that territorial policy regimes—such as those organized around national, provincial or local states—are converging towards homogeneity, into borderless governance, or a globalized space of (policy) flows. As McCann and Ward (2010) argue in their contribution to this special issue, there is a persistent tension between fixity and motion in policy regimes. It is something of a truism that policy development and delivery are characteristically grounded processes, and the impact of policies is likewise contextually specific. In this sense, ‘‘all policies are local.” So, the much-vaunted ‘‘Barcelona model” of urban regeneration, McCann and Ward (2010) observe, is in its original form very much a product of its Catalan context, and in this sense could never be duplicated; yet, at the same time, stylized versions of the Barcelona model possesses a certain kind of representational power, operating as a subtly transformative policy imaginary, in urban-policy networks, in peripatetic practice, and across distant sites of inspiration if not emulation. Policy models, in this sense, can take on lives of their own, often with little more than symbolic connection to their (supposed) places of origin. The idealized urban-sustainability motif of Vancouverism, for example, has its echoes around the world, from Shanghai to Dubai, despite the fact that it may never have existed in Vancouver itself (cf. Berelowitz, 2005; Boddy, 2005). Even if policy models, in practice, are one-sided representations or idealized abstractions of an invariably more prosaic reality, even if they are essentialized condensates of policy rationality that cannot be found anywhere in such a form and that can be replicated nowhere, their symbolic association with specific locations evokes a grounded form of authenticity, implies feasibility, and signals an ideologically palatable origin story. Hence the apparent paradox that as policy flows globalize, the metanymic tagging of policies to places (Barcelona model, Vancouverism, . . .) seems to be assuming a greater significance, as one of the currencies of transnational policy mobility. Models that (appear to) come from somewhere travel with the license of pragmatic credibility, and models that emanate from the ‘‘right” places invoke positive associations of (preferred forms of) best practice. Models, in this sense, do not simply designate place-specific processes of innovation or sites of creative invention, as the diffusionist paradigm might have it; they connote networks of policymaking sites, linked by overlapping ideological orientations, shared aspirations, and at least partly congruent political projects. Substantially, models perform ‘‘formatting” functions (cf. Mitchell, 2002), in that they effectively crystallize not only a preferred bundle of practices and conventions, they also stitch together particular readings of policy problems with putative solutions. Workfare models do this, for example, by positing a causal relationship between welfare dependency (itself signaled by a series of behavioral and social characteristics) and worklessness (or the absence of employability), yielding preferred responses in the form of work activation and enforcement measures (Peck, 2001). A model can only become a model, needless to say, if it has followers, but it will not enroll followers unless it holds the promise of extra-local salience. Models that travel therefore reveal at least as much about ‘‘demand-side” needs, imperatives, and anxieties as they do about supply-side inventiveness. The reason why many models achieve mobility in the first place is that they have, in some way or another, been ideologically anointed or sanctioned. There is a pre-constituted market for lessons from Barcelona or Vancouver, locations that are consonant with prevailing policy fixes, but the other side of this coin is that the policy blogs are unlikely to be running hot, any time soon, with talk of the Havana model, Kabulism, or even lessons from Detroit. This said, prevailing policy fixes and favored policy fads do come from somewhere; they are not handed down from on high. Increasingly, it seems that such policy norms are co-produced through concurrent processes of site-specific experimentation, purposeful intermediation, and emulative networking. The viral spread of creative city policies in the past decade, for example, has been predicated on an array of supportive conditions and enabling networks, including: stylized, but ground-truthed claims about the underlying causes of innovation-rich growth in cities like Austin, TX and San Francisco; Richard Florida’s brand of guru performativity; the easy manualization of creativity-city policy techniques by consultants and other policy intermediaries; and, not least, the competitive anxieties and fiscal constraints of cities around the world, which effectively constitute a ready market for low-cost, feel-good makeovers of business-as-usual forms of urban entrepreneurialism (Peck, 2009). McCann and Ward describe similar situations with respect to development paradigms like the new urbanism and privatized governance techniques like BIDS, many of which have been moving, in fact, in precisely the same circles as creative cities policies. Here, the social production of policy orthodoxies occurs through interurban networks rather than in a topdown fashion, as the favored strategies of nation states or multilateral agencies. The discursive and material power of such national and international institutions, of course, has not faded away. Rather, its form has changed. Sheppard and Leitner’s (in press) analysis of the development of development thinking in this special issue, for example, makes the case that the shift from structural adjustment to decentralized governance amongst the ‘‘Washington consensus” agencies masks significant continuities in the locus of power and expertise. Global governance discourses, which effectively enframe and organize the evolving normative consensus, continue to bear the imprint of what Sheppard and Leitner call a ‘‘developmentalist socio-spatial imaginary,” which preemptively legitimizes firstworld expertise and which combines a stageist teleology with an essentially neoliberal vision of competitive leveling. These global development discourses are today less likely to be enforced by the blunt instruments of structural adjustment (though loan conditionalities and policy-based lending have hardly been abandoned). Increasingly, they travel in the form of favored models of development and socio-technical fixes, like microcredit programs, arrangements to regularize property ownership in informal settlements, and conditional cash transfer schemes (Rankin, 2001; Mitchell, 2009; Peck and Theodore, in press). These stylized schemes themselves may not, strictly speaking, always originate from organizations like the World Bank, but instead are selectively harvested from the fields of decentralized governance, refined into development models and (best) practices, and purposefully re-circulated through global networks. The quasi-academic trappings of the World Bank Institute, its intellectually colonizing ‘‘knowledge bank” strategies, and the widespread concern with ‘‘scaling up” favored projects can all be seen as manifestations of a certain kind of normative authority (see Fine, 2002; Wade, 2002; IBRD and World Bank, 2004; Goldman, 2005; Peet, 2007).

#### So called 'corrupt' or 'weak government' states are sometimes more stable.

Koehler et al 13

(Jan, Research Associate at Freie University in Berlin, studies Governance in Areas of Limited Statehood, “CONFLICT AND STABILITY IN AFGHANISTAN: METHODOLOGICAL APPROACHES”, June 2013, from the conference “Violence, Drugs and Governance: Mexican Security in Comparative Perspective”, http://iis-db.stanford.edu/evnts/6716/20130513\_StabilityConflict\_Final\_FINAL\_Koehler\_Gosztonyi\_Boehnke.pdf)

Beyond a mere description of the stability situation in the survey area, our data also allows to explore how the measures of the international intervention interact with each other within and between the different functional fields (security, governance institutions, economy and adaption / modernisation). In other words, we can ask whether and how the different international measures – military, governance capacity building , and economic reconstruction and development – interact with each other and how the recipient society (in our case the people of north - east Afghanistan) adapts to this forceful modernisation drive. Some possible interactions between these fields appear to be quite obvious . One would assume for instance, that the deterioration of security beyond a certain level would also lead to a worsening of governance and of the economy. Other possible interactions are less clear: For example, can improvements in governance and development lead to improved security? Addressing these questions in detail will be the task of our future research. In the final section of this paper we presented preliminary results regarding two fields of our stability definition : security and go vernance institutions . As the data utilised in the analysis still relate to the baseline phase of the research, we could only present initial correlations between the indicators measuring performance in the different fields. Nevertheless , these initial results offered us interesting insights regarding the nature of the security and governance fields of our stability definition. With regard to security , our analysis seems to confirm a distinct ethnic character of the insurgency in north - east Afghanistan. Di strict and village clusters with a high percentage of Pashtuns experience the insurgency in different ways than districts and village clusters with low or no presence of Pashtuns: districts with a high percentage of Pashtuns have registered more security incidents, and districts and village clusters with a strong Pashtun presence show higher levels of fear in general and are more afraid of ISAF (International Security Assistance Force) in particular than districts and village clusters with no Pashtun presence. A further interesting result is a strong dissociation of “fear” from objective and subjective security indicators in a district. With regard to governance we also have two interesting results which will need further investigation: firstly village level governance appears to be largely dissociated from district level governance, i.e. good or bad governance on the district level has only very limited or no impact on the quality of governance on the village and vice versa, the quality of village level governance has no impact on the quality of district level governance. Another result is a partial confirmation of assumptions that see “good governance” as a package: a responsive district administration, an efficient police (i.e. a police t hat contributes positively to security) and the perception that the designated district manager is the most powerful person in the district (i.e. informal power - brokers do not overshadow the government) strongly correlate with each other. Interestingly, this cluster of good governance indicators correlates significantly and negatively with the perceived fairness of conflict resolution on the district level. In other words, districts that show a number of good governance characteristics are simultaneously al so associated with a more unfair management of conflicts. This result clearly runs contrary to general assumptions of good governance as a package and shows how complex interactions between the different governance components can be. A joint examination o f security and governance indicators confirmed previous results and added some additional detail: the arbitrary rule of commanders is associated with better perceived fairness of conflict management and less fear, i.e. archetypical bad governance actors nevertheless offer two valuable services to the people: less fear and perceived better conflict management. A cluster of “good governance” also emerged in this analysis that was associated with better security. Lastly, the separation of the village from the district level was once again confirmed.

As a legal scholar you should reflect on the 1ac as an up-down vote: there is no way voting aff can access their plan, but the university is a crucial place of praxis. If we win that lawmaking in the context of war is about justifying rather than challenging war, and the aff is an instance of that, you should vote neg.

Bond Graham 9. Darwin Bond Graham, PhD Sociology UC Santa Barbara, and Hell, UC Fiat Pax Research Project Group, Higher Education Militarization Resource, 2003, “The Militarization of America’s Universities”, Fiat Pax, UC Santa Cruz Press, pages 3-4, http://www.fiatpax.net/demil.pdf, Accessed 10/15/09

This publication is the testimony of our careers as students of a university in service of the warfare state. This publication is founded on a belief that war, no matter how urgent it might seem and no matter how necessary we are made to think it is, can no longer be considered a justifiable act. War is not the last resort, war is not the path to peace, war is not the means to an end, war is never the solution. War is always a failure. This publication is founded on a fact: War is not possible and pursuable in any society without the coordination and resources of a nation’s knowledge base for the purposes of making war. In our society this means that war is made possible only through a permanent technological revolution encompassing most dis- ciplines of science. War is the product of a close relationship between the US military establishment, private corporations, and academic institutions. This is the military-industrial-academic complex. Colleges and universities serve a critical purpose that only they can fulfill by providing access to the best and brightest minds, the product of their research, and the legitimization of war and weapons as high and honorable pursuits. The role that universities collectively play in warfare cannot be over-stated. War as we know it, with all its destructive and horrific capacity, would not be possible were it not for the military-industrial shaping of science, and our institutions of knowledge creation. We are not against science. We are opposed to the manipulation and perversion of science and technology used for the destruction of humankind. We are for the realization of a university that works to better society through research and education. We are in support of science guided by ethics not profits. In a message to the university community dated March 19th, 2003 UC President Richard Atkinson remarked that with respect to the war against Iraq and during times of war in general, "it is important that we all remember, now more than ever, the important role the University plays as a place of reasoned inquiry and civil discourse. While emotions may run high, there can be no room on our campuses for violence or intolerance." President Atkinson is right. There can be no room on our campuses for violence or intolerance. Therefore we must immediately cease all participation in the production of war and the technologies used to fight it. We must mobilize science entirely for peace and the prevention of war. Since the UC laid the foundation for the military-university relationship, it should be the first to sever the ties. We are calling upon the University of California to show leadership by transforming its system of research from war to peace, its economic purpose from destruction to sustainability, and by realizing its motto "Fiat Lux," that progress and a peaceful future is still possible.

### 1nr

## No Impact

#### Credibility fails and isn’t key to heg

Drezner 11

Daniel W. Drezner, Professor of International Politics at the Fletcher School of Law and Diplomacy at Tufts University, Foreign Affairs, July/August 2011, "Does Obama Have a Grand Strategy?", http://www.foreignaffairs.com/print/67869

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

### T

#### First- authority refers to the inherent powers created within the agent, means topical affirmatives have to address the origin of power that allows presidents to take action.

**Lobel, 8** - Professor of Law, University of Pittsburgh Law School (Jules, “Conflicts Between the Commander in Chief and Congress: Concurrent Power over the Conduct of War” 392 OHIO STATE LAW JOURNAL [Vol. 69:391, http://moritzlaw.osu.edu/students/groups/oslj/files/2012/04/69.3.lobel\_.pdf)

So  too, the congressional power to declare or authorize war has been long held to permit Congress to authorize and wage a limited war—“limited in place, in objects, and in time.” 63 When Congress places such restrictions on the President’s authority to wage war, it limits the President’s discretion to conduct battlefield operations. For example, Congress authorized President George H. W. Bush to attack Iraq in response to Iraq’s 1990 invasion of Kuwait, but it confined the President’s authority to the use of U.S. armed forces pursuant to U.N. Security Council resolutions directed to force Iraqi troops to leave Kuwait. That restriction would not have permitted the President to march into Baghdad after the Iraqi army had been decisively ejected from Kuwait, a limitation recognized by President Bush himself.64

#### This is explicitly distinct - Authority is power delegated to an agent to take action, not the action itself.

Kelly 3 Judge for the State of Michigan, JOSEPH ELEZOVIC, Plaintiff, and LULA ELEZOVIC, Plaintiff-Appellant/Cross-Appellee, v. FORD MOTOR COMPANY and DANIEL P. BENNETT, Defendants-Appellees/Cross-Appellants., No. 236749, COURT OF APPEALS OF MICHIGAN, 259 Mich. App. 187; 673 N.W.2d 776; 2003 Mich. App. LEXIS 2649; 93 Fair Empl. Prac. Cas. (BNA) 244; 92 Fair Empl. Prac. Cas. (BNA) 1557, lexis

Applying agency principles, a principal is responsible for the acts of its agents done within the scope of the agent's authority, "even though acting contrary to instructions." Dick Loehr's, Inc v Secretary of State, 180 Mich. App. 165, 168; 446 N.W.2d 624 (1989). This is because, in part, an agency relationship arises where the principal [\*\*\*36]  has the right to control the conduct of the agent. St Clair Intermediate School Dist v Intermediate Ed Ass'n/Michigan Ed Ass'n, 458 Mich. 540, 558 n 18; 581 N.W.2d 707 (1998) (citations omitted). The employer is also liable for the torts of his employee if "'the servant purported to act or to speak on behalf of the principal and there was reliance upon apparent authority, or he was aided in accomplishing the tort by the existence of the agency relation,'" McCann v Michigan, 398 Mich. 65, 71; 247 N.W.2d 521 (1976), quoting Restatement of Agency, 2d § 219(2)(d), p 481; see also Champion v Nation Wide Security, Inc, 450 Mich. 702, 704, 712; 545 N.W.2d 596 (1996), citing Restatement of Agency, 2d § 219(2)(d), p 481 ("the master is liable for the tort of his servant if the servant 'was aided in accomplishing the tort by the existence of the agency relation'"). In Backus v  [\*213]  Kauffman (On Rehearing), 238 Mich. App. 402, 409; 605 N.W.2d 690 (1999), this Court stated: The term "authority" is defined by Black's Law Dictionary to include "the power delegated by a principal to an agent." Black's Law Dictionary (7th ed), p [\*\*\*37]  127. "Scope of authority" is defined in the following manner: "The reasonable power that an agent has been delegated or might foreseeably be delegated in carrying out the principal's business." Id. at 1348.

#### Second, restrictions must prohibit future action – the aff is a regulation on exercising authority

Schackleford, justice – Supreme Court of Florida, 3/12/’17

(J., “ATLANTIC COAST LINE RAILROAD COMPANY, A CORPORATION, *et al., Plaintiff in Error,* v. THE STATE OF FLORIDA, *Defendant in Error,”* 73 Fla. 609; 74 So. 595; 1917 Fla. LEXIS 487)

There would seem to be no occasion to discuss whether or not the Railroad Commissioners had the power and authority to make the order, requiring the three specified railroads running into the City of Tampa to erect a union passenger station in such city, which is set out in the declaration in the instant case and which we have copied above. [\*\*\*29] It is sufficient to say that under the reasoning and the authorities cited in State v. Atlantic Coast Line R. Co., 67 Fla. 441, 458, 63 South. Rep. 729, 65 South. Rep. 654, and State v. Jacksonville Terminal [\*631] Co., supra, it would seem that HN14the Commissioners had power and authority. The point which we are required to determine is whether or not the Commissioners were given the authority to impose the fine or penalty upon the three railroads for the recovery of which this action is brought. In order to decide this question we must examine Section 2908 of the General Statutes of 1906, which we have copied above, in the light of the authorities which we have cited and from some of which we have quoted. It will be observed that the declaration alleges that the penalty imposed upon the three railroads was for the violation of what is designated as "Order No. 282," which is set out and which required such railroads to erect and complete a union depot at Tampa within a certain specified time. If the Commissioners had the authority to make such order, it necessarily follows that they could enforce a compliance with the same by appropriate proceedings in the courts, but [\*\*\*30] it does not necessarily follow that they had the power and authority to penalize the roads for a failure to comply therewith. That is a different matter. HN15Section 2908 of the General Statutes of 1906, which originally formed Section 12 of Chapter 4700 of the Laws of Florida, (Acts of 1899, p. 86), expressly authorizes the imposition of a penalty by the Commissioners upon "any railroad, railroad company or other common carrier doing business in this State," for "a violation or disregard of any rate, schedule, rule or regulation, provided or prescribed by said commission," or for failure "to make any report required to be made under the provisions of this Chapter," or for the violation of "any provision of this Chapter." It will be observed that the word "Order" is not mentioned in such section. Are the other words used therein sufficiently comprehensive to embrace an order made by the Commissioners, such as the one now under consideration? [\*632] It could not successfully be contended, nor is such contention attempted, that this order is covered by or embraced within the words "rate," "schedule" or "any report,' therefore we may dismiss these terms from our consideration and [\*\*\*31] direct our attention to the words "rule or regulation." As is frankly stated in the brief filed by the defendant in error: "It is admitted that an order for the erection of a depot is not a 'rate' or 'schedule' and if it is not a 'rule' or 'regulation' then there is no power in the Commissioners to enforce it by the imposition of a penalty." It is earnestly insisted that the words "rule or regulation" are sufficiently comprehensive to embrace such an order and to authorize the penalty imposed, and in support of this contention the following authorities are cited: Black's Law Dictionary, defining regulation and order; Rapalje & Lawrence's Law Dictionary, defining rule; Abbott's Law Dictionary, defining rule; Bouvier's Law Dictionary, defining order and rule [\*\*602] of court; Webster's New International Dictionary, defining regulation; Curry v. Marvin, 2 Fla. 411, text 515; In re Leasing of State Lands, 18 Colo. 359, 32 Pac. Rep. 986; Betts v. Commissioners of the Land Office, 27 Okl. 64, 110 Pac. Rep. 766; Carter V. Louisiana Purchase Exposition Co., 124 Mo. App. 530, 102 S.W. Rep. 6, text 9; 34 Cyc. 1031. We have examined all of these authorities, as well as those cited by the [\*\*\*32] plaintiffs in error and a number of others, but shall not undertake an analysis and discussion of all of them. While it is undoubtedly true that the words, rule, regulation and order are frequently used as synonyms, as the dictionaries, both English and law, and the dictionaries of synonyms, such as Soule's show, it does not follow that these words always mean the same thing or are interchangeable at will. It is well known that the same word used in different contexts may mean a different thing by virtue of the coloring which the word [\*633] takes on both from what precedes it in the context and what follows after. Thus in discussing the proper constructions to be placed upon the words "restrictions and regulations" as used in the Constitution of this State, then in force, Chap. 4, Sec. 2, No. 1, of Thompson's Digest, page 50, this court in Curry v. Marvin, 2 Fla. 411, text 415, which case is cited to us and relied upon by both the parties litigant, makes the following statement: "The word restriction is defined by the best lexicographers to mean limitation, confinement within bounds, and would seem, as used in the constitution, to apply to the amount and to the time [\*\*\*33] within which an appeal might to be taken, or a writ of error sued out. The word regulation has a different signification -- it means method, and is defined by Webster in his Dictionary, folio 31, page 929, to be 'a rule or order prescribed by a superior for the management of some business, or for the government of a company or society.' This more properly perhaps applies to the mode and form of proceeding in taking and prosecuting appeals and writs of error. By the use of both of those terms, we think that something more was intended than merely regulating the mode and form of proceedings in such cases." Thus, in Carter v. Louisiana Purchase Exposition Co., 124 Mo. App. 530, text 538, 102 S.W. Rep. 6, text 9, it is said, "The definition of a rule or order, which are synonymous terms, include commands to lower courts or court officials to do ministerial acts." In support of this proposition is cited 24 Amer. & Eng. Ency. of Law 1016, which is evidently an erroneous citation, whether the first or second edition is meant. See the definition of regulate and rule, 24 amer. & Eng. Ency. of Law (2nd Ed.) pages 243 to 246 and 1010, and it will be seen that the two words are not always [\*\*\*34] synonymous, much necessarily depending upon the context and the sense in which the words are used. Also see the discussion [\*634] of the word regulation in 34 Cyc. 1031. We would call especial attention to Morris v. Board of Pilot Commissioners, 7 Del. chan. 136, 30 Atl. Rep. 667, text 669, wherein the following statement is made by the court: "These words 'rule' and the 'order,' when used in a statute, have a definite signification. They are different in their nature and extent. A rule, to be valid, must be general in its scope, and undiscriminating in its application; an order is specific and not limited in its application. The function of an order relates more particularly to the execution or enforcement of a rule previously made." Also see 7 Words & Phrases 6271 and 6272, and 4 Words & Phrases (2nd Ser.) 419, 420. As we held in City of Los Angeles v. Gager, 10 Cal. App. 378, 102 Pac. Rep. 17, "The meaning of the word 'rules' is of wide and varied significance, depending upon the context; in a legal sense it is synonymous with 'laws.'" If Section 2908 had contained the word order, or had authorized the Commissioners to impose a penalty for the violation of any order [\*\*\*35] made by them, there would be no room for construction. The Georgia statute, Acts of 1905, p. 120, generally known as the "Steed Bill," entitled "An act to further extend the powers of the Railroad Commission of this State, and to confer upon the commission the power to regulate the time and manner within which the several railroads in this State shall receive, receipt for, forward and deliver to its destination all freight of every character, which may be tendered or received by them for transportation; to provide a penalty for non-compliance with any and all reasonable rules, regulations and orders prescribed by the said commission in the execution of these powers, and for other purposes," expressly authorized the Railroad Commissioners "to provide a penalty for non-compliance with any and all reasonable rules, regulations and orders prescribed by the said Commision." [\*635] See Pennington v. Douglas, A. & G. Ry. Co., 3 Ga. App. 665, 60 S.E. Rep. 485, which we cited with approval in State v. Atlantic Coast Line R. Co., 56 fla. 617, text 651, 47 South. Rep. 969, 32 L.R.A. (N.S.) 639. Under the reasoning in the cited authorities, especially State v. Atlantic Coast Line R. Co., [\*\*\*36] supra, and Morris v. Board of Pilot Commissioners, we are constrained to hold that the fourth and eighth grounds of the demurrer are well founded and that HN16the Railroad Commissioners were not empowered or authorized to impose a penalty upon the three railroads for failure to comply with the order for the erection of a union depot.

#### Even if they win the plan is a restriction, it doesn’t restrict presidential war powers authority - that kills predictability

J.A.D. Haneman 59, justice of the Superior Court of New Jersey, Appellate Division. “Russell S. Bertrand et al. v. Donald T. Jones et al.,” 58 NJ Super. 273; 156 A.2d 161; 1959 N.J. Super, Lexis

 HN4 In ascertaining the meaning of the word "restrictions" as here employed, it must be considered in context with the entire clause in which it appears. It is to be noted that the exception concerns restrictions "which have been complied with." Plainly, this connotes a representation of compliance by the vendor with any restrictions upon the permitted uses of the subject property. The conclusion that "restrictions" refer solely to a limitation of the manner in which the vendor may [\*\*\*14] use his own lands is strengthened by the further provision found in said clause that the conveyance is "subject to the effect, [\*\*167] if any, of municipal zoning laws." Municipal zoning laws affect the use of property.¶ HN5 A familiar maxim to aid in the construction of contracts is noscitur a sociis. Simply stated, this means that a word is known from its associates. Words of general and specific import take color from each other when associated together, and thus the word of general significance is modified by its associates of restricted sense. 3 Corbin on Contracts, § 552, p. 110; cf. Ford Motor Co. v. New Jersey Department of Labor and Industry, 5 N.J. 494 (1950). The [\*284] word "restrictions," therefore, should be construed as being used in the same limited fashion as "zoning."

#### Only restrictions on authority grant the link based on future action

**Lobel, 8** - Professor of Law, University of Pittsburgh Law School (Jules, “Conflicts Between the Commander in Chief and Congress: Concurrent Power over the Conduct of War” 392 OHIO STATE LAW JOURNAL [Vol. 69:391, http://moritzlaw.osu.edu/students/groups/oslj/files/2012/04/69.3.lobel\_.pdf)

So  too, the congressional power to declare or authorize war has been long held to permit Congress to authorize and wage a limited war—“limited in place, in objects, and in time.” 63 When Congress places such restrictions on the President’s authority to wage war, it limits the President’s discretion to conduct battlefield operations. For example, Congress authorized President George H. W. Bush to attack Iraq in response to Iraq’s 1990 invasion of Kuwait, but it confined the President’s authority to the use of U.S. armed forces pursuant to U.N. Security Council resolutions directed to force Iraqi troops to leave Kuwait. That restriction would not have permitted the President to march into Baghdad after the Iraqi army had been decisively ejected from Kuwait, a limitation recognized by President Bush himself.64

#### B) Education—they are also the only real net benefits to CPs that use different mechanisms like Courts, Congress, OLC, and DOD—in-depth comparisons of legal restrictions won’t take place without these DAs, which is unique

Topp & Bricker ‘10 (Sarah – prof @Trinity & Bret – U of Kansas “SUPPLYING A WELL-ROUNDED EDUCATION: A CASE FOR MANDATORY TOPIC ROTATION” http://www.cedadebate.org/cad/index.php/CAD/article/view/270/242

Mandatory topic rotation would guarantee that students achieve depth of education on a diversity of areas. Mandating a new topic area each year means that a four- year debater will have in-depth knowledge of four different areas of controversy. It is true that absent compulsory rotation, students still learn about several topic areas, but with forced rotation, there will likely be a larger variety of topics discussed. Crucially, each student will be exposed to issues relevant to foreign policy, domestic policy, and in stale education. A mandatory rotation ensures that students are exposed to a large variety of literature bases, and therefore expand their research skills. Debaters’ research skills already tend to be far ahead of their non-debate peers in college. However, some debaters can currently go their entire college career searching a database or source unrelated to domestic or legal issues. In particular, the focus on foreign policy and avoidance of legal policy has limited the research bases to which debaters are exposed. A topic rotation changes the types of databases and searches done because some databases are more relevant and useful for some topics than they are for others. The result is that students will experience and benefit from working with different interfaces and reading a variety of academic genres. Such exposure will make them more well-rounded debaters and students and better prepare them for life in the law, academia, and other professions.