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#### Obama has momentum for negotiations – GOP conditions failing - PC

Calmes and Weisman, 10-2-’13 (Jackie and Jonathan, “Obama Sets Conditions for Talks: Pass Funding and Raise Debt Ceiling” New York Times, http://www.nytimes.com/2013/10/03/us/politics/congress-budget-battle.html?\_r=0)

In their first meeting since a budget impasse shuttered many federal operations, President Obama told Republican leaders on Wednesday that he would negotiate with them only after they agreed to the funding needed to reopen the government and also to an essential increase in the nation’s debt limit, without add-ons. The president’s position reflected the White House view that the Republicans’ strategy is failing. His meeting with Congressional leaders, just over an hour long, ended without any resolution. As they left, Republican and Democratic leaders separately reiterated their contrary positions to waiting reporters. The House speaker, John A. Boehner, Republican of Ohio, said Mr. Obama “will not negotiate,” while the Senate majority leader, Harry Reid, Democrat of Nevada, said Democrats would agree to spending at levels already passed by the House. “My friend John Boehner cannot take ‘yes’ for an answer,” Mr. Reid said. The meeting was the first time that the president linked the two actions that he and a divided Congress are fighting over this month: a budget for the fiscal year that began on Tuesday and an increase in the debt ceiling by Oct. 17, when the Treasury Department will otherwise breach its authority to borrow the money necessary to cover the nation’s existing obligations to citizens, contractors and creditors. Only when those actions are taken, Mr. Obama said, will he agree to revive bipartisan talks toward a long-term budget deal addressing the growing costs of Medicare and Medicaid and the inadequacy of federal tax revenues. While the lack of a budget forced the government shutdown this week, failure to raise the debt limit would have worse repercussions, threatening America’s credit rating with a globe-shaking default and risking an economic relapse at home. Yet the refusal by the Republican-led House earlier this week to approve government funding until Mr. Obama agrees to delay his signature health care law — a nonnegotiable demand, he has said — raised fears from Washington to Wall Street that Republicans likewise would carry out their threat to withhold approval of an increase in the debt ceiling. In a meeting with Wall Street executives to enlist their help, and then in an interview with CNBC before his White House meeting with Congressional leaders, Mr. Obama said he needed to draw a firm line “to break that fever” in the House among hard-line conservatives who repeatedly issued fiscal ultimatums, resulting in government by crisis. “As soon as we get a clean piece of legislation that reopens the government — and there is a majority for that right now in the House of Representatives — until we get that done, until we make sure that Congress allows Treasury to pay for things that Congress itself already authorized, we are not going to engage in a series of negotiations,” Mr. Obama told CNBC, a cable business-news channel. Mr. Boehner, under pressure from Republican conservatives and outside Tea Party groups, has declined to bring a so-called clean continuing resolution to the House for a vote because it would pass mostly with Democrats’ votes and probably prompt a conservative backlash that could cost him his leadership office. Mr. Obama, in the interview, said he must resist the Republican demands this time because a precedent is at stake. “If we get in the habit where a few folks, an extremist wing of one party, whether it’s Democrat or Republican, are allowed to extort concessions based on a threat of undermining the full faith and credit of the United States, then any president who comes after me — not just me — will find themselves unable to govern effectively,” he said. Many Republicans concede that Mr. Obama has the political advantage in the current confrontation, so some in the House reacted hopefully to the president’s summons to Congressional leaders to meet late in the day. Representative Michael G. Grimm, Republican of New York, called the White House meeting “the beginning of the end of the government shutdown,” although others in Congress and the administration were less optimistic. Frustrations in Congress were mounting along with voters’ anger. Clusters of House Republicans filtered in and out of Mr. Boehner’s office, some pleading for him to stand firm, others seeking a face-saving end to the shutdown. Mr. Grimm said he was one of a half-dozen Republican pragmatists who urged the speaker to find a way to reopen the government. Lawmakers who spoke with the speaker said that Mr. Boehner broached the idea of a comprehensive deficit-reduction deal that could put to rest three years of gridlock and turmoil in the Republican-led House.

#### **Having to defend authority against Congress derails the agenda**

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

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

#### PC key to avoiding total economic collapse

Henninger, 10-2-’13 (Daniel, “Obama's Washington Colosseum” Wall Street Journal, http://online.wsj.com/article/SB10001424052702303722604579111492249901278.html)

Despite the institutional difficulties, one may still ask whether the responsibility of any president is to let this situation get worse, or to defuse it in the national interest? And it can get worse. The government shutdown may look relatively minor, but the political corrosion on view this week could drive the U.S. into a destructive debt default later this month. That catastrophe is predictable right now, but avoidable, if Mr. Obama will exercise the leadership he was elected to provide. The country Ronald Reagan "inherited" in 1981 was also beset with problems and divisions. The country he left behind after two terms was not. He "negotiated" with the opposition. The productive Ronald Reagan-Tip O'Neill relationship is now the stuff of legend and books. What counterpart has Barack Obama produced? Ted Cruz. With normal political outlets choked off for five years by Mr. Obama, Sen. Cruz and his supporters risk becoming one of the passion-driven, alienated groups that Madison and Hamilton, those famous surrender monkeys, warned against. There was a time when Washington reporters who got into this business for love of politics would have held a president to account for wrecking politics. And did. No more. Instead, they've become mostly thumb-waving spectators in the Roman Colosseum over which Barack Obama presides. Thumbs down any day now for the humiliated John Boehner. It is indeed a spectacle. Absent presidential leadership, it may engulf us all.

Collapses the global economy

VOA News, 10-3-’13 (“IMF: US Failure to Lift Debt Ceiling Could Damage World Economy” http://www.voanews.com/content/reu-us-failure-to-lift-debt-ceiling-could-damage-world-economy-says-imf-chief/1762364.html)

Failure to raise the U.S. debt ceiling could damage not only the United States but the rest of the global economy, International Monetary Fund chief Christine Lagarde said on Thursday. “It is 'mission-critical' that this be resolved as soon as possible,” she said in a speech in Washington, ahead of the IMF and World Bank annual meetings next week. Republican and Democratic leaders in the U.S. Congress so far remain at loggerheads over funding the government, keeping hundreds of thousands of federal employees off the job without pay for a third day on Thursday. Though a government shutdown would do relatively little damage to the world's largest economy in the short term, global markets could be roiled if Congress also fails to raise the United States' $16.7 trillion debt limit. The Treasury has said the United States will exhaust its borrowing authority no later than October 17. If no deal is reached in raising the debt ceiling, analysts expect the U.S. government to run out of cash to pay its bills within weeks of that date. Lagarde said growth in the United States has already been hurt by too much fiscal consolidation, and will be below two percent this year before rising by about one percentage point in 2014, assuming political standoffs are resolved. The U.S. Congress imposed a so-called sequester, or across the board government spending cuts, earlier this year after failing to agree on a broad budget package. Glimmers of optimism Turning to the rest of the world, Lagarde pointed to signs of progress in the eurozone and Japan, but said transitions to more stable growth may take a while. She said the eurozone “came up for air” in the spring after six quarters of recession, and the economy should grow almost one percent next year. The currency bloc must address debt-hobbled banks and a fragmented financial system to return to health, she said. Japan also seems to be having success with its massive monetary stimulus to boost the economy out of decades of deflation and lagging growth, boosting GDP by about one percent. “Deflation is coming to an end and a newfound optimism is in the air,” Lagarde said, adding that Japan must still implement a credible plan to bring down its debt and reform entitlements. She said emerging markets have suffered since the U.S. Federal Reserve announced plans to eventually scale back its own monetary stimulus, which prompted capital outflows as investors bet on higher rates in advanced economies. Lagarde said the turbulence could reduce GDP in major emerging markets by 0.5 to 1 percentage points. Monetary policy helped rescue the global economy after the global financial crisis. But as the United States prepares to decrease the pace of its massive bond-buying, it must be aware that its policies affect people and markets around the world, Lagarde said. ‘Special resposibility’ “The U.S. has a special responsibility: to implement [normalization] in an orderly way, linking it to the pace of recovery and employment; to communicate clearly; and to conduct a dialog with others,” she said. But Lagarde said the turmoil in the Middle East and North Africa may be the hardest to resolve, and take the most time. Syria is still in the midst of a civil war and Egypt struggles to address its fiscal deficit and structural reforms while dealing with a political transition. “To succeed, [this region] needs the unwavering support of the international community,” Lagarde said. Finally, she called on governments to better work together on reforming the financial sector, calling progress too slow, partly due to divergences among different countries. She pointed in particular to the “danger zone” of shadow banking, or the non-banking sector that can provide credit but is not under formal regulation. In the United States, shadow banking is twice the size of the banking sector, and in China half the credit given this year has come from shadow banking, she said. “Putting this all together in a globalized world is a headache,” Lagarde said about financial regulation. “And yet, it must be done - nothing less than global financial stability depends on it.”

#### Global nuclear war

Harris & Burrows 9 Mathew, PhD European History @ Cambridge, counselor of the U.S. National Intelligence Council (NIC) and Jennifer, member of the NIC’s Long Range Analysis Unit “Revisiting the Future: Geopolitical Effects of the Financial Crisis” http://www.ciaonet.org/journals/twq/v32i2/f\_0016178\_13952.pdf

Of course, the report encompasses more than economics and indeed believes the future is likely to be the result of a number of intersecting and interlocking forces. With so many possible permutations of outcomes, each with ample Revisiting the Future opportunity for unintended consequences, there is a growing sense of insecurity. Even so, history may be more instructive than ever. While we continue to believe that the Great Depression is not likely to be repeated, the lessons to be drawn from that period include the **harmful effects on fledgling democracies** and multiethnic societies (think Central Europe in 1920s and 1930s) and on the sustainability of multilateral institutions (think League of Nations in the same period). There is no reason to think that this would not be true in the twenty-first as much as in the twentieth century. For that reason, the ways in which **the potential for** greater **conflict could grow** would seem to be even more apt in a constantly volatile economic environment as they would be if change would be steadier. In surveying those risks, the report stressed the likelihood that terrorism and nonproliferation will remain priorities even as resource issues move up on the international agenda. **Terrorism**’s appeal will decline if economic growth continues in the Middle East and youth unemployment is reduced. For those terrorist groups that remain active in 2025, however, the diffusion of technologies and scientific knowledge will place some of the world’s most dangerous capabilities within their reach. Terrorist groups in 2025 will likely be a combination of descendants of long established groups\_inheriting organizational structures, command and control processes, and training procedures necessary to conduct sophisticated attacks and newly emergent collections of the angry and disenfranchised that become self-radicalized, particularly in the absence of economic outlets that would become narrower in an economic downturn. The most dangerous casualty of any **economically-induced drawdown** of U.S. military presence would almost certainly be the Middle East. Although Iran’s acquisition of nuclear weapons is not inevitable, worries about a nuclear-armed Iran could lead states in the region to develop new security arrangements with external powers, **acquire additional weapons**, and consider pursuing their own **nuclear ambitions**. It is not clear that the type of stable deterrent relationship that existed between the great powers for most of the Cold War would emerge naturally in the Middle East with a nuclear Iran. Episodes of low intensity conflict and terrorism taking place under a nuclear umbrella could lead to an **unintended escalation** and **broader conflict** if clear red lines between those states involved are not well established. The close proximity of potential **nuclear rivals** combined with underdeveloped surveillance capabilities and mobile dual-capable Iranian missile systems also will produce inherent difficulties in achieving reliable indications and warning of an impending nuclear attack. The lack of strategic depth in neighboring states like Israel, short warning and missile flight times, and uncertainty of Iranian intentions may place more focus on **preemption** rather than defense, potentially leading to **escalating crises**. 36 Types of conflict that the world continues to experience, such as over resources, could reemerge, particularly if protectionism grows and there is a resort to neo-mercantilist practices. Perceptions of renewed energy scarcity will drive countries to take actions to assure their future access to energy supplies. In the worst case, this could result in **interstate conflicts** if government leaders deem assured access to energy resources, for example, to be essential for maintaining domestic stability and the survival of their regime. Even actions short of war, however, will have important geopolitical implications. Maritime security concerns are providing a rationale for naval buildups and modernization efforts, such as China’s and India’s development of blue water naval capabilities. If the fiscal stimulus focus for these countries indeed turns inward, one of the most obvious funding targets may be military. Buildup of regional naval capabilities could lead to increased tensions, rivalries, and counterbalancing moves, but it also will create opportunities for multinational cooperation in protecting critical sea lanes. With water also becoming scarcer in Asia and the Middle East, cooperation to manage changing water resources is likely to be increasingly difficult both within and between states in a more dog-eat-dog world.

# 2

**Politics is schmittian---trying to fight the executive on their own battlefield is naïve---the aff is just a liberal knee-jerk reaction that swells executive power**

**Kinniburgh, 5/27 –** (Colin, Dissent, 5-27, <http://www.dissentmagazine.org/blog/partial-readings-the-rule-of-law>)

The shamelessness of the endeavor is impressive—a far cry, in many ways, from the CIA’s secretive Cold War–era assassination plots. Obama has succeeded in anchoring a legal infrastructure for state-sponsored assassinations on foreign soil while trumpeting it, in broad daylight, as a framework for accountability. Peppered with allusions to the Constitution and to “the law” more generally, the call for transparency instead appears to provide an Orwellian foil for a remarkable expansion of executive powers. Existing laws, domestic or international, are proving a hopelessly inadequate framework with which to hold the Obama administration accountable for arbitrary assassinations abroad. No doubt it is tempting to turn to the Constitution, the Universal Declaration of Human Rights, and other relevant legal documents as a litmus test for the validity of government actions. Many progressive media outlets have a tendency to seize on international law, especially, as a straightforward barometer of injustice: this is particularly true in the case of the Israel-Palestine conflict, as an editorial in the current issue of Jacobin points out. Both domestic and international legal systems often do afford a certain clarity in diagnosing excesses of state power, as well as a certain amount of leverage with which to pressure the states committing the injustices. To hope, however, that legal systems alone can redress gross injustices is naive. Many leftists—and not just “bloodless liberals”—feel obliged to retain faith in laws and courts as a lifeline against oppression, rather than as mere instruments of that same oppression. Even Marx, when he was subjected, along with fellow Communist League exiles, to a mass show trial in Prussian courts in the 1850s, was convinced that providing sufficient evidence of his innocence would turn the case against his accuser, Wilhelm Stieber, a Prussian secret agent who reportedly forged his evidence against the communists. In his writings, Marx expressed his disillusionment with all bourgeois institutions, including the courts; in practice, he hoped that the law would serve him justice. Richard Evans highlights this tension in his insightful review of Jonathan Sperber’s Karl Marx: A Nineteenth-Century Life, published in the most recent London Review of Books. “Naively forgetting,” writes Evans, “what they had said in the Manifesto – that the law was just an instrument of class interests – Marx and Engels expected [their evidence against Stieber] to lead to an acquittal, but the jury found several of the defendants guilty, and Stieber went unpunished.” Marx’s disappointment is all too familiar. It is familiar from situations of international conflict, illustrated by Obama’s drone strikes justifications; it is evident, too, when a police officer shoots dead an unarmed Bronx teenager in his own bathroom, and the charge of manslaugher—not murder—brought against the officer is dropped for procedural reasons by the presiding judge. This is hardly the first such callous ruling by a New York court in police violence cases; the last time charges were brought against an NYPD officer relating to a fatal shooting on duty, in 2007, they were also dropped. Dozens of New Yorkers have died at the hands of the police since then, and Ramarley Graham’s case was the first that even came close to a criminal conviction—only to be dropped for ludicrous reasons. Yet New York’s stop-and-frisk opponents are still fighting their battle out in the courts. In recent months, many activists have invested their hopes for fairer policing in a civil class action suit, Floyd, et. al. vs. City of New York, which may just convict the NYPD of discrimination despite the odds. District court judge Shira Scheindlin, profiled in this week’s New Yorker, has gained a reputation for ruling against the NYPD in stop-and-frisk cases, even when it has meant letting apparently dangerous criminals off the hook. In coming weeks, she is likely to do the same for the landmark Floyd case, in what may be a rare affirmation of constitutional law as a bulwark against state violence and for civil liberties. Even if the city wins the case, the spotlight that stop-and-frisk opponents have shined on the NYPD has already led to a 51 percent drop in police stops in the first quarter of this year. Still, when the powerful choose the battlefield and write the laws of war, meeting them on their terms is a dangerous game.

**Legality is what feeds a new form of muscular liberalism where these illusions cannot see how much they sustain it which legitimizes wars for democracies and doctrines of pre-emption**

Motha 8 \*Stewart, Senior Lecturer, Kent Law School, University of Kent, Canterbury, Kent, Journal of Law, Culture, and Humanities Forthcoming 2008, Liberal Cults, Suicide Bombers, and other Theological Dilemmas

A universalist liberal ideology has been re-asserted. It is not only neo-con hawks or Blairite opportunists that now legitimise wars for democracy. Alarmingly, it is a generation of political thinkers who opposed the Nixonian logic of war (wars to show that a country can ‘credibly’ fight a war to protect its interests1), and those humbled by the anticolonial struggles of liberation from previous incarnations of European superiority that are renewing spurious civilizational discourses. This ‘muscular liberalism’ has found its voice at the moment of a global political debate about the legality and effectiveness of ‘just wars’ – so called ‘wars for democracy’ or ‘humanitarian war’. The new political alignment of the liberal left emerged in the context of discussions about the ‘use of force’ irrespective of UN Security Council endorsement or the sovereign state’s territorial integrity, such as in Kosovo – but gained rapid momentum in response to attacks in New York City and Washington on September 11, 2001. Parts of the liberal left have now aligned themselves with neoconservative foreign policies, and have joined what they believe is a new anti-totalitarian global struggle – the ‘war on terror’ or the battle against Islamist fundamentalism. One task of this essay, then, is to identify this new formation of the liberal left. Much horror and suffering has been unleashed on the world in the name of the liberal society which must endure. However, when suicide bombing and state-terror are compared, the retort is that there is no moral equivalence between the two. Talal Asad in his evocative book, On Suicide Bombing, has probed the horror that is felt about suicide bombing in contrast to state violence and terror.2 What affective associations are formed in the reaction to suicide bombing? What does horror about suicide bombing tell us about the constitution of inter-subjective relations? In this essay I begin to probe these questions about the relation between death, subjectivity, and politics. I want to excavate below the surface oppositions of good deaths and bad, justifiable killing and barbarism, which have been so central to left liberal arguments. As so much is riding on the difference between ‘our good war’ and ‘their cult of death’, it seems apt to examine and undo the opposition. The muscular liberal left projects itself as embodying the values of the ‘West’, a geo-political convergence that is regularly opposed to the ‘East’, ‘Muslims’, or the ‘Islamic World’. I undo this opposition, arguing that thanatopolitics, a convergence of death, sacrifice, martyrdom and politics, is common to left liberal and Islamist political formations. How does death become political for left liberals and Islamist suicide bombers? In the case of the latter, what is most immediately apparent is how little is known about the politics and politicization of suicide bombers. Suicide bombers are represented as a near perfect contrast to the free, autonomous, self-legislating liberal subject – a person overdetermined by her backward culture, oppressive setting, and yet also empty of content, and whose death can have no temporal political purchase. The ‘suicide bomber’ tends to be treated by the liberal left as a trans-historical ‘figure’, usually represented as the ‘Islamo-fascist’ or the ‘irrational’ Muslim.3 The causes of suicide bombing are often implicitly placed on Islam itself – a religion that is represented as devoid of ‘scepticism, doubt, or rebellion’ and thus seen as a favourable setting for totalitarianism.4 The account of the suicide bomber as neo-fascist assassin supplements a lack – that is, that the association of suicide bombing with Islam explains very little. The suicide bomber is thus made completely familiar as totalitarian fascist, or wholly other as “[a] completely new kind of enemy, one for whom death is not death”.5 So much that is written about the suicide bomber glosses over the unknown with political subjectivities, figures, and paradigms (such as fascism) which are familiar enough to be vociferously opposed. By drawing the suicide bomber into a familiar moral register of ‘evil’, political and historical relations between victim and perpetrator are erased.6 In the place of ethnographically informed research the ‘theorist’ or ‘public intellectual’ erases the contingency of the suicide bomber and reduces her death to pure annihilation, or nothingness. The discussion concludes by undoing the notion of the ‘West’, the very ground that the liberal left assert they stand for. The ‘West’ is no longer a viable representation of a geo-political convergence, if it ever was. Liberal discourse has regarded itself as the projection of the ‘West’ and its enlightenment. But this ignores important continuities between Islam, Christianity, and contemporary secular formations. The current ‘clash of monotheisms’, I argue after J-L Nancy, reveals a crisis of sense, authority, and meaning which is inherent to the monotheistic form. An increasingly globalised world is made up of political communities and juridical orders that have been ‘emptied’ of authority and certainty. This crisis of sense conditions the horror felt by the supposedly rational liberal in the face of Islamist terrorism. Horror at terrorism is then the affective bond that sustains a grouping that otherwise suffers the loss of a political project with a definite end. The general objective of this essay is to challenge the unexamined assumptions about politics and death that circulate in liberal left denunciations of Islamic fascism. The horror and fascination with the figure of the suicide bomber reveals an unacknowledged affective bond that constitutes the muscular liberal left as a political formation. This relies on disavowing the sacrificial and theological underpinnings of political liberalism itself – and ignores the continuities between what is called the ‘West’ and the theologico-political enterprise of monotheism. Monotheism is not the preserve of something called the ‘West’, but rather an enterprise that is common to all three Religions of the Book. The article concludes by describing how the writings of Jean-Luc Nancy on monotheism offer liberal left thinkers insights for rethinking the crisis of value that resulted from the collapse of grand emancipatory enterprises as well as the fragmentation of politics resulting from a focus on political identification through difference. I opened with a reference to the ‘liberal left’. Of course the ‘liberal left’ signifies a vast and varied range of political thinking and activism – so I must clarify how I am deploying this term. In this essay the terms ‘liberal left’ or ‘muscular liberal’ are used interchangeably. Paul Berman and Nick Cohen, whose writing I will shortly refer to, are exemplars of the new political alignment who self-identify as ‘democrats and progressives’, but whose writings feature bellicose assertions about the superiority of western models of democracy, and universal human rights.7 Among this liberal left, democracy and freedom become hemispheric and come to stand for the West. More generally, now, the ‘liberal left’ can be distinguished from political movements and thinkers who draw inspiration from a Marxist tradition of thought with a socialist horizon. The liberal left I am referring to would view the Marxist tradition as undervaluing democratic freedoms and human rights. Left liberals also tend to dismiss the so called post-Marxist turn in European continental philosophy as ‘postmodern relativism’.8 PostMarxists confronted the problem of the ‘collective’ – addressing the problem of masses and classes as the universal category or agent of historical transformation. This was a necessary correction to all the disasters visited on the masses in the name of a universal working class. The liberal state exploited these divisions on the left. It is true that a left fragmented through identity politics or the politics of difference were reduced to group based claims on the state. However, liberal multiculturalism was critiqued by anti-racist and feminist thinkers as early as the 1970s for ignoring the structural problems of class or as yet another nation-building device. The new formation of the muscular liberal left have only just discovered the defects of multiculturalism. The dismissal of liberal multiculturalism is now code for ‘too much tolerance’ of ‘all that difference’. The liberal left, or muscular liberal, as I use these terms, should not be conflated with the way ‘liberal’ is generally used in North America to denote ‘progressive’, ‘pro-choice’, open to a multiplicity of forms of sexual expression, generally ‘tolerant’, or ‘left wing’ (meaning socialist). It might be objected that it is not the liberal left, but ‘right wing crazies’ driven by Christian evangelical zeal combined with neo-liberal economic strategies that have usurped a post-9/11 crime and security agenda to mount a global hegemonic enterprise in the name of a ‘war on terror’. It might also be said that this is nothing new – global expansionist enterprises such as 18th and 19th century colonialism mobilised religion, science, and theories of economic development to secure resources and justify extreme violence where necessary. Global domination, it might be argued, has always been a thanatopolitical enterprise. So what’s different now? What is crucial, now, is that the entire spectrum of liberalism, including the ‘rational centre’, is engaged in the kind of mindset whereby a destructive and deadly war is justified in the name of protecting or establishing democracy, the rule of law, and human rights. It might then be retorted that this ‘rational centre’ of liberalism have ‘always’ been oriented in this way. That is partly true, but it is worth recalling that the liberal left I have in mind is the generation that came of age with opposition to the war in Vietnam, other Indo-Chinese conflagrations, and the undoing of empire. This is a left that observed the Cold War conducted through various ‘hot wars’ in Africa, Central and Latin America, and South East Asia and thus at least hoped to build a ‘new world order’ of international law and multilateralism. This is a left that was resolved, by the 1970s, not to repeat the error of blindly following a scientific discourse that promised to produce a utopia – whether this was ‘actually existing socialism’ or the purity of ‘blood and soil’. But now, a deadly politics, a thanatopolitics, is drawn out of a liberal horror and struggle against a monolithically drawn enemy called Islamic fundamentalism. What is new is that Islam has replaced communism/fascism as the new ‘peril’ against which the full spectrum of liberalism is mobilized. Islamist terrorism and suicide bombers, a clash between an apparently Islamic ‘cult of death’ versus modern secular rationality has come to be a central preoccupation of the liberal left. In the process, as Talal Asad has eloquently pointed out, horror about terrorism has come to be revealed as one way in which liberal subjectivity and its relation to political community can be interrogated and understood.9 Moreover, the potential for liberal principles to be deployed in the service of legitimating a doctrine of pre-emption as the ‘new internationalism’ is significant. The first and second Gulf Wars, according to the liberal left, are then not wars to secure control over the supply of oil, or regional and global hegemony, as others on the left might argue, but anti-fascist, anti-totalitarian wars of liberation fought in the name of ‘democracy’. Backing ‘progressive wars’ for ‘freedom and democracy’, those who self-identify as a left which is reasserting liberal democratic principles start by asking questions such as: “Are western freedoms only for westerners?”.10 In the process, freedom becomes ‘western’, and its enemy an amorphous legion behind an unidentifiable line between ‘west’ and the rest (the ‘Muslim world’). The ‘war for democracy’ waged against ‘Islamist terrorism’ and Muslim fundamentalism is the crucible on which the new alignment of the liberal left is forged.

**The alternative is to reject the 1ac in favor of reconceptualizing where authority emanates from---we need to take a step outside the legal realm and build a culture of resilience against executive power**

**Connolly, 13 –** (William E, Pf – John Hopkins U, The Contemporary Condition, 5-20)

Nonetheless, the logic of the media-electoral-corporate system does spawn a restrictive grid of power and electoral intelligibility that makes it difficult to think, experiment, and organize outside its parameters. Think of how corporations and financial institutions initiate actions in the private sector and then use intensive lobbying to veto efforts to reverse those initiatives in Congress or the courts, just as financial elites invented derivatives and then lobbied intensively to stop their regulation; think of how media talking heads concentrate on candidates rather than fundamental issues; recall the central role of scandal in the media and electoral politics; consider the decisive electoral position of inattentive “undecided voters”; note how states under Republican rule work relentlessly to reduce the minority and poor vote; recall those billionaire super pacs; and so on. The electoral grid cannot be ignored or ceded to the right, but it also sucks experimental pursuits and bold ventures out of politics. Can we renegotiate the dilemma of electoral politics? That is the problematic within which I am working. I do not have a perfect response to it. Perfect answers are suspect. Perhaps it is wise to forge multimodal strategies that start outside the electoral grid and then return to it as one venue among others. Strategic role experimentations at multiple sites joined to the activation of new social movements provide possibilities. Indeed, these two modes are related. Consider merely a few examples of role experimentation tied to climate change and consumption available to many people in the shrinking middle class. We may support the farm-to-table movement in the restaurants we visit; we may participate in the slow food movement; we may frequent stores that offer food based on sustainable processes; we may buy hybrid cars, or, if feasible, join an urban zip-car collective, explaining to friends, family, and neighbors the effects such choices could have on late modern ecology if a majority of the populace did so; we may press our workplace to install solar panels and consider them ourselves if we can afford to do so; we may use writing and media skills to write graffiti, or produce provocative artistic installations, or write for a blog; we may shift a large portion of our retirement accounts into investments that support sustainable energy, withdrawing from aggressive investments that presuppose unsustainable growth or threaten economic collapse; we may bring new issues and visitors to our churches, temples, or mosques to support rethinking interdenominational issues and the contemporary fragility of things; we may found, join, or frequent repair clubs, at which volunteers collect and repair old appliances, furniture, and bikes to cut back on urban waste, to make them available to low income people and to increase the longevity of the items; we may probe and publicize the multimodal tactics by which twenty-four-hour news stations work on the visceral register of viewers, as we explain on blogs how to counter those techniques; we may travel to places where unconscious American assumptions about world entitlement are challenged on a regular basis; we may augment the pattern of films and artistic exhibits we visit to stretch our habitual powers of perception and to challenge some affect-imbued prejudgments embedded in them. A series of intercalated role experiments, often pursued by clusters of participants together. But don’t such activities merely make the participants “feel better”? Well, many who pursue such experiments do feel good about them, particularly those who accept a tragic image of possibility in which there is no inevitability that either large scale politics, God, or nature will come to our rescue. Also, could such role experiments ever make a sufficient difference on their own? No. These, however, may be the wrong questions to pose. What such experiments can do as they expand is to crack the ice in and around us. First, we may now find ourselves a bit less implicated in the practices and policies that are sources of the problems. Second, the shaky perceptions, feelings, and beliefs that authorized them may thus now become more entrenched as we act upon them. Third, we now find ourselves in more favorable positions to forge connections with larger constituencies pursuing similar experiments. Fourth, we may thus become more inspired to seed and join macropolitical movements that speak to these issues. Fifth, as we now participate in protests, slowdowns, work “according to rule” and more confrontational meetings with corporate managers, church leaders, union officials, university officers, and neighborhood leaders, we may become even more alert to the creeds, institutional pressures and options that propel these constituencies too. They, too, are both enmeshed in a web of roles and more than mere role bearers. Many will maintain an intransigence of viewpoint and insistence of interpretation that we may now be in a better position to counter by words and deeds with those outside or at the edge of the intransigent community. One advantage of forging links between role experimentations and social movements is that both speak to a time in which the drive to significant change must be pursued by a large, pluralist assemblage rather than by any single class or other core constituency. Such an assemblage must today be primed and loaded by several constituencies in diverse ways at numerous sites. It is necessary here to condense linkages that may unfold. But perhaps movement back and forth between role experiments, social movements, occasional shifts in the priorities of some strategic institutions, and a discernible shift in the contours of electoral politics will promote the emergence of a new, more activist pluralist assemblage. Now, say, a new, surprising event occurs. Some such event or crisis is surely bound to erupt: an urban uprising, a destructive storm, a wild executive overreach, a wide spread interruption in electrical service, a bank melt down, a crisis in oil supply, etc. Perhaps the conjunction of this new event with the preparatory actions that preceded it will prime a large constellation to resist the protofascist responses the intransigent Right will pursue at that very moment. Perhaps the event will now become an occasion to mobilize large scale, intensive support for progressive change on some of the fronts noted at the start of this piece. It is important to remember that the advent of a crisis does not alone determine the response to it. So waiting for the next one to occur is not enough. The Great Depression was followed by the intensification of fascist movements in several countries. Those with strong labor movements and progressive elected leaders proved best at resisting them. The most recent economic melt-down was met in many places by the self-defeating response of austerity, and worse. That is why the quality and depth of the political ethos preceding such events is important. The use of the “perhaps” in the above formulations suggests that there are no guarantees at any of these junctures. Uncertainties abound. These points, however, also apply to any radical perspective that counsels waiting for the revolution, as it surrounds its critiques of militant reform with an aura of certainty. Today the need is to curtail the aura of certainty of all perspectives on the Left. The examples posed here, of course, are focused on primarily one constituency. But others could be invoked. The larger idea is to draw energy from multiple sources and constituencies. The formula is to move back and forth between the proliferation of role experiments, forging social movements on several fronts, helping to shift the constituency weight of the heavy electoral machinery now in place, and participating in cross-country citizen movements that put pressure on states, corporations, churches, universities and unions from inside and outside simultaneously.

# 3

**The executive branch of the United States federal government should:**

**---issue and enforce an executive order that requires the president to brief and receive authorization from the Congressional Intelligence committees on mechanisms and decisions for targeted killing.**

**---create “executive v. executive” divisions as per our Katyal evidence to promote internal separation of powers via separate and overlapping cabinet offices, mandatory review of government action by different agencies, civil-service protections for agency workers, reporting requirements to Congress, and an impartial decision-maker to resolve inter-agency conflicts.**

**Presidential veto power and executive deference mean external restraints fail – internal separation of powers constrains the president and leads to better decision making**

Katyal ’6 Neal Katyal, Professor of Law @ Georgetown, The Yale Law Journal, “Internal Separation of Powers: Checking Today’s Most Dangerous Branch from Within” 115 Yale L.J. 2314, 2006

After all, Publius's view of separation of powers presumes three branches with equivalent ambitions of maximizing their powers, yet legislative abdication is the reigning modus operandi. It is often remarked that "9/11 changed everything"; 2 particularly so in the war on terror, in which Congress has been absent or content to pass vague, open-ended statutes. The result is an executive that subsumes much of the tripartite structure of government. Many commentators have bemoaned this state of affairs. This Essay will not pile on to those complaints. Rather, it begins where others have left off. If major decisions are going to be made by the President, then how might separation of powers be reflected within the executive branch? The first-best concept of "legislature v. executive" checks and balances must be updated to contemplate second-best "executive v. executive" divisions. And this Essay proposes doing so in perhaps the most controversial area: foreign policy. It is widely thought that the President's power is at its apogee in this arena. By explaining the virtues of internal divisions in the realm of foreign policy, this Essay sparks conversation on whether checks are necessary in other, domestic realms. That conversation desperately needs to center on how best to structure the ever-expanding modern executive branch. From 608,915 employees working in agencies in 1930, 3 to 2,649,319 individuals in 2004, 4 the growth of the executive has not generated a systematic focus on internal checks. We are all fond of analyzing checks on judicial activism in the post-Brown, post-Roe era. So too we think of checks on legislatures, from the filibuster to judicial review. But [\*2317] there is a paucity of thought regarding checks on the President beyond banal wishful thinking about congressional and judicial activity. This Essay aims to fill that gap. A critical mechanism to promote internal separation of powers is bureaucracy. Much maligned by both the political left and right, bureaucracy creates a civil service not beholden to any particular administration and a cadre of experts with a long-term institutional worldview. These benefits have been obscured by the now-dominant, caricatured view of agencies as simple anti-change agents. This Essay celebrates the potential of bureaucracy and explains how legal institutions can better tap its powers. A well-functioning bureaucracy contains agencies with differing missions and objectives that intentionally overlap to create friction. Just as the standard separation-of-powers paradigms (legislature v. courts, executive v. courts, legislature v. executive) overlap to produce friction, so too do their internal variants. When the State and Defense Departments have to convince each other of why their view is right, for example, better decision-making results. And when there is no neutral decision-maker within the government in cases of disagreement, the system risks breaking down. In short, the executive is the home of two different sorts of legitimacy: political (democratic will) and bureaucratic (expertise). A chief aim of this Essay's proposal is to allow each to function without undermining the other. This goal can be met without agency competition - overlapping jurisdiction is simply one catalyzing agent. Other ideas deserve consideration, alongside or independent of such competition, such as developing career protections for the civil service modeled more on the Foreign Service. Executives of all stripes offer the same rationale for forgoing bureaucracy-executive energy and dispatch. 5 Yet the Founders assumed that massive changes to the status quo required legislative enactments, not executive decrees. As that concept has broken down, the risks of unchecked executive power have grown to the point where dispatch has become a worn-out excuse for capricious activity. Such claims of executive power are not limited to the current administration, nor are they limited to politicians. Take, for example, Dean Elena Kagan's rich celebration of presidential administration. 6 Kagan, herself a former political appointee, lauded the President's ability to trump bureaucracy. Anticipating the claims of the current administration, Kagan argued that the [\*2318] President's ability to overrule bureaucrats "energizes regulatory policy" because only "the President has the ability to effect comprehensive, coherent change in administrative policymaking." 7 Yet it becomes clear that the Kagan thesis depends crucially on oversight by the coordinate legislative branch (typically controlled by a party in opposition to the President). Without that checking function, presidential administration can become an engine of concentrated power. This Essay therefore outlines a set of mechanisms that create checks and balances within the executive branch. The apparatuses are familiar - separate and overlapping cabinet offices, mandatory review of government action by different agencies, civil-service protections for agency workers, reporting requirements to Congress, and an impartial decision-maker to resolve inter-agency conflicts. But these restraints have been informally laid down and inconsistently applied, and in the wake of September 11 they have been decimated. 8 A general framework statute is needed to codify a set of practices. In many ways, the status quo is the worst of all worlds because it creates the facade of external and internal checks when both have withered. I. THE NEED FOR INTERNAL SEPARATION OF POWERS The treacherous attacks of September 11 gave Congress and the President a unique opportunity to work together. Within a week, both houses of Congress passed an Authorization for Use of Military Force (AUMF); 10 two months later they enacted the USA PATRIOT Act to further expand intelligence and law enforcement powers. 11 But Congress did no more. It passed no laws authorizing or regulating detentions for U.S. citizens. It did not affirm or regulate President Bush's decision to use military commissions to try unlawful belligerents. 12 It stood silent when President Bush accepted thinly reasoned legal views of the Geneva Conventions. 13 The administration was content to rely on vague legislation, and Congress was content to enact little else. 14 There is much to be said about the violation of separation of powers engendered by these executive decisions, but for purposes of this Essay, I want [\*2320] to concede the executive's claim - that the AUMF gave the President the raw authority to make these decisions. A democratic deficit still exists; the values of divided government and popular accountability are not being preserved. Even if the President did have the power to carry out the above acts, it would surely have been wiser if Congress had specifically authorized them. Congress's imprimatur would have ensured that the people's representatives concurred, would have aided the government's defense of these actions in courts, and would have signaled to the world a broader American commitment to these decisions than one man's pen stroke. Of course, Congress has not passed legislation to denounce these presidential actions either. And here we come to a subtle change in the legal landscape with broad ramifications: the demise of the congressional checking function. The story begins with the collapse of the nondelegation doctrine in the 1930s, which enabled broad areas of policymaking authority to be given to the President and to agencies under his control. That collapse, however, was tempered by the legislative veto; in practical terms, when Congress did not approve of a particular agency action, it could correct the problem. But after INS v. Chadha, 15 which declared the legislative veto unconstitutional, that checking function, too, disappeared. In most instances today, the only way for Congress to disapprove of a presidential decree, even one chock full of rampant lawmaking, is to pass a bill with a solid enough majority to override a presidential veto. The veto power thus becomes a tool to entrench presidential decrees, rather than one that blocks congressional misadventures. And because Congress ex ante appreciates the supermajority-override rule, its members do not even bother to try to check the President, knowing that a small cadre of loyalists in either House can block a bill. 16 For example, when some of the Senate's most powerful Republicans (John McCain, Lindsay Graham, and John Warner) tried to regulate detentions and trials at Guantanamo Bay, they were told that the President would veto any attempt to modify the AUMF. 17 The result is that once a court [\*2321] interprets a congressional act, such as the AUMF, to give the President broad powers, Congress often cannot reverse the interpretation, even if Congress never intended to give the President those powers in the first place. Senator McCain might persuade every one of the other ninety-nine Senators to vote for his bill, but that is of no moment without a supermajority in the House of Representatives as well. 18 At the same time, the executive branch has gained power from deference doctrines that induce courts to leave much conduct untouched - particularly in foreign affairs. 19 The combination of deference and the veto is especially insidious - it means that a President can interpret a vague statute to give himself additional powers, receive deference in that interpretation from courts, and then lock that decision into place by brandishing the veto. This ratchet-and-lock scheme makes it almost impossible to rein in executive power. All legislative action is therefore dangerous. Any bill, like Senator McCain's torture bill, can be derailed through compromise. A rational legislator, fearing this cascading cycle, is likely to do nothing at all. This expansion of presidential power is reinforced by the party system. When the political branches are controlled by the same party, loyalty, discipline, and self-interest generally preclude interbranch checking. That reluctance is exacerbated by a paucity of weapons that check the President. Post-Chadha, Congress only has weapons that cause extensive collateral damage. The fear of that damage becomes yet another reason why Congress is plagued with inertia. And the filibuster, the last big check in periods of single-party government, is useless against the host of problems caused by Presidents who take expansive views of their powers under existing laws (such as the AUMF). Instead of preserving bicameralism, Chadha has led to its subversion and "no-cameralism." A Congress that conducts little oversight provides a veneer of legitimacy to an adventurist President. The President can appeal to the historic sense of checks and balances, even if those checks are entirely compromised by modern political dynamics. With this system in place, it is no surprise that recent calls [\*2322] for legislative revitalization have failed. No successful action-forcing mechanisms have been developed; instead we are still in John Hart Ely's world of giving a "halftime pep-talk imploring that body to pull up its socks and reclaim its rightful authority." 20 It is time to consider second-best solutions to bring separation of powers into the executive. Bureaucracy can be reformed and celebrated (instead of purged and maligned), and neutral conflict-decision mechanisms can be introduced. Design choices such as these can help bring our government back in line with the principles envisioned by our Founders. 21

# 4

#### Civilian interference causes backlash from the military

**Urben, 10 –** (Heidi, PhD from Georgetown, “CIVIL - MILITARY RELATIONS IN A TIME OF WAR : PARTY, POLITICS, AND THE PROFESSION OF ARMS,” <http://repository.library.georgetown.edu/bitstream/handle/10822/553111/urbenHeidi.pdf>)

Huntington’s model of objective control (1957) largely provides the foundation for one side of the debate what Cohen (2002) calls ―the normal theory‖ of civil military relations and what Feaver has termed the ―professional supremacist‖ (2010) school of thought or delegative control model (1995). Under Huntington’s objective control, the military and its civilian overseers maintain distinct, separate spheres of responsibility. The military is a professional force because it remains ―politically sterile and neutral‖ (1957, 84). And because the military is a professional, apolitical force, and civilian control of the military should never be in doubt, this model suggests that considerable deference should be given to military leaders in their realm of expertise. Professional supremacist or normal theory adherents often include senior and retired military leaders, such as Colin Powell, and its tenets are largely borne out of the lessons learned from the Vietnam War. In Michael Desch’s words, this system works best as it ― allows for substantial military autonomy in the military, technical, and tactical realms (how to fight wars) in return for complete subordination to civ ilian authority in the political realm (when and if to fight them)‖ (Myers et al. 2007). Professional surpemacists also attribute civil - military friction and even wartime failures to violations of the normal theory model. For example, Desch (2007) has argued that many of the failures in the Iraq war were a result of Secretary of Defense Donald Rumsfeld’s abrasive approach and meddling into the military’s business. Key to the normal theory or professional supremacist view is the need to maintain Hunting ton’s separate spheres and preserve the military’s autonomy over military matters. Civilian interference into the military’s domain, they argue, will almost surely lead to dysfunction

#### Backlash from the military causes them to “shirk” – turns the case by swelling executive military power and destroys civilian control

**Gurcan, 12 –** (Metin, PhD CandidateBilkent University- Department of Political Science, ARMED SERVANTS: AGENCY, OVERSIGHT AND CIVIL-MILITARY RELATIONS,” Academia)

Employing “principal-agent theory” from economics, Feaver endavours to explain how principals (elected civilian leaders in our case) gets the agent (the military) carry out orders, using the degree of monitoring as the variable. According to him, the main problem of CMR in mature democracies is a military that “shirks.” Based on their expectations of whether shirking will be detected or not, the military decides whether to obey the civilian leaders or not. These expectations, for Feaver, are a function of many factors, the primary of which is the cost of monitoring. In fact, for the military, the outcome of working with non-intrusive monitoring (the cases of 1 and 3 correspond to Huntington’s prescription of “objective control,” which can only be established by recognizing an autonomous, politically neutral and sterile military through professionalization. Likewise, the case of 2 is the Huntington’s nightmare scenario that implies the systemic violation of the autonomy of professional the “” military by the civilians. It is case 4, characterized by relatively high civil-military friction, the gap of which is filled by Feaver’s theory. Feaver uses the term “shirking” to refer to activities of militaries that are contrary to the “functional goal” or the “relational goal” of civilians. The functional goal includes whether the military is doing what civilians asked it to do in a style that civilians direct, whether the military is using its full capacity to implement the civilians’ orders and whether the military is capable of implementing its tasks. As for the relational goal, it includes whether key policy decisions belong to civilians or the military, whether civilians decide which decisions should be given by the military, and whether the military avoids any action that may undermine civilian supremacy. Feaver presents some features (or problems) that have important influences on principal-agent relationships. First of all, there is an information asymmetry between the principal and the agent. In the CMR, the advantage of information is on the side of the military. As stated by Feaver, in the case of operations and war, the information asymmetry increases in favor of the military because of difficulties in monitoring . Moreover, confidentiality restrictions that are common in defense matters reinforce the tendency of the military to hide information. Information asymmetry provides the military important power to pursue its own institutional interests. Second, adverse selection is one of the main problems of principal-agency relations. According to Feaver, adverse selection is the uncertainty of principal about the capability and qualifications of its agents . The final problem is moral hazard. In Feaver’s words, “moral hazard refers at a general level to the problem that principals cannot completely observe the true behavior of the agent and so cannot be certain whether the agent is working or shirking .” As stated by Feaver, agents or employees have incentives to do less, if they can get paid the same amount for doing so . Moreover, Feaver presents two main requirements to prevent the military from shirking: monitoring mechanisms and punishment mechanisms. He states that “Civilians still have means available with which to direct the military and thereby mitigate the adverse selection and moral hazard problems inherent in delegation. In essence, control or monitoring mechanisms are ways of overcoming the information problems perhaps by getting the agent to reveal information or perhaps by adjusting the incentives of the agent so that the principal can ‘know’ that the agent wants what the principal wants.”

**Civilian control and cooperation between the two is necessary for have an effective military which solves a host of problems**

**Owens, 12 –** (Mackubin, Associate Dean of Academics for Electives and Directed Research and Professor of Strategy and Force Planning at the U.S. Naval War College, “What military officers need to know about civil-military relations,” <http://www.thefreelibrary.com/What+military+officers+need+to+know+about+civil-military+relations.-a0287635112>)

The combination of civil-military relations patterns and service doctrines affect military effectiveness. In essence, the ultimate test of a civil-military relations pattern is how well it contributes to the effectiveness of a state's military, especially at the level of strategic assessment and strategy making. (50) However, Richard Kohn has explicitly called into question the effectiveness of the American military in this realm, especially with regard to the planning and conduct of operations other than those associated with large-scale conventional war. "Nearly twenty years after the end of the Cold War, the American military, financed by more money than the entire rest of the world spends on its armed forces, failed to defeat insurgencies or fully suppress sectarian civil wars in two crucial countries, each with less than a tenth of the U.S. population, after overthrowing those nations' governments in a matter of weeks." (51) He attributes this lack of effectiveness to a decline in the military's professional competence with regard to strategic planning. "In effect, in the most important area of professional expertise--the connecting of war to policy, of operations to achieving the objectives of the nation--the American military has been found wanting. The excellence of the American military in operations, logistics tactics, , weaponry, and battle has been manifest for a generation or more. Not so with strategy." (52) This phenomenon manifests itself, he argues, in recent failure to adapt to a changing security environment in which the challenges to global stability are "less from massed armies than from terrorism; economic and particularly financial instability; failed states; resource scarcity (particularly oil and potable water); pandemic disease; climate change; and international crime in the form of piracy, smuggling, narcotics trafficking, and other forms of organized lawlessness." He observes that this decline in strategic competence has occurred during a time in which the U.S. military exercises enormous influence in the making of foreign and national security policies. He echoes the claim of Colin Gray: "All too often, there is a black hole where American strategy ought to reside." (53) Is there something inherent in current U.S. civil-military affairs that accounts for this failure of strategy? The failure of American civil-military relations to generate strategy can be attributed to the confluence of three factors. The first of these is the continued dominance within the American system of what Eliot Cohen has called the "normal" theory of civil-military relations, the belief that there is a clear line of demarcation between civilians who determine the goals of the war and the uniformed military who then conduct the actual fighting. Until President George W. Bush abandoned it when he overruled his commanders and embraced the "surge" in Iraq, the normal theory has been the default position of most presidents since the Vietnam War. Its longevity is based on the idea that the failure of Lyndon Johnson and Robert McNamara to defer to an autonomous military realm was the cause of American defeat in Vietnam. The normal theory can be traced to Samuel Huntington's The Soldier and the State, in which he sought a solution to the dilemma that lies at the heart of civil-military relations--how to guarantee civilian control of the military while still ensuring the ability of the uniformed military to provide security. His solution was a mechanism for creating and maintaining a professional, apolitical military establishment, which he called "objective control." Such a professional military would focus on defending the United States but avoid threatening civilian control. (54) But as Cohen has pointed out, the normal theory of civil-military relations often has not held in practice. Indeed, such storied democratic war leaders as Winston Churchill and Abraham Lincoln "trespassed" on the military's turf as a matter of course, influencing not only strategy and operations but also tactics. The reason that civilian leaders cannot simply leave the military to its own devices during war is that war is an iterative process involving the interplay of active wills. What appears to be the case at the outset of the war may change as the war continues, modifying the relationship between political goals and military means. The fact remains that wars are not fought for their own purposes but to achieve policy goals set by the political leadership of the state. The second factor, strongly reinforced by the normal theory of civil-military relations, is the influence of the uniformed services' organizational cultures. Each military service is built around a "strategic concept" that, according to Samuel Huntington, constitutes "the fundamental element of a military service," the basic "statement of [its] role ... or purpose in implementing national policy." (55) A clear strategic concept is critical to the ability of a service to organize and employ the resources that Congress allocates to it. It also largely determines a service's organizational culture. Some years ago, the late Carl Builder of the RAND Corporation wrote The Masks of War, in which he demonstrated the importance of the organizational cultures of the various military services in creating their differing "personalities," identities, and behaviors. His point was that each service possesses a preferred way of fighting and that "the unique service identities ... are likely to persist for a very long time." (56)

# Solvency

#### Intelligence committees don’t work- Executive hides info and they are just a rubber stamp

**Branfman 9/25** – (Fred -- Director of Project Air War, interviewed the first Lao refugees brought down to Vientiane from the Plain of Jars in northern Laos, visited U.S. airbases in Thailand and South Vietnam, talking with U.S. Embassy officials, Alternet)

The technical questions are even trickier. How does Congress write and pass laws to prevent Executive Agencies from undertaking surveillance and population control measures when, to paraphrase Congressman Keith Ellison [14], "Congress doesn't know what it doesn't know"? How can Congress control Executive wrongdoing when Executive officials invoke the mantra of national security to avoid providing it with information? Had Edward Snowden not risked life imprisonment or worse to reveal that the U.S. Executive Branch has created a surveillance state, we would still know virtually nothing about it. The ranking Senate and House Intelligence committee chairs, Dianne Feinstein and Mike Rogers, would still be covering up Executive wrongdoing, and even those members angered at its criminality would still be muzzled from saying anything. The Judiciary would still not only be rubberstamping Executive actions, but expanding Executive Branch power. The mass media would still be routinely conveying its denials of wrongdoing to the American people whenever the issue arose. At present, when the heads of the Senate or House Intelligence Committees assure us that they are overseeing the Executive, what they mean is that they are dutifully repeating Executive talking points on documents provided them with the words "top secret" stamped on them, but only consisting of what Executive agencies want them to know. They have no means of independent oversight, which means they have no meaningful oversight. And the judiciary has not only acknowledged this, but said [8] they no longer have “confidence” in the Executive. If even the secret FISA Court no longer has confidence in the Executive, neither can the rest of us. During the 1960s, the FBI regularly used its secret intelligence to blackmail and threaten not only activists but politicians, presidents and Martin Luther King, Jr. As Internet security expert C.J. Radford has written [15], “the issue is what happens if this data, and these capabilities, fall into the wrong hands. A malicious government employee, a change in government, court rulings, regulations or leadership could all open this information, and these capabilities, up to cross agency analysis, open use, or criminal activity.” That is, not only can this information be misused by government employees, but private sector companies, criminals and foreign governments as well. With the NSA spending 70% [16] of its funding on contracts with private sector firms, which are even more corruptible than government agencies, this is a matter of urgent concern. It is the height of naiveté to have any confidence whatsoever in the current system. It is clear that the heart of any serious attempt to create democracy in this nation must involve not only stopping such obvious assaults on democracy as the mass collection of phone and Internet records of innocent Americans, but a fundamental restructuring of the relationship between our three branches of government. Since neither the courts nor Congress can any longer have confidence in NSA assertions, they clearly must give themselves the capacity—including experts with full access to raw data, answerable to them and not the Executive—to fulfill their constitutionally required mandate to check and balance Executive power. This restructuring of relationships between the three branches of government must also profoundly alter the Executive's ability to hide its wrongdoing from the American people by classifying trillions of pages annually on the false grounds of "national security." In an article entitled “Ex-MI6 Deputy Chief Plays Down Damage Caused By Snowden Leaks,” for example, the Guardian reported [17] that Nigel Inkster said that “Al-Qaida leaders in the tribal areas of Pakistan had been ‘in the dark’ for some time… referring to counter measures they had taken to avoid detection by western intelligence agencies. Other ‘serious actors’ were equally aware of the risks to their own security from NSA and GCHQ eavesdroppers, he said.” The Executive Branch, as does the U.K.’s NSA as quoted above [7], keeps its secrets from the American people primarily to avoid the "political embarrassment" of having its fraud, waste, abuse and illegality revealed. As a Brennan Center For Justice study [18] on classification has noted, "Over-classification is rampant, and nearly everyone who works with classified information recognizes the problem. In 1993, Senator John Kerry, who reviewed classified documents while chairing the Senate Select Committee on POW/MIA Affairs, commented, 'I do not think more than a hundred, or a couple of hundred, pages of the thousands of [classified] documents we looked at had any current classification importance.' The classification system must be reformed if we are to preserve the critical role that transparent government plays in a functioning democracy." President Obama cannot seriously talk of "transparency" without supporting efforts to reduce present classification of government documents by the 90% that experts like Secretary of State John Kerry and Pentagon whistleblower Daniel Ellsberg [19] estimate would in no way harm national security. The following steps are needed. The Bottom Line: No Bulk Collection Of Americans' Phone And Internet Metadata, Destroy Files That Exist Obama on August 8 announced [20] a response to Snowden's revelations: "First, I will work with Congress to the following measures in pursue appropriate reforms to Section 215 of the Patriot Act, the program that collects telephone records. Second, we can take steps to make sure civil liberties concerns have an independent voice in appropriate cases by ensuring that the government's position is challenged by an adversary (before) the Foreign Intelligence Surveillance Court ... Number three, the Department of Justice will make public the legal rationale for the government's collection activities under Section 215 of the Patriot Act ... Fourth, we're forming a high level group of outside experts to review our entire intelligence and communications technologies." These were clearly illusory reforms, as the Electronic Frontier Foundation noted [21], that would continue mass surveillance of Americans. First, the Executive would continue to only tell Congress and the Judiciary what it felt was "appropriate"for them to know—including the FISC "adversary"; second, the "legal rationales" for Executive wrongdoing are just that: rationales which no one concerned about Executive surveillance can take seriously; and thirdly four of the five "outside experts" Obama wound up appointing are all deeply implicated in Executive wrongdoing [22], including former CIA Deputy Director Michael Morrell, and they are to report to director of National Intelligence James Clapper, a key architect of the surveillance state. Predictably, the first meeting [22] of this Potemkin Panel did not even discuss NSA surveillance of innocent Americans and only confined itself to private sector concerns. Open Technology Institute director Sascha Meinrath, who attended the meeting, declared [22] that “My fear is it's a simulacrum of meaningful reform … Its function is to bleed off pressure, without getting to the meaningful reform." A N.Y. Times editorial accurately noted [23] that "President Obama proposed a series of measures on Friday that only tinker around the edges of the nation's abusive surveillance programs. It is the existence of these programs that is the problem, not whether they are modestly transparent. As long as the N.S.A. believes it has the right to collect records of every phone call ... then none of the promises to stay within the law will mean a thing."

#### Congressional oversight fails – intel committees are spokespeople

**Branfman 9/25** – (Fred -- Director of Project Air War, interviewed the first Lao refugees brought down to Vientiane from the Plain of Jars in northern Laos, visited U.S. airbases in Thailand and South Vietnam, talking with U.S. Embassy officials, Alternet)

At the moment, congressional oversight of the Executive has become a pathetic joke. The Senate and House Intelligence Committees have clearly failed in their constitutional obligation to provide "checks and balances" on the Executive. Three major reforms are needed. A. Elect Committees Who Oversee Not Promote Executive Wrongdoing, Beginning By Replacing Senator Dianne Feinstein And Rep. Mike Rogers. The present heads of the House and Senate Intelligence Committees, Dianne Feinstein and Mike Rogers, and ranking minority party members Senator Saxby Chambliss and "Dutch" Ruppersberger, have merely served as spokespeople for the Executive, delivering a long series of deceptive "talking points" provided by the NSA meant to excuse rather than correct Executive abuses.

#### Turn - Calling them intelligence ops means we don’t need consent of a host country.

Kibbe 12 Jennifer D. \* Associate Professor of Government, Franklin & Marshall College. JOURNAL OF NATIONAL SECURITY LAW & POLICY [Vol. 5:37305\_\_KIBBE\_V16\_1-13-12.DOC (DO NOT DELETE) 2/9/2012

Former DNI Blair has floated another option as a way to resolve some of these issues. He proposed creating a new “Title 60” to govern joint CIA/military counterterrorist operations. Blair contends that the “currently divided authorities take time and inordinate legal and staff work to work out chains of command, they result in one-off arrangements, and on occasion have caused delays in execution that could have resulted in missed opportunities.”76 Blair calls for the creation of integrated joint interagency task forces which would have access to all of the capabilities and authorities of both organizations and which would report to both the defense and intelligence committees. Blair concedes that such an arrangement would have to deal with “some of the difficult issues” that undergird the debate about covert action. He contends that one of the key issues, plausible deniability, is a relic of the Cold War and is “generally not relevant today for counterterrorist operations, often conducted in areas where weak states cannot enforce their own sovereignty.”77 Since weak states cannot enforce their national sovereignty against terrorists, the argument goes, the United States has the right to violate that sovereignty to go after the terrorists. Aside from the questions that might be raised by that interpretation of sovereignty, the problem with Blair’s dismissal of plausible deniability is that not all of the places where the United States may want to conduct counterterrorist operations fit into that category. There are plenty of other places where Washington might still want plausible deniability for operations for a variety of reasons. Moreover, while Blair’s proposal does provide for congressional oversight, by effectively treating CIA and JSOC operators as similar entities, it would formalize the erosion of the distinction between them that has slowly evolved in operations. For the reasons already stated above, formalizing the erosion would be a dangerous option to choose. Will it be difficult to revise the covert action legislation to take account of the various post-1991 developments? No doubt. But choosing the seemingly quicker way out by combining the two in some way, either out of an abundance of faith in U.S. counterterrorist capabilities or because of an overdeveloped fear of terrorism, will only lead to problems down the road. We should not forget why the covert action legislation was adopted in the first place. As Jack Devine, a former top covert operator for the CIA summarized the dilemma: “We got the covert action programs under well-defined rules after we had made mistakes and learned from them. Now, we’re coming up with a new model and I’m concerned there are not clear rules.”78

#### CIA will dominate undercutting the Director of National Intelligence – preventing oversight

Blair 11 Prepared Statement of Dennis C. Blair for the U.S. Senate Committee on Homeland Security and Governmental Affairs Hearing entitled “Ten Years After 9/11: Is Intelligence Reform Working? Part II” May 19, 2011

In practice, most directors of the CIA found their time dominated by the responsibilities of running the CIA, and in interagency issues, it was the CIA that most often had its way. Many individuals in the CIA understand the importance of intelligence integration and work constructively with other intelligence agencies and the new DNI organization in a team approach in which the CIA is important, but not necessarily dominant. However, often the CIA has used the leverage and influence it retained from its days of dominance to act independently, undercutting the authority of the DNI and attempting either to gain leadership of community intelligence activities or to act independently of them. The CIA often used its direct relationships with the White House and Congress and its relationships with the intelligence services of other countries for these purposes. Most of the clashes I had with the CIA came when I challenged its separate means of influence and leverage. When, after careful and prolonged study and consultation, I signed a directive that specified that the CIA station chiefs would in the great majority of cases but not always continue to be the representatives of the DNI, representing the interests of the entire Intelligence Community in dealing with host countries, Director Panetta appealed my decision to the White House. When I attempted to direct a more disciplined approach to the formulation and supervision of covert action activities, the CIA continued to work directly with the National Security Council staff, arguing that any attempt to impose principles, standards and procedures on covert action would impair its effectiveness. In both cases, the White House worked out compromise solutions that left the CIA with a great deal of autonomy and weakened the authority of the DNI. In addition, the CIA's basic organization acts against the wider national interest in integrated intelligence. It is a unique historical legacy that the national clandestine service, responsible for both recruiting spies and covert action, is in the same agency as the national analytical organization. In most other countries they are separate. There are important disadvantages to the arrangement: The action-oriented, can-do culture of the national clandestine service dominates and sometimes intimidates the reflective, critical analytical culture of the directorate of analysis. To have the primary analytical organization in the Intelligence Community paired with the organization that gathers human intelligence makes less sense than it did in the past. While human intelligence will play an indispensable role in the future, a greater proportion of intelligence reports will be signals intelligence, gathered by the National Security Agency. It is time to divide the CIA into two separate agencies - a human intelligence and covert action service, and a central all-source analytical agency - both reporting to the DNI. For the National Clandestine Service, it is the gathering of human intelligence that should be its primary focus, with covert action a secondary mission. While right now the CIA is conducting a major worldwide campaign against al Qa'ida, this campaign will not continue forever, and in time covert operations will return to their historically lower and more normal level. In addition, the sophisticated paramilitary capability within the Defense Department, developed since 9/11 by Special Operations Command, is better equipped than the CIA to handle prolonged paramilitary activities, which by their nature will not remain covert for long. Moreover, the Defense Intelligence Agency also gathers human intelligence, and its activities are closely coordinated with the CIA. It would make sense to combine its human intelligence officers into this separate human intelligence agency. Human intelligence provides absolutely vital context, and often-priceless detail for assisting policymakers to make the right decisions in Washington and helping operators in the field to be successful, and we need a separate agency for this mission. For its secondary mission of covert action, a combined CIA and military national clandestine service should report to the DNI, rather than directly to the National Security Council staff, keeping the DNI and appropriate staff generally informed, as is now the case. Covert action programs under the supervision of inexperienced National Security Council staffers have been the cause of major setbacks to American national security interests when they have gone astray. The President with the assistance of his staff should approve them and be kept informed of their progress, but the responsibility for supervising them, assessing them constantly for success or danger signals should be the responsibility of his confirmed principal intelligence officer, the DNI. Those who argue against this arrangement cite the importance of secrecy, flexibility, speed and responsiveness of the direct CIA-White House link. These qualities are exactly what have caused disaster in the past, from the Bay of Pigs to black sites. Another layer in the chain of command need not add delay, and can provide constructive supervision and protection of the country's and a President's long-term interests.

#### Turns accountability – CIA will never admit killings

Alston 11 (Philip, John Norton Pomeroy Professor of Law, New York University School of Law, Harvard National Security Journal, “The CIA and Targeted Killings Beyond Borders”, 2 Harv. Nat'l Sec. J. 283, Lexis Law)

Not only is there no evidence to indicate that the CIA ever undertakes such investigations, but by definition, there is no information to suggest that its procedures have ever been changed in response to problems identified, that any personnel have ever been disciplined or charged as a result of errors or negligence, or that compensation has ever been provided to any innocent victims of CIA strikes. In other words, the CIA simply cannot comply with the essential rules concerning the need to respond to alleged violations of international norms.

#### The executive can easily manipulate Congressional oversight

Beutler 13 Brian, senior congressional reporter for Talking Points, TPM, 6-19, http://tpmdc.talkingpointsmemo.com/2013/06/snowden-revelations-cast-new-doubts-on-intelligence-oversight-process.php

“We’ve learned from the past that there’s a right way and a wrong way to give Congress the information we need to make decisions about our laws and policies, but I think we’re still a work in progress when it comes to the level of transparency needed for meaningful exchange about ongoing activities,” Sen. Jay Rockefeller (D-WV), who sits on and used to chair the Senate Intelligence Committee, told TPM last Thursday. “The Bush Administration launched programs without any legal authority at all and then would show just the Intelligence Committee chairs and vice chairs a few perfunctory flip-charts - which we weren’t allowed to discuss even with each other — just so they could later claim ‘Congress was briefed.’ That created a deep distrust, and for me some skepticism lingers. It took years of wrangling with the intelligence community to open briefings up to more Senators, and there is still a lot of resistance to sharing information more broadly and with the public. But the process works far better today than in the past. The FISA law we passed requires multiple regular reports from the agencies, so if we see irregularities or areas of concern, we can pursue those.” It’s unusual for a member of the committee — even one who’s skeptical of the intelligence community’s most controversial practices — to critique the oversight process, even mildly. But reports and briefings are only as accurate and thorough as briefers are forthright and comprehensive — a variable that has hampered oversight efforts for years, according to members, aides and former aides who spoke with TPM. Likewise the sometimes arbitrary and legally dubious restrictions on what senior congressional aides with top-secret clearance are given access to, and what and to whom elected officials are allowed to tell even each other, can hobble the legislative branch’s efforts to understand what our spy agencies are really up to, let alone fulfill the government’s statutory obligation to fully and currently inform the Congress. Like all people with security clearances, members of the House and Senate intelligence committees are briefed about classified information in SCIFs — Sensitive Compartmented Information Facilities. On Capitol Hill, they’re “vaults,” tucked away underground and closed to the press. According to multiple sources briefings are much more informal than typical oversight hearings, and quite often, because the information under discussion isn’t typically blockbuster in nature, the only people who show up are the committee chairs and vice chairs. What transpires in these facilities — who briefs, how candid they are, how technical their information is, etc. — determines whether members and their cleared staffers obtain accurate understandings of U.S. intelligence programs. That epistemological problem introduces a high degree of uncertainty at the outset of the oversight process, and compounds other problems, such as the fact that committee members only hear from self-interested actors, can’t discuss what they’ve heard with outside experts or colleagues, and can’t affect changes in law without buy-in from the committee chairs at the very least. “Sometimes these briefings are a game of 20 questions,” former Rep. Jane Harman (D-CA), who used to chair the House Permanent Select Committee on Intelligence, told Reuters. “If you don’t ask exactly the right question, you don’t get the answer.” On all issues, across Congress, members rely on staff for subject-area knowledge. Between politicking and fundraising and traveling, it’s unrealistic to expect that every member has mastered all of the nuances of the issues their committees address. But most issues don’t require top-secret clearance. And here, members of the committee run into problems. First, their lawyers or aides with clearance aren’t typically techies, and their aides with technical expertise don’t typically have clearance. So there’s a skills mismatch. Imagine a scientific paper undergoing peer review by law professors. The problem gets even bigger when staff is denied access, and manifests in different ways depending on whether or not the member serves on the committee or not. Senior aides to members of the intel committees have access to a great deal of the intelligence community’s operations — including, in theory, the sorts of collection programs revealed by Edward Snowden. But the executive branch can pressure Congress to exclude these aides, and because the executive branch controls the information, Congress often accedes. They do as a matter of course when the so-called Gang of Eight (the committee chairs and vice chairs, House and Senate Minority Leaders, House Speaker and Senate Majority) are briefed on covert actions.

# Pakistan

#### You don’t solve your Pakistan internal link

Daniel Markey is senior fellow for India, Pakistan, and South Asia at the Council on Foreign Relations, 13 [“A New Drone Deal For Pakistan,” Foreign Affairs, July 16, http://www.foreignaffairs.com/articles/139584/daniel-markey/a-new-drone-deal-for-pakistan?page=show]

For all its successes, the U.S. drone program in Pakistan is unlikely to survive much longer in its current form. Less than a week after his election on May 11, Pakistan’s new prime minister, Nawaz Sharif, reportedly declared to his cabinet that “the policy of protesting against drone strikes for public consumption, while working behind the scenes to make them happen, is not on.” This fall, Pakistan’s national and provincial assemblies will elect a new president, likely a Sharif loyalist, and the prime minister will also select a new army chief. It is safe to say that these men are unlikely to follow their predecessors in offering tacit endorsements of the United States' expansive counterterrorism efforts. ¶ In other words, the United States is going to have to hammer out a new drone deal with Pakistan in the years ahead, one that is sensitive to Pakistan's own concerns and objectives. This will likely mean that Washington will face new constraints in its counterterrorism operations. But managed with care, a new agreement could put the targeted killing campaign against al Qaeda on firmer political footing without entirely eliminating its effectiveness.¶ Ever since its inception in 2004, the U.S. drone campaign in Pakistan has been stumbling along shaky legal and strategic ground. At various points in time, Washington and Islamabad constructed different fictions to enable the drone campaign. Before launching the first drone strike that killed Taliban leader Nek Muhammad in June 2004, Washington sought personal authorization from then President and army chief Pervez Musharraf. For several years thereafter, the Pakistani army claimed responsibility for all drone strikes, publicly denying (however implausibly) American intervention.¶ But the program’s remarkable success in killing al Qaeda and Taliban leaders, combined with the otherwise largely unaddressed problem of sanctuaries in Pakistan’s tribal areas, encouraged U.S. officials to expand their list of targets. As the program grew, and especially as Washington killed militants with suspected links to Pakistan’s own military and intelligence services, such as members of the Afghan Taliban–affiliated Haqqani Network, Pakistani officials shed the fiction that the strikes were their own. Islamabad instead bowed to what it perceived as a powerful domestic consensus against the drones and criticized the United States in increasingly shrill terms for violating Pakistan’s territorial sovereignty. Privately, however, Musharraf and his immediate successors -- including the civilian government led by the Pakistan People’s Party (PPP) and the army under General Kayani -- continued to greenlight the drone program.¶ As the drone strikes mounted, the hypocrisy of the official Pakistani position became ever more difficult to hide. Opposition politician and former cricket star Imran Khan made the criticism of drones a centerpiece of his Tehreek-e-Insaf (PTI) party’s election campaign in 2011 and 2012. And in early 2012, the Pakistani parliament unequivocally denounced the drone strikes and called for them to end. This unmistakable sovereign act called into question oft-repeated U.S. claims that Pakistan actually provides “tacit consent” for the drone campaign.¶ Pakistan's current and future leaders, starting with Nawaz Sharif, will have little reason to implicate themselves in the drone hypocrisy of their predecessors. Sharif is on sounder political footing than his predecessor, but -- as his top lieutenants are already signaling -- he cannot weather the political storm that is likely to result if the United States appears to blithely disregard his authority. Washington’s failure to shift its policy would lead Islamabad to escalate its diplomatic protests.¶ One step in this escalation has already happened, with Pakistan taking its case against drones to the international community by way of the United Nations. If Pakistani frustration mounts without yielding results, one can imagine Sharif’s new army chief threatening to shoot U.S. drones from the sky, just as past Pakistani leaders have threatened to take down helicopters that cross into the nation’s airspace. At that stage, Washington would likely pull the drones from normal operation rather than play a high-stakes game of chicken. (Indeed, Washington has a habit of taking extended breaks from drone strikes at sensitive periods: for instance, there were no strikes for over six weeks after the so-called Salala incident at the Afghan border.)¶ The question is whether Washington and Islamabad can find a deal that addresses Pakistani concerns without depriving the United States of a counterterrorism tool that has been more effective, at least in a tactical sense, than any other. Short of ending the drone program altogether, the only way that Pakistan’s leaders can credibly claim to assert their sovereign authority -- and thereby prove their nationalist credentials to political allies and adversaries alike -- is if Washington cedes to Islamabad a greater degree of control over the program

, especially when it comes to target selection.¶ At one extreme, this would mean doing what a number of Pakistani leaders (including General Musharraf) have requested for years: placing the drones under Pakistani command. Of course, given the highly sensitive nature of drone technology, along with the fact that U.S. officials do not adequately trust their Pakistani counterparts to deploy the drones in ways that would effectively eliminate top terrorist leaders, this solution remains off the table in nearly any conceivable future.¶ Somewhat less pie-in-the-sky, if still unrealistic at this stage, would be the idea of disarming U.S. drones and leaving Pakistani forces to act as the “trigger pullers” whenever terrorist targets are identified. Strikes would then be launched by Pakistani Air Force jets, helicopters, or perhaps even artillery, and would use U.S. intelligence for target selection. This solution also has an assortment of practical problems, from the time lag between identifying targets and shooting at them to, once again, U.S. officials’ lack of faith in their Pakistani counterparts’ ability and desire to act on that intelligence in the first place.¶ Then there is the option of crafting a “dual-key” authority at the operational level, perhaps by informing Pakistani officers in real time as drone strikes are launched and by implementing a mutually acceptable mechanism through which Islamabad could veto a specific strike, or at least raise it up the chain of command in a timely manner. Versions of a dual-key approach have been tried in the past, with some success. But given the fraught terms of cooperation between Washington and Islamabad in recent years, it is hard to imagine U.S. officials accepting this sort of arrangement, at least not yet. The real-time nature of the decision process would limit the potential for unwanted leaks or tip-offs to targets, but U.S. officials would still be wary that Pakistani officials could acquire too much knowledge of the drone program and its capabilities. If political trust improves over time, however, this might be a useful model for cooperation.¶ A final option -- and the only realistic compromise at present -- would be for Washington to seek Islamabad’s pre-authorization for specific targets and zones for strikes. The United States would retain full operational control over drone missions, and unlike the earliest stage in the drone program, when Musharraf’s explicit approval was required to kill Nek Muhammad, this process could provide blanket authority for a much longer (mutually agreed, if not publicly disclosed) target list. In return, Pakistani leaders would acknowledge publicly the terms of the new arrangement. Accompanying this preauthorization regime, Washington and Islamabad could establish a mechanism for reviewing claims of civilian losses and providing appropriate compensation, as the United States has done in Afghanistan and Iraq. In bringing the program out of the shadows, U.S. operational authority for the drones would almost certainly have to shift from the CIA to the Pentagon, as the Obama administration has already said it plans to do in other countries.¶ Admittedly, this final compromise option would be painful for both Islamabad and Washington. Pakistani leaders would finally have to come clean to their people about authorizing drone strikes. That would eliminate even the thin veneer of deniability that past leaders have maintained to protect themselves from political fallout. It would also place Sharif’s party firmly on the blacklists of the Pakistani Taliban and other targeted groups, which to date have enjoyed slightly more ambiguous relationships.¶ For their part, U.S. counterterror officials would chafe at any preauthorization program. This would be especially true if the target list excluded individuals, such as senior Afghan Taliban commanders, with whom the Pakistanis would prefer to maintain ties. A preauthorization regime would also mean foregoing the controversial U.S. practice of signature strikes, in which drones have been used to attack individuals who fit the profile of terrorists -- for example, people who move about in armed convoys or visit known terrorist camps -- but whose identities are not yet known to U.S. officials.¶ The new drone deal would be premised on the assumption that the United States is prepared to accept less frequent drone strikes than it has become accustomed to. So one potentially insurmountable stumbling block to this compromise would be if Washington planned to use the drone campaign as a primary tool for shaping the battlefield in Afghanistan, for instance by intensifying strikes against the Haqqani Network in the FATA’s North Waziristan agency. Pakistani leaders would almost certainly reject this strategy**.** Under such conditions, however, it is hard to imagine anything other than a tense and conflict-prone relationship between Washington and Islamabad, whether or not any new drone deal has been negotiated.¶ But officials in Washington would be wise not to let relations with Pakistan deteriorate to that point. The United States faces potential challenges in Pakistan that are even more daunting than the war in Afghanistan or the fight against al Qaeda. Nuclear-armed and battling a hardened Islamist insurgency, Pakistan is on track to be the fourth most populous country in the world by midcentury. Pakistan, in short, is here to stay -- as is Nawaz Sharif, at least for the immediate future. Sharif may not be the man that the United States would choose to lead Pakistan, but he is one that Washington would be wise to learn how to bargain with.

#### No solvo stability- you can’t ensure strikes will be more effective

#### Collapse is inevitable- your Rafiq ev sites other things like militants that are alt causes to instability- not just terrorists or drones- things like lack of rule of law and

# Norms

#### Even if there’s drone prolif, American actions can’t influence it

**Anderson 11** [Kenneth, 10/9/2011, “What Kind of Drones Arms Race Is Coming?” http://opiniojuris.org/2011/10/09/what-kind-of-drones-arms-race-is-coming/]

By asserting that “we’re” creating it, this is a claim that there is an arms race among states over military drones, and that it is a consequence of the US creating the technology and deploying it — and then, beyond the technology, changing the normative legal and moral rules in the international community about using it across borders. In effect, the combination of those two, technological and normative, forces other countries in strategic competition with the US to follow suit. It sounds like it must be true. But is it? There are a number of reasons to doubt that moves by other countries are an arms race in the sense that the US “created” it or could have stopped it, or that something different would have happened had the US not pursued the technology or not used it in the ways it has against non-state terrorist actors. Here are a couple of quick reasons why I don’t find this thesis very persuasive, and what I think the real “arms race” surrounding drones will be. Unmanned aerial vehicles have clearly got a big push from the US military in the way of research, development, and deployment. But the reality today is that the technology will transform civil aviation, in many of the same ways and for the same reasons that another robotic technology, driverless cars (which Google is busily plying up and down the streets of San Francisco, but which started as a DARPA project), will eventually have an important place in ordinary ground transport. UAVs will eventually move into many roles in ordinary aviation, because it is cheaper, relatively safer, more reliable — and it will eventually include cargo planes, crop dusting, border patrol, forest fire patrols, and many other tasks. There is a reason for this — the avionics involved are simply not so complicated as to be beyond the abilities of many, many states. Military applications will carry drones many different directions, from next-generation unmanned fighter aircraft able to operate against other craft at much higher G stresses to tiny surveillance drones. But the flying-around technology for aircraft that are generally sizes flown today is not that difficult, and any substantial state that feels like developing them will be able to do so. But the point is that this was happening anyway, and the technology was already available. The US might have been first, but it hasn’t sparked an arms race in any sense that absent the US push, no one would have done this. That’s just a fantasy reading of where the technology in general aviation was already going; Zenko’s ‘original sin’ attribution of this to the US opening Pandora’s box is not a credible understanding of the development and applications of the technology. Had the US not moved on this, the result would have been a US playing catch-up to someone else. For that matter, the off-the-shelf technology for small, hobbyist UAVs is simple enough and available enough that terrorists will eventually try to do their own amateur version, putting some kind of bomb on it. Moving on from the avionics, weaponizing the craft is also not difficult. The US stuck an anti-tank missile on a Predator; this is also not rocket science. Many states can build drones, many states can operate them, and crudely weaponizing them is also not rocket science. The US didn’t spark an arms race; this would occur to any state with a drone. To the extent that there is real development here, it lies in the development of specialized weapons that enable vastly more discriminating targeting. The details are sketchy, but there are indications from DangerRoom and other observers (including some comments from military officials off the record) that US military budgets include amounts for much smaller missiles designed not as anti-tank weapons, but to penetrate and kill persons inside a car without blowing it to bits, for example. This is genuinely harder to do — but still not all that difficult for a major state, whether leading NATO states, China, Russia, or India. The question is whether it would be a bad thing to have states competing to come up with weapons technologies that are … more discriminating.

# \*\*\*Solvency

# 2NC Intelligence Fails

***Even if* the executive reports it – heads of committees just don’t inform people, read emails – they are just spokespeople for the executive**

**Branfman 9/25** – (Fred -- Director of Project Air War, interviewed the first Lao refugees brought down to Vientiane from the Plain of Jars in northern Laos, visited U.S. airbases in Thailand and South Vietnam, talking with U.S. Embassy officials, Alternet)

The paper also reported that "Senate Intelligence Committee Chairman Dianne Feinstein (D-Calif.) did not receive a copy of the 2012 audit until the Post asked her staff about it." Feinstein then changed her story, claiming that she had received the report under a different name. But the point was undeniable: she has clearly failed her oversight duties, not even bothering to read whatever study she saw revealing NSA abuses, let alone doing anything about them or even informing her own constituents of them. —Numerous members have accused [32] the House Intelligence Committee of withholding information from them. As the Guardian reported on August 14, “Morgan Griffith, a Republican who represents Virginia's ninth district, has been critical of the committee for blocking attempts by non-members to obtain information about classified programs. On August 4, the Guardian published a series of letters [33] he had written to the committee requesting more details, all of which had gone unanswered. Congress needs to elect Members of the Senate and House Intelligence committees who see their job as checking and balancing Executive power, not merely serving as spokespeople for it.

**Executive branch officials lie, and no one backlashes or says anything**

**Branfman 9/25** – (Fred -- Director of Project Air War, interviewed the first Lao refugees brought down to Vientiane from the Plain of Jars in northern Laos, visited U.S. airbases in Thailand and South Vietnam, talking with U.S. Embassy officials, Alternet)

Executive Branch officials not only regularly lie to but hide information from Congress, most notably recently when director of National Intelligence James Clapper denied [34] in open session that the NSA was collecting data on American citizens, and then compounded his lie a few days later by claiming he had misunderstood the question. Senator Wyden quickly revealed that he had sent the question over to him the day before the hearing. NSA chief Keith Alexander has also repeatedly lied to Congress. The N.Y. Daily News reported [35] on a June 18 House Intelligence Committee hearing, for example, that ”NSA Director Gen. Keith Alexander testified his agency’s programs are subject to strict oversight.” Alexander also testified at the same hearing that NSA surveillance had caught the N.Y.C. Subway and Mumbai bombers, another lie revealed [27] by the Guardian as noted above. But though senators and representatives know they are being lied to by Executive Branch officials, they have not had the courage to indict them for perjury when they do so. Congress has allowed director Clapper and General Alexander to remain in their posts after knowing beyond any doubt that they have committed perjury before it. This lack of courage must end. The only way to stop Executive officials from lying to Congress and the American people is for Congress to swear them in and punish them when they are caught lying, at very least by dismissal from their posts, but ideally by criminal prosecution.

**even if someone wants to say something---they are *muzzled***

**Branfman 9/25** – (Fred -- Director of Project Air War, interviewed the first Lao refugees brought down to Vientiane from the Plain of Jars in northern Laos, visited U.S. airbases in Thailand and South Vietnam, talking with U.S. Embassy officials, Alternet)

One of the most shocking revelations concerning congressional oversight is that even when a member of the Senate Intelligence Committee like Sen. Wyden learns that the Executive is committing crimes against the American people, that senator is muzzled [36] from revealing it to them. Although the senator could release this information on the floor of the Senate without fear of prison, he or she fears being attacked for jeopardizing national security, being removed from the Intelligence Committee, censure by colleagues, and/or losing the next election.

**They do not have the staff to carry out oversight or investigate which means even if they want to find secrecy they do not have the know how**

**Branfman 9/25** – (Fred -- Director of Project Air War, interviewed the first Lao refugees brought down to Vientiane from the Plain of Jars in northern Laos, visited U.S. airbases in Thailand and South Vietnam, talking with U.S. Embassy officials, Alternet)

Most importantly, however, Congress cannot exercise constitutionally-required oversight of Executive Branch activities unless they can independently investigate them. The Intelligence Committees, like the FISA courts (please see below), must hire significantly more staff, with the knowledge, power and mandate to oversee Executive Branch military, intelligence and police activities that potentially threaten the democratic rights of the American people.

**Over-classification of info means that they would never report**

**Branfman 9/25** – (Fred -- Director of Project Air War, interviewed the first Lao refugees brought down to Vientiane from the Plain of Jars in northern Laos, visited U.S. airbases in Thailand and South Vietnam, talking with U.S. Embassy officials, Alternet)

Executive over-classification of information lies at the heart of its many threats to democracy. It classifies enormous amounts of information that could be of no conceivable use to our enemies, e.g. the equivalent of 20 million filing cabinets one agency classified in one 18-month period alone. Secrecy is by its very nature undemocratic. Executive classification of documents is also at the very heart of its threats to journalists and whistleblowers seeking to uncover Executive abuses. Daniel Ellsberg has written an important article [19] on how and why the Executive over-classifies information: "One of the most experienced security authorities in the Pentagon, William F. Florence, who had drafted many of the Department of Defense regulations on classification, testified as an expert witness in Congressional hearings and in my trial that at most 5% of classified material actually satisfied the official criteria of potential relevance to national security (which he had played a major role in formulating) at the moment of original classification; and that perhaps 1/2 of 1% continued to justify protection after two or three years." If 95% of what is classified would not help our enemies, why does it remain classified? Part of the answer is that if it was revealed it would embarrass Executive Branch officials, and/or reveal waste, fraud, abuse and illegal acts that could lead to calls to cut their budgets, their dismissal, and/or prosecution. As Dana Priest and Bill Arkin also note in Top Secret America, a top-secret classification is a "passport to prosperity for life." It provides well-paying jobs and its holders are far less likely to face unemployment than those in the private sector. Ellsberg also tellingly explores the psychological dimensions of the classification system: "I suggest that there are psycho-social aspects (that) apply to 'secret societies' ranging from the Mafia or associations like the Masons to the CIA. It is a mark of worth, of membership in a valued group, possession of a valuable identity. It is a sign of being trusted by other members of the prestigious group: a token of being perceived by them as trustworthy, worthy of membership, of being 'one of them,' a 'brother' or 'member of the family.' Not only the membership in the group, but the specific acceptance of one's loyalty — to the group, to its purposes, to the other members, and its secrets— conveys and expresses a new, prestigious status, a positive identity, a source of self-respect and pride and a basis for the respect and deference of others."

# 2NC Reporting Bad

Oversight fails for counterterrorism – it’s impossible to truly inform the Congress

Huq 12 \*Aziz Z. Assistant professor of law, University of Chicago Law School. California Law Review, August, 100 Calif. L. Rev. 887

A necessary premise of effective legislative action is information, especially about how previously enacted laws are being implemented on the ground. Congress secures information through its oversight function. Standard accounts of generic Congress-executive branch relations identify three monitoring mechanisms to this end: procedural deck stacking, private rights of action, and close legislative supervision. None, however, function well for counterterrorism issues. 194 This suggests that Congress's ability to exercise ex post control over security agencies will be minimal. Therefore, to the extent Separation of Powers theorists rely on an informed Congress to help solve hard questions of counterterrorism regulation, they fail to explain how legislators obtain necessary information to act wisely. The first possible legislative information-gathering and oversight mechanism relies on private actors as instruments of oversight. Congress can structure a regulatory process to ensure that favored constituents have a larger voice in agency decisions and to tilt agencies toward desired outcomes. 195 Control by ex ante proceduralism, however, is generally overbroad, a scimitar and not a scalpel. The 1946 Administrative Procedure Act, 196 which applies to a plethora of substantive agencies, is criticized as being "too sparse to facilitate congressional monitoring." 197 Moreover, procedures can function as frictions [\*925] on desirable agency action as well as avenues for oversight. 198 They thus have a deregulatory bias, which may have serious unintended consequences in the national security domain. Even if procedural deck stacking as oversight could work, the generally applicable law of administrative procedure is unavailable or weakly constraining as applied to security agencies. 199 The one constitutionally committed form of judicial review, the habeas corpus writ, 200 also has much less effect than commonly believed in the realm of national security. 201 It is therefore difficult to see how proceduralism could yield meaningful oversight of national security agencies.

C. No international solvency. Verification will be impossible

Alston 11 (Philip, John Norton Pomeroy Professor of Law, New York University School of Law, Harvard National Security Journal, “The CIA and Targeted Killings Beyond Borders”, 2 Harv. Nat'l Sec. J. 283, Lexis Law)

The combination of high levels of secrecy, combined with poor accountability, mean that it is impossible to verify the extent to which applicable international standards are respected in practice. Because these covert forces often operate as self-described killing machines, n4 their existence and continuing rapid expansion have grave consequences for the twin regimes of international human rights law ("IHRL") and international humanitarian law ("IHL") which aim to uphold the value of human life and minimize the brutalities of warfare.

Talk is cheap. The international community won’t just believe the plan. The plan isn’t enough to solve absent proof

Alston 11 (Philip, John Norton Pomeroy Professor of Law, New York University School of Law, Harvard National Security Journal, “The CIA and Targeted Killings Beyond Borders”, 2 Harv. Nat'l Sec. J. 283, Lexis Law)

Before moving to consider the Obama administration's approach to these issues, it is important to underscore the fact that we are talking about two different levels of accountability. The first is that national procedures must meet certain standards of transparency and accountability in order to meet existing international obligations. The second is that the national procedures must themselves be sufficiently transparent to international bodies as to permit the latter to make their own assessment of the extent to which the state concerned is in compliance with its obligations. In other words, even in situations in which states argue that they put in place highly impartial and reliable accountability mechanisms, the international community cannot be expected to take such assurances on the basis of faith rather than of convincing information. Assurances offered by other states accused of transgressing international standards would not be accepted by the United States in the absence of sufficient information upon the basis of which some form of verification is feasible. Since the 1980s, the phrase "trust but verify" n104 has been something of a mantra in the arms control field, but it is equally applicable in relation to IHL and IHRL. The United States has consistently demanded of other states that they demonstrate to the international community the extent of their compliance with international standards. A great many examples could be cited, not only from the annual State Department reports on the human rights practices of other states, but also from a range of statements by the President and the Secretary of State in relation to countries like Egypt, Libya, and Syria in the context of the Arab Spring of 2011. [\*318] Since I began this section of the Article by citing the emphasis on accountability adopted by the UN report on Sri Lanka, it is appropriate to conclude by reference to the position taken by the United States in that regard. Sri Lanka argued that it had undertaken its own national inquiry into alleged violations of international law committed in the final phases of its civil war and that such an inquiry satisfied whatever accountability obligations the government had. In August 2011, however, the United States called upon Sri Lanka to submit the report of that national inquiry directly to the UN Human Rights Council so that it could be scrutinized by the international community and demonstrate that it "meets international standards." n105 In other words, the two levels of accountability are ultimately separate, and national insistence on the adequacy of domestic procedures can never be considered a substitute for the degree of transparency required to enable the international community to discharge its separate monitoring obligations. We turn now to take note of the position taken in terms of the applicable international law by the Obama administration. C. The Obama Administration and International Law The United States has consistently affirmed its commitment to the general principles of transparency and accountability and its broader commitment to comply with all of its international obligations. The Army Field Manual, for example, highlights the need for the United States to respect the rule of law in its military activities: Law and policy govern the actions of the U.S. forces in all military operations, including counterinsurgency. For U.S. forces to conduct operations, a legal basis must exist. This legal basis profoundly influences many aspects of the operation.

# 2NC Oversight Bad

Oversight increases misinformation

Beutler 13 Brian, senior congressional reporter for Talking Points, TPM, 6-19, http://tpmdc.talkingpointsmemo.com/2013/06/snowden-revelations-cast-new-doubts-on-intelligence-oversight-process.php

TPM first reached out to Nadler’s staff seeking clarification about the discrepancy on Thursday evening. Over the weekend, other news outlets reported on the exchange prior to any clarification, suggesting Nadler had revealed the existence of a warrantless wiretapping program. As it turns out, the exchange was actually a real-life example of how misinformation can flourish when hearings are conducted in secret and staffers with issue expertise are forbidden from participating. “I am pleased that the administration has reiterated that, as I have always believed, the NSA cannot listen to the content of Americans’ phone calls without a specific warrant,” Nadler said on Sunday, after the confusion had apparently been resolved. This is a problem Senate intelligence committee Chair Dianne Feinstein (D-CA) addressed herself in a recent appearance on ABC News. “We had an intelligence committee meeting on Thursday [June 6], which I opened up to everybody and 27 senators came,” she said. ” You know, we informed them that every senator, the material is available. They can come and see it. One of the strictures with how they classified stuff is no staff. I think that should be changed so that intelligence committee staff can come in with the member and go over and review the material.” At an October 2009 public hearing of the House Intelligence Subcommittee on Intelligence Community Management, Britt Snider, a former CIA inspector general, explained the pitfalls of Congressional subservience to the executive branch when it comes to the most sensitive intelligence issues. “[I]n especially sensitive cases, the president has the option of providing notice of covert actions to a smaller group. It doesn’t say what this group of — this smaller group may do with the information that the executive branch has told them. In fact, it’s told them they can’t do anything with the information. And over the years, the gang of eight has acquiesced in what the executive branch has told them,” he said. I think personally this has been a mistake because when — what has happened, it has effectively marginalized congressional oversight. It’s meant the eight congressional leaders can only react to what they hear, without the advice of their professional staffs, without the advice of knowledgeable colleagues. And I think this is difficult for them to do, coming at it cold, having it presented to them in the most benign way possible. If they decide they have a problem, they have to be able to articulate on the spot what that problem is in a convincing way. If they later decide that they have a concern, then they have to take it upon themselves to go back and raise it with the administration. Again, they’re going to have to rely on their own memory because they weren’t allowed to take notes at the briefings and there is no record of the — of what they were told that they have access to. And so it’s — it’s just — very few, I think, congressional leaders are going to be willing or able to do this. But rest assured, if — if whatever program they’ve been briefed about subsequently goes south, their buy-in will be touted by the administration very prominently. I just simply don’t think this is fair to the members involved. This can breed mistrust and uncertainty. Since Edward Snowden’s disclosures appeared in The Guardian and the Washington Post, we’ve heard a variety of accounts both from members who were aware of the programs previously, and those who’ve learned about them in subsequent briefings. We’ve heard both that the programs aren’t nearly as expansive as portrayed in the press and also that they’re just “the tip of the iceberg.”

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# \*\*\*Kritik

**(3) sequencing disad---alt key to come before the plan otherwise movements get *sapped***

Nagin 5 Tomiko Brown, Visiting Associate Professor, University of Virginia School of Law, “ELITES, SOCIAL MOVEMENTS, AND THE LAW: THE CASE OF AFFIRMATIVE ACTION,” Columbia Law Review, 105 Colum. L. Rev. 1436

Those seeking to have an impact on the political and legal orders should not root a mass movement in the courts;instead, affirmative litigation about constitutional rights should be anchored upon and preceded by a mass movement.Efforts to achieve fundamental change **should** begin with the target constituency and be waged initially outside of the confines of institutionalized politics.Law should be understood as a tactic in an ongoing political struggle, where the struggle is the main event and favorable legal outcomes are its byproducts. There is **a crucially important temporal component** to this view. Legal claims can be tactically useful in a political strategy for achieving change - **but** only after social movements lay the groundwork **for legal change**. Social movements **must first create political pressure that frames issues in a favorable manner**, creates cultural norm shifts, and affects public opinion; these norm shifts then increase the likelihood that courts will reach outcomes favored by lawyers. [437](http://www.lexis.com/research/retrieve?_m=b1b76c3bff33e7c7527182cc42568c87&docnum=11&_fmtstr=FULL&_startdoc=1&wchp=dGLbVzz-zSkAl&_md5=b4841fe459fa752b47486b13d84385b6&focBudTerms=milliken%20w/150%20hispanic%20or%20latino&focBudSel=all#n437) Again, my claims find support in the history of the mid-twentieth-century civil rights movement. This narrative posits an intimate relationship between the sociopolitical dynamics within black client communities and the success (or failure) of civil rights lawyers' litigation campaigns for rights. The postwar civil rights movement confirms that the moral suasion of participatory democratic groups of nonlawyers, and typically nonelites, was integral to law's movement from a Jim Crow regime to a [\*1523] constitutional order in which formal equality was the norm. During the past three decades, historians who have analyzed social change have discovered that small groups of inexpert individuals can be the leading edge of a social movement, especially when they work in coalition with those who traditionally wield influence in society. [438](http://www.lexis.com/research/retrieve?_m=b1b76c3bff33e7c7527182cc42568c87&docnum=11&_fmtstr=FULL&_startdoc=1&wchp=dGLbVzz-zSkAl&_md5=b4841fe459fa752b47486b13d84385b6&focBudTerms=milliken%20w/150%20hispanic%20or%20latino&focBudSel=all#n438)Through their commitment to a social cause, ordinary people with no insider knowledge of the technical aspects of the broad issue on which they are mobilizing can create circumstances in which those with actual power (political, economic, and, ultimately, legal power) are persuaded to act in their favor.

**(4) lost in the details disad---they zero in on certain aspects of executive power which stop broader systemic criticisms which is necessary to check executive power**

**Saas, 12** \*\*William O. Pf Department of Communication Arts and Sciences at the Pennsylvania State University. symploke > Volume 20, Numbers 1-2

How might one critique this massive network of violence that has become so enmeshed in our contemporary geo-socio-political reality? Is there any hope for reversing the expansion of executive violence in the current political climate, in which the President enjoys minimal resistance to his most egregious uses of violence? How does exceptional violence become routine? Answers to these broad and difficult questions, derived as they are from the disorientingly vast and hyper-accelerated retrenchment of our current political situation, are best won through the broad strokes of what Slavoj Žižek calls "systemic" critique. For Žižek, looking squarely at interpersonal or subjective violences (e.g., torture, drone strikes), drawn as we may be by their gruesome and immediate appeal, distorts the critic's broader field of vision. For a fuller picture, one must pull one's critical focus back several steps to reveal the deep, objective structures that undergird the spectacular manifestations of everyday, subjective violence (Žižek 2008, 1-2). Immediately, however, one confronts the limit question of Žižek's mandate: how does one productively draw the boundaries of a system without too severely dampening the force of objective critique? For practical purposes, this essay leaves off discussion of neoliberal economic domination, vital as it may be to a full accounting for the U.S.' latest and most desperate expressions of state solvency.

**(5) bad for the left DA---as progressives stay focused on the law, conservatives chalk up more wins. We need to get our attention out of the law and law reviews. Our incessant fidelity to the constitutional scholarship is WORSE than doing nothing---links to the motha impact**

WEST 6, Pf Law @ Georgetown, (Robin, *Harvard Journal of Law & Gender*, Winter, lexis)

And law is indeed a strikingly conservative and conserving set of institutions and practices. I argued in the book that legal critics, feminist and otherwise, should elevate the concept of harm in our thinking about law. And when we do so, we should think much more than we currently do about the harms sustained by various subordinated groups, including women. All I want to add here in response to some of Halley's remarks is that harm- and **law-focused inquiries** with respect to gender or otherwise that come from such a focus are indeed reformist projects. They are projects about how law could do better, instrumentally, what it claims to do, and what it does do some of the time, what it does not do at all well most of the time, and often does not do at all, period. However, while it is important to get judge-made law to do better what it already does, it is even more important. I think, **to put law in its place**. Law--meaning here, adjudicative law--is (lo and behold) not politics. It cannot do what politics might be able to do. It has been a tragic mistake, I think, of liberals, radicals, identitarian theorists, critical legal scholars, and progressives of all stripes involved in law, legal theory, and legalism of the past half century, to assert, and so repetitively and confidently, the contrary. The domain of adjudicative law has **its own ethics**. It is for the most part **deeply moored in conservative values**. It has some redemptive potential and therefore some play for progressive gains, but really **not much.** More important, it has the potential, all in the name of justice, to further aggravate the harms **it manages to so successfully avoid.** *Caring for Justice* was an attempt to expose the aggravation of harm done by law in the name of justice, exploit its redemptive potential, and argue that others should do this also. But completely aside from the arguments of that book, I think this is still a very important and very much under-examined question for progressive lawyers to ask: how much can be asked of adjudicative law? Again, my answer is "not much." Others disagree. My current retrospective on the place of Catharine MacKinnon's jurisprudence in our law and letters, for example, argues that a part of the brilliance of her labors over the last thirty years has been her quite conscious embrace of law and legalism, rather than the domain of politics, culture, or education, to achieve evolutionary changes in our understanding of both sexual injury and sexual justice. [**97**](http://www.lexis.com/research/retrieve?_m=39680407fb828dfdd157d657f657a888&docnum=53&_fmtstr=FULL&_startdoc=51&wchp=dGLbVtz-zSkAt&_md5=4f80854bd4621b982f860148cd3f92b3&focBudTerms=casey%20and%20foucault%20and%20abortion&focBudSel=all#n97) She has been phenomenally successful in pushing law to become a **[\*48]** vehicle for that evolutionary change. By contrast, I think, the benighted attempt over the last half century of progressive constitutional lawyers and theorists to employ the stratagems and ethics of legalism so as to refigure our fundamental politics, to achieve substantive equality, expand liberty, and the like--and to do so by urging on courts the development of progressive interpretations of their constitutional corollaries--has been a pretty striking failure, and not only because of the current Republican staffing of the courts. Obviously, the arguments put forward by progressives, radicals, and liberals in their thousands upon thousands of pages of briefs--arguments about what equality should look like, about what freedoms we all should or should not have, about democracy, about speech, about reproduction, about race, about sex, and so on and so on and so on, as well as their constitutional corollaries, from *Brown* [98](http://www.lexis.com/research/retrieve?_m=39680407fb828dfdd157d657f657a888&docnum=53&_fmtstr=FULL&_startdoc=51&wchp=dGLbVtz-zSkAt&_md5=4f80854bd4621b982f860148cd3f92b3&focBudTerms=casey%20and%20foucault%20and%20abortion&focBudSel=all#n98) to *Roe* [99](http://www.lexis.com/research/retrieve?_m=39680407fb828dfdd157d657f657a888&docnum=53&_fmtstr=FULL&_startdoc=51&wchp=dGLbVtz-zSkAt&_md5=4f80854bd4621b982f860148cd3f92b3&focBudTerms=casey%20and%20foucault%20and%20abortion&focBudSel=all#n99) to *Casey* [100](http://www.lexis.com/research/retrieve?_m=39680407fb828dfdd157d657f657a888&docnum=53&_fmtstr=FULL&_startdoc=51&wchp=dGLbVtz-zSkAt&_md5=4f80854bd4621b982f860148cd3f92b3&focBudTerms=casey%20and%20foucault%20and%20abortion&focBudSel=all#n100) to *Lawrence* [101-](http://www.lexis.com/research/retrieve?_m=39680407fb828dfdd157d657f657a888&docnum=53&_fmtstr=FULL&_startdoc=51&wchp=dGLbVtz-zSkAt&_md5=4f80854bd4621b982f860148cd3f92b3&focBudTerms=casey%20and%20foucault%20and%20abortion&focBudSel=all#n101-)-are vital arguments with which to engage. The problem is that these arguments should be--and are not--the bread and butter of very ordinary politics, completely traditionally understood. The repeated insistence by liberal legalists over the last half-century that these arguments are, in fact, in law's domain has not secured progressive victories and has had the **perverse effect instead of** impoverishing our politics. [**102**](http://www.lexis.com/research/retrieve?_m=39680407fb828dfdd157d657f657a888&docnum=53&_fmtstr=FULL&_startdoc=51&wchp=dGLbVtz-zSkAt&_md5=4f80854bd4621b982f860148cd3f92b3&focBudTerms=casey%20and%20foucault%20and%20abortion&focBudSel=all#n102) The repeated insistence by critical legal scholars over the last thirty years that, contra liberalism, there is no difference between law and politics--and that what follows is simply that all those legal arguments in all of those endless Supreme Court opinions pontificating over the meaning of liberty and equality are in fact political arguments--has not changed this dynamic one bit. It has not only underscored the total absence of any coherent progressive instrumentalism from left understandings of the potential of law. Of greater consequence, it has also even **further emasculated and eviscerated** our politics, worse than liberalism could have done if it had tried, and it did not. The critical insistence on the deconstruction of the differences between law and politics has only **reinforced**, rather than challenged in any meaningful way, **the liberal legalist conceit that law**, rather than politics ordinarily understood, is **the domain of radical and liberal political thought. We have no political "left"** in this country, in part, because those who would otherwise be inclined to make one have **instead poured their thought, their passion, and their commitments** into litigation [\*49] strategies or **into the project of pointing out over and over the politics of those projects.** The result of this has been an entrenched conservatism across the board**-**-the board, that is, of both law and politics. Progressives need to re-direct their political arguments, including the radical arguments, out of law and law reviews and into the domain of politics. We first have to get over the lazy assumption that there is no need to do so--either because law is much loftier than ordinary politics, such that ennobling political arguments *ought* to be made in judicial fora (liberalism); or because there's no difference between law and politics, so that pointing out that legal arguments are through and through political is the beginning and end of political thought (critical). There are alternatives to both, and we ought to start figuring out what they are.

**(6) complacency DA--- relying on the law create psychological cooption and satisfaction with what he we have done**

**Lobel, 7 –** Assistant Professor of Law, University of San Diego, (Orly, Harvard Law Review, 120 Harv. L. Rev. 937)

Psychological cooptation is produced by the law precisely because law promises more than it can and will deliver. At the same time, law is unlike other sets of rules or systems in which we feel as though we have more choice about whether to participate. As described earlier, law presents itself simultaneously as the exclusive source of authority in a society and as the only engine for social change. It further presents itself as objective, situated outside and above politics. Thus, social actors who enter into formal channels of the state **risk transformation into a particular hegemonic consciousness.** Relying upon the language of law and legal rights to bring change legitimates an ideological system that masks inequality. [95](http://www.lexis.com/research/retrieve?_m=b7d531dcca7209b987833602ed6fbb4e&docnum=23&_fmtstr=FULL&_startdoc=1&wchp=dGLbVzb-zSkAt&_md5=3f8bfd4662cb01d0d1bf9f28a63e1155&focBudTerms=lobel%20and%20harvard&focBudSel=all#n95) When social demands are fused into legal action and the outcomes are only moderate adjustments of existing social arrangements, the process in effect **naturalizes systemic injustice.** The legal process reinforces, rather than resists, the dominant ideologies, institutions, and social hierarchies of the time. For example, when a court decision declares the end of racial segregation but de facto segregation persists, individuals become blind to the root causes of injustice and begin to view continued inequalities as inevitable and irresolvable. Similarly, **rights-based discourse has a legitimation effect, since rights mythically present themselves as outside and above politics.** [96](http://www.lexis.com/research/retrieve?_m=b7d531dcca7209b987833602ed6fbb4e&docnum=23&_fmtstr=FULL&_startdoc=1&wchp=dGLbVzb-zSkAt&_md5=3f8bfd4662cb01d0d1bf9f28a63e1155&focBudTerms=lobel%20and%20harvard&focBudSel=all#n96) Meanwhile, the legal framework allows the courts to implement a color blindness ideology and grant only symbolic victories rather than promote meaningful progress. [97](http://www.lexis.com/research/retrieve?_m=b7d531dcca7209b987833602ed6fbb4e&docnum=23&_fmtstr=FULL&_startdoc=1&wchp=dGLbVzb-zSkAt&_md5=3f8bfd4662cb01d0d1bf9f28a63e1155&focBudTerms=lobel%20and%20harvard&focBudSel=all#n97) As such, the role of law is one that in fact ensures the [\*958] "continued subordination of racial and other minority interests," while **pacifying the disadvantaged who rely on it.** [98](http://www.lexis.com/research/retrieve?_m=b7d531dcca7209b987833602ed6fbb4e&docnum=23&_fmtstr=FULL&_startdoc=1&wchp=dGLbVzb-zSkAt&_md5=3f8bfd4662cb01d0d1bf9f28a63e1155&focBudTerms=lobel%20and%20harvard&focBudSel=all#n98) Social movements **seduced by the "myth of rights" assume** a false sequence, namely "that litigation can evoke a declaration of rights from courts; that it can, further, be used to assure the realization of these rights; and, finally, that realization is tantamount to meaningful change."

**(8) hijacking disad---the state is hijacked by the military industrial complex-and elites who control the process of decision-making that normalizes and cements in an authoritarian state that wages war on its populations and populations around the world---working through these institutions means they get crushed---only the public sphere can solve**

Giroux 13 Henry A. is a social critic and educator, and the author of many books. He currently holds the Global Television Network Chair in English and Cultural Studies at McMaster University, Ontario, Monthly Review, Volume 65, Issue 01 (May)

In addition, as the state is hijacked by the financial-military-industrial complex, the “most crucial decisions regarding national policy are not made by representatives, but by the financial and military elites.”53 Such massive inequality and the suffering and political corruption it produces point to the need for critical analysis in which the separation of power and politics can be understood. This means developing terms that clarify how power becomes global even as politics continues to function largely at the national level, with the effect of reducing the state primarily to custodial, policing, and punishing functions—at least for those populations considered disposable. The state exercises its slavish role in the form of lowering taxes for the rich, deregulating corporations, funding wars for the benefit of the defense industries, and devising other welfare services for the ultra-rich. There is no escaping the global politics of finance capital and the global network of violence it has produced. Resistance must be mobilized globally and politics restored to a level where it can make a difference in fulfilling the promises of a global democracy. But such a challenge can only take place if the political is made more pedagogical and matters of education take center stage in the struggle for desires, subjectivities, and social relations that refuse the normalizing of violence as a source of gratification, entertainment, identity, and honor. War in its expanded incarnation works in tandem with a state organized around the production of widespread violence. Such a state is necessarily divorced from public values and the formative cultures that make a democracy possible. The result is a weakened civic culture that allows violence and punishment to circulate as part of a culture of commodification, entertainment, distraction, and exclusion. In opposing the emergence of the United States as both a warfare and a punishing state, I am not appealing to a form of left moralism meant simply to mobilize outrage and condemnation. These are not unimportant registers, but they do not constitute an adequate form of resistance .What is needed are modes of analysis that do the hard work of uncovering the effects of the merging of institutions of capital, wealth, and power, and how this merger has extended the reach of a military-industrial-carceral and academic complex, especially since the 1980s. This complex of ideological and institutional elements designed for the production of violence must be addressed by making visible its vast national and global interests and militarized networks, as indicated by the fact that the United States has over 1,000 military bases abroad.54 Equally important is the need to highlight how this military-industrial-carceral and academic complex uses punishment as a structuring force to shape national policy and everyday life. Challenging the warfare state also has an important educational component. C. Wright Mills was right in arguing that it is impossible to separate the violence of an authoritarian social order from the cultural apparatuses that nourish it. As Mills put it, the major cultural apparatuses not only “guide experience, they also expropriate the very chance to have an experience rightly called ‘our own.’”55 This narrowing of experience shorn of public values locks people into private interests and the hyper-individualized orbits in which they live. Experience itself is now privatized, instrumentalized, commodified, and increasingly militarized. Social responsibility gives way to organized infantilization and a flight from responsibility. Crucial here is the need to develop new cultural and political vocabularies that can foster an engaged mode of citizenship capable of naming the corporate and academic interests that support the warfare state and its apparatuses of violence, while simultaneously mobilizing social movements to challenge and dismantle its vast networks of power. One central pedagogical and political task in dismantling the warfare state is, therefore, the challenge of creating the cultural conditions and public spheres that would enable the U.S. public to move from being spectators of war and everyday violence to being informed and engaged citizens.Unfortunately, major cultural apparatuses like public and higher education, which have been historically responsible for educating the public, are becoming little more than market-driven and militarized knowledge factories. In this particularly insidious role, educational institutions deprive students of the capacities that would enable them not only to assume public responsibilities, but also to actively participate in the process of governing. Without the public spheres for creating a formative culture equipped to challenge the educational, military, market, and religious fundamentalisms that dominate U.S. society, it will be virtually impossible to resist the normalization of war as a matter of domestic and foreign policy. Any viable notion of resistance to the current authoritarian order must also address the issue of what it means pedagogically to imagine a more democratically oriented notion of knowledge, subjectivity, and agency and what it might mean to bring such notions into the public sphere. This is more than what Bernard Harcourt calls “a new grammar of political disobedience.”56 It is a reconfiguring of the nature and substance of the political so that matters of pedagogy become central to the very definition of what constitutes the political and the practices that make it meaningful. Critical understanding motivates transformative action, and the affective investments it demands can only be brought about by breaking into the hardwired forms of common sense that give war and state-supported violence their legitimacy. War does not have to be a permanent social relation, nor the primary organizing principle of everyday life, society, and foreign policy. The war of all-against-all and the social Darwinian imperative to respond positively only to one’s own self-interest represent the death of politics, civic responsibility, and ethics, and set the stage for a dysfunctional democracy, if not an emergent authoritarianism. The existing neoliberal social order produces individuals who have no commitment, except to profit, disdain social responsibility, and loosen all ties to any viable notion of the public good. This regime of punishment and privatization is organized around the structuring forces of violence and militarization, which produce a surplus of fear, insecurity, and a weakened culture of civic engagement—one in which there is little room for reasoned debate, critical dialogue, and informed intellectual exchange. Patricia Clough and Craig Willse are right in arguing that we live in a society “in which the production and circulation of death functions as political and economic recovery.”57 The United States understood as a warfare state prompts a new urgency for a collective politics and a social movement capable of negating the current regimes of political and economic power, while imagining a different and more democratic social order. Until the ideological and structural foundations of violence that are pushing U.S. society over the abyss are addressed, the current warfare state will be transformed into a full-blown authoritarian state that will shut down any vestige of democratic values, social relations, and public spheres. At the very least, the U.S. public owes it to its children and future generations, if not the future of democracy itself, to make visible and dismantle this machinery of violence while also reclaiming the spirit of a future that works for life rather than death—the future of the current authoritarianism, however dressed up they appear in the spectacles of consumerism and celebrity culture. It is time for educators, unions, young people, liberals, religious organizations, and other groups to connect the dots, educate themselves, and develop powerful social movements that can restructure the fundamental values and social relations of democracy while establishing the institutions and formative cultures that make it possible. Stanley Aronowitz is right in arguing that: the system survives on the eclipse of the radical imagination, the absence of a viable political opposition with roots in the general population, and the conformity of its intellectuals who, to a large extent, are subjugated by their secure berths in the academy [and though] we can take some solace in 2011, the year of the protester…it would be premature to predict that decades of retreat, defeat and silence can be reversed overnight without a commitment to what may be termed “a long march” through the institutions, the workplaces and the streets of the capitalist metropoles.58 The current protests among young people, workers, the unemployed, students, and others are making clear that this is not—indeed, cannot be—only a short-term project for reform, but must constitute a political and social movement of sustained growth, accompanied by the reclaiming of public spaces, the progressive use of digital technologies, the development of democratic public spheres, new modes of education, and the safeguarding of places where democratic expression, new identities, and collective hope can be nurtured and mobilized. Without broad political and social movements standing behind and uniting the call on the part of young people for democratic transformations, any attempt at radical change will more than likely be cosmetic.

# 2NC AT: Huq

**Huq admits that the executive can play fast and loose with the law**

Huq 12 + Aziz Z. Assistant Professor of Law, University of Chicago Law School. University of Chicago Law Review, Spring, 79 U. Chi. L. Rev. 777

I should be clear that my goal here is not to suggest that PV's skepticism about legal constraints is categorically unwarranted. Concern that Presidents can on occasion play fast and loose with the law is unquestionably grounded in fact. It does not follow from my analysis that law is always, necessarily, or automatically effective - PV persuasively show it is often not for reasons sketched in Part I. My point is rather that law cannot be dismissed so quickly and that PV's treatment of law as functionally marginal understates its actual salience. 50 At least in some nontrivial set of conditions, law is relevant to the imposition of an effective constraint on the executive. It therefore must be awarded a substantial role in any general political economy of the executive branch.

**Huq doesn’t know when constraints will work AND he doesn’t think constraints work mid-stream**

Huq 12 + Aziz Z. Assistant Professor of Law, University of Chicago Law School. University of Chicago Law Review, Spring, 79 U. Chi. L. Rev. 777

Nevertheless, neither Neustadt nor Skowronek articulate the precise role of law in congressional obstruction of presidential goals. Perhaps observed executive reticence is merely a result of political calculations, consistent with PV's core hypothesis. But the evidence that the limits on executive authority tend to arise when Congress or existing law preclude a discretionary act suggests that institutions and statutes do play a meaningful role. Such correlations do not, however, establish the precise mechanisms whereby laws and institutions impose frictions on the employment of executive discretion. Alternatively, perhaps the Neustadt and Skowronek accounts can be explained solely in terms of Congress's negative veto in bicameralism and presentment, which is anticipated by the White House and so delimits the scope of presidential agendas. This would suggest that Congress's power is asymmetrical: it can block some [\*795] executive initiatives but do little midstream to regulate the use of discretion powers already possessed by the presidency. Consistent with this interpretation, The Executive Unbound stresses the failure of framework laws passed after the Nixon presidency to regulate war and emergency powers (pp 86-87). 74 If the executive can so easily find work-arounds, PV explain, it follows that Congress also has less incentive to pass [restrictions] such laws. In the long term, the incentives for Congress to enact statutory limits on presidential authorities will accordingly atrophy.

# 2NC Impact

**---all of our solvency arguments are *net offense*---legalism creates the façade that the executive is being constrained but allowing the government to do as it pleases under the guise of constraint---this swells executive power and turns the case**

Osborn 8 Timothy Kaufman is the Baker Ferguson Professor of Politics and Leadership at Whitman College; from 2002-06 as president of the American Civil Liberties of Washington; and he recently completed a term on the Executive Council of the American Political Science Association. Theory & Event > Volume 11, Issue 2

The examples cited in this section suggest not the formation of an utterly lawless regime, but, rather, within an order that continues to understand itself in terms of the categories provided by liberal contractarianism, the more insidious creation, multiplication, and institutionalization of what David Dyzenhaus calls "grey holes." Such holes are "spaces in which there are some legal constraints on executive action...but the constraints are so insubstantial that they pretty well permit government to do as it pleases."40 As such, they are more harmful to the rule of law than are outright dictatorial usurpations, first, because the provision of limited procedural protections masks the absence of any real constraint on executive power; and, second, because location of the authority to create such spaces within the Constitution implies that, in the last analysis, they bear ex ante authorization by the people. When created, in other words, they may receive but they do not require ratification, whether by Congress or by those whom its members are said to represent. What this means in effect is that the second Bush administration has dispensed with Jefferson's stipulation that extra-constitutional executive acts (or, rather, acts that Jefferson deemed to be outside those constitutionally permitted) require ex post facto ratification; and, in addition, that it has dispensed with Locke's contention that, however unlikely, at least in principle, specific exercises of extra-legal prerogative power (or, rather, acts that Locke deemed to be outside those legally permitted) are properly subject to revolutionary rejection. What one finds in the second Bush administration, then, is a denial of both models of accountability, combined with an aggressive commitment to the constitution of a security state that is liberal only in name. As it extends its reach, perfection of that state renders the prospect of popular repudiation of prerogative power ever more chimerical, and, indeed, renders recognition of the problematic character of its exercise ever less likely.

# \*\*\*Politics

# 2NC Impact

#### Economic collapse controls the direction of every impact

Gartzke, 11-

associate Professor of political science at the University of California, San Diego PhD from Iowa and B.A. from UCSF Erik, "SECURITY IN AN INSECURE WORLD" [www.cato-unbound.org/2011/02/09/erik-gartzke/security-in-an-insecure-world/](http://www.cato-unbound.org/2011/02/09/erik-gartzke/security-in-an-insecure-world/" \t "_blank)

Almost as informative as the decline in warfare has been where this decline is occurring. Traditionally, nations were constrained by opportunity. Most nations did not fight most others because they could not physically do so. Powerful nations, in contrast, tended to fight more often, and particularly to fight with other powerful states. Modern “zones of peace” are dominated by powerful, militarily capable countries. These countries could fight each other, but are not inclined to [fight] do so. At the same time, weaker developing nations that continue to exercise force in traditional ways are incapable of projecting power against the developed world, with the exception of unconventional methods, such as terrorism. The world is thus divided between those who could use force but prefer not to (at least not against each other) and those who would be willing to fight but lack the material means to fight far from home. Warfare in the modern world has thus become an activity involving weak (usually neighboring) nations, with intervention by powerful (geographically distant) states in a policing capacity. So, the riddle of peace boils down to why capable nations are not fighting each other. There are several explanations, as Mack has pointed out. The easiest, and I think the best, explanation has to do with an absence of motive. Modern states find little incentive to bicker over tangible property, since armies are expensive and the goods that can be looted are no longer of considerable value.Ironically, this is exactly the explanation that Norman Angell famously supplied before the World Wars. Yet, today the evidence is abundant that the most prosperous, capable nations prefer to buy rather than take. Decolonization, for example, divested European powers of territories that were increasingly expensive to administer and which contained tangible assets of limited value. Of comparable importance is the move to **substantial** consensus among powerful nations about how international affairs should be conducted. The great rivalries of the twentieth century were ideological rather than territorial. These have been substantially resolved, as Francis Fukuyama has pointed out. The fact that remaining differences are moderate, while the benefits of acting in concert are large (due to economic interdependence in particular) means that **nations prefer to deliberate rather than fight**. Differences remain, but for the most part the capable countries of the world have been in consensus, while the disgruntled developing world is incapable of acting on respective nations’ dissatisfaction. While this version of events explains the partial peace bestowed on the developed world, it also poses challenges in terms of the future. The rising nations of Asia in particular have not been equalbeneficiaries in the world political system. These nations have benefited from economic integration, and this has proved sufficient in the past to pacify them. The question for the future is whether the benefits of tangible resources through markets are sufficient to compensate the rising powers for their lack of influence in the policy sphere. The danger is that established powers may be slow to accommodate or give way to the demands of rising powers from Asia and elsewhere, leading to divisions over the intangible domain of policy and politics. Optimists argue that at the same time that these nations are rising in power, their domestic situations are evolving in a way that makes their interests more similar to the West. Consumerism, democracy, and a market orientation all help to draw the rising powers in as fellow travelers in an expanding zone of peace among the developed nations. Pessimists argue instead that capabilities among the rising powers are growing faster than their affinity for western values, or even that fundamental differences exist among the interests of first- and second-wave powers that cannot be bridged by the presence of market mechanisms or McDonald’s restaurants. If the peace observed among western, developed nations is to prove durable, it must be because warfare proves futile as nations transition to prosperity. Whether this will happen depends on the rate of change in interests and capabilities, a difficult thing to judge. We must hope that the optimistic view is correct, that what ended war in Europe can be exported globally. Prosperity has made war expensive, while the fruits of conflict, both in terms of tangible and intangible spoils have declined in value. These forces are not guaranteed to prevail indefinitely. Already, research on robotic warfare promises to lower the cost of conquest. If in addition, fundamental differences among capable communities arise, then warfare over ideology or policy can also be resurrected. We must all hope that the consolidating forces of prosperity prevail, that war becomes a durable anachronism.

# A2 UQ Overwhelms Link

#### Uniqueness doesn’t overwhelm there is risk the debt ceiling won’t be raised

Klein 8/28

Ezra, Washington Post, I’m scared of the debt ceiling. You should be, too., 8/28/13, http://www.washingtonpost.com/blogs/wonkblog/wp/2013/08/28/im-scared-of-the-debt-ceiling-you-should-be-too/?tid=pm\_business\_pop

The savvy, sophisticated thing to say in Washington, D.C., is that the next debt limit fight is just Kabuki theater: Republicans folded last time. They’ll fold this time, too.¶ And perhaps that’s right. But perhaps it isn’t. The central fact of the next debt-ceiling fight is that the two parties’ positions are mutually exclusive. Republicans say they will raise the debt ceiling only in return for significant budget concessions. The Obama administration says it won’t offer anything in return for raising the debt ceiling.¶ There’s only one possible outcome given those two positions: The debt ceiling won’t be raised.¶ Eventually, one or both of those positions will change. No one — including me — believes that the debt ceiling will remain right where it is, forever and ever, amen. That would mean a financial crisis of epic proportions.¶ But here’s what scares me: No one can tell me how one or both of those positions will change before we breach the ceiling in mid-October.¶ The White House swears they’re giving basically no thought to the issue. “Let me reiterate what our position is, and it is unequivocal,” said press secretary Jay Carney. “We will not negotiate with Republicans in Congress over Congress’ responsibility to pay the bills that Congress has racked up, period.”¶ House Republicans are giving more thought to the debt limit, but mainly because they’re trying to get their members excited for a fight in order to persuade them to back off of threats to shut down the government.¶ “I’ve made it clear that we’re not going to increase the debt limit without cuts and reforms that are greater than the increase in the debt limit,” House Speaker John Boehner said Monday during a speech in Idaho. “The president doesn’t think this is fair, thinks I’m being difficult to deal with. But I’ll say this: It may be unfair, but what I’m trying to do here is to leverage the political process to produce more change than what it would produce if left to its own devices. We’re going to have a whale of a fight.”¶ On this, Boehner has party unity. House Majority Leader Eric Cantor told Reuters that the debt limit is a “leverage point” to force White House concessions over Obamacare.¶ We’ve hit the debt limit twice since Boehner gaveled the Republican-led House into session in 2011. The first time was a disaster, and quite nearly became a catastrophe. The way out was $1 trillion in discretionary spending cuts paired with sequestration. But now that those cuts are law and sequestration is in place, that deal is off the table.¶ The second time came right after Obama’s reelection, and Republicans unexpectedly, but smartly, reached the so-called Williamsburg Accord, under which they agreed to raise the debt limit in return for Senate Democrats producing a budget and House leadership promising to produce a budget that balanced in 10 years. That is to say, they agreed to raise the debt ceiling in return for nothing.¶ How does the Williamsburg Accord look now? Well, Republicans got their budgets. But the National Review reports that “in the view of some conservative groups, the Williamsburg Accord has been a mixed bag, and [House budget chief Paul] Ryan in particular is in danger of losing his sheen because of his role, even if few observers realize it.”¶ Sanguinity over October’s debt limit line requires the presumption of another Williamsburg Accord. But that agreement was a shock at the time. It was made possible because 1) House Republicans didn’t think they could beat Obama mere months after he won reelection, 2) House Republicans were weirdly obsessed with Senate Democrats producing a budget, 3) House conservatives were highly enthusiastic about balancing the budget in 10 years, and 4) Boehner was able to convince them that sequestration was just around the corner, and since sequestration was composed entirely of spending cuts, letting it go into effect would give Republicans more leverage going forward.¶ And for all that, the Williamsburg Accord didn’t even raise the debt ceiling for a full year!¶ It’s hard to see the cards that Boehner (or Cantor or Ryan) will play to persuade House Republicans to agree to a second Williamsburg Accord. But the White House isn’t going to fold over the debt ceiling, either.¶ The closest thing to a plausible case I’ve heard is some kind of negotiation that Democrats portray as a deal to fund the government and replace sequestration and that Republicans portray as a deal to raise the debt ceiling. But for that to work, the two sides actually need to agree to something. The Obama administration isn’t going to delay the health care law for a year or accept heavy new cuts without tax increases. Republicans aren’t likely to accept tax increases. So, what’s the case for believing they can reach a deal, exactly?¶ The Democrats’ quiet hope is that House Republicans will overplay their hand and, as terror mounts over the debt ceiling, Senate Republicans will cut a meaningful deal with Obama and the House will let the package pass by waiving the Hastert rule. That’s possible, of course, but hardly likely. House Republicans don’t like getting jammed by the Senate, and powerful conservative groups have been policing Hastert rule violations much more aggressively of late.¶ And then there’s the possibility of simple miscalculation. Remember when Boehner’s “Plan B” failed on the floor of the House? When the farm bill failed on the floor of the House? When the Transportation, Housing and Urban Development appropriations bill failed on the floor of the House? The odds of Boehner and Cantor thinking they can pass something and simply being wrong about that are not zero.¶ And that’s the problem. None of the safe outcomes are likely. None of them even look particularly plausible, at least right now. And that’s scary. If you’re not at least a bit worried about the debt ceiling, you’re not paying close enough attention.

# Delay Module

#### A single day delay risks global market crash

NYT 9/26

http://www.nytimes.com/2013/09/26/business/treasury-warns-of-potential-default-by-mid-october.html?\_r=0

Mr. Lew warned in his letter that a single day’s net expenditures could be as high as $60 billion. After that mid-October deadline, money going out might overwhelm money coming in plus cash on hand. The Treasury could miss or be forced to delay paying some of its bills. Such an event would be unprecedented, and many financial analysts fear a possible violent market reaction with global ramifications.

#### Experts confirm 2k11 delay cost billions – this default will be unprecedented ANY further delay risks dire consequences

NYT 9/26

http://www.nytimes.com/2013/09/26/business/treasury-warns-of-potential-default-by-mid-october.html?\_r=0

If that expectation were to prove wrong, though, the effects are unknowable – and might be severe. “Any delay in raising the debt ceiling would have dire economic consequences,” said Mark Zandi of Moody’s Analytics, testifying on Capitol Hill this week. “Consumer, business and investor confidence would be hit hard, putting stock, bond and other financial markets into turmoil.”¶ In the event of a default, the United States’ borrowing costs would probably rise and continue at somewhat higher levels even after the Treasury Department returned to new issuance on the bond market, causing a direct hit to taxpayers. But financial analysts are more immediately worried about the potential for wide market gyrations as investors reassessed their pricing of trillions of dollars of debt products tied to Treasury rates and sought safety in new markets or instruments.¶ The costs from a debt-ceiling default would almost certainly dwarf the costs associated with a government shutdown, which most experts say would be relatively small if it did not continue for an extended period of time. The Bipartisan Policy Center, a Washington research group, estimated that market concern over the potential of a default in 2011 cost nearly $19 billion over 10 years, and that occurred even though the government avoided a default at the last minute.

#### PC key to quick debt ceiling resolution

Pace 9/12

AP White House Correspondent (Julie, “Syria debate on hold, Obama refocuses on agenda” http://www.myrtlebeachonline.com/2013/09/12/3704721/obama-seeks-to-focus-on-domestic.html#storylink=cpy)

WASHINGTON — With a military strike against Syria on hold, President Barack Obama tried Thursday to reignite momentum for his second-term domestic agenda. But his progress could hinge on the strength of his standing on Capitol Hill after what even allies acknowledge were missteps in the latest foreign crisis. "It is still important to recognize that we have a lot of things left to do here in this government," Obama told his Cabinet, starting a sustained White House push to refocus the nation on matters at home as key benchmarks on the budget and health care rapidly approach. "The American people are still interested in making sure that our kids are getting the kind of education they deserve, that we are putting people back to work," Obama said. The White House plans to use next week's five-year anniversary of the 2008 financial collapse to warn Republicans that shutting down the government or failing to raise the debt limit could drag down the still-fragile economy. With Hispanic Heritage Month to begin Monday, Obama is also expected to press for a stalled immigration overhaul and urge minorities to sign up for health care exchanges beginning Oct. 1. Among the events planned for next week is a White House ceremony highlighting Americans working on immigrant and citizenship issues. Administration officials will also promote overhaul efforts at naturalization ceremonies across the country. On Sept. 21, Obama will speak at the Congressional Black Caucus Gala, where he'll trumpet what the administration says are benefits of the president's health care law for African-Americans and other minorities. Two major factors are driving Obama's push to get back on track with domestic issues after three weeks of Syria dominating the political debate. Polls show the economy, jobs and health care remain Americans' top concerns. And Obama has a limited window to make progress on those matters in a second term, when lame-duck status can quickly creep up on presidents, particularly if they start losing public support. Obama already is grappling with some of the lowest approval ratings of his presidency. A Pew Research Center/USA Today poll out this week put his approval at 44 percent. That's down from 55 percent at the end of 2012. Potential military intervention in Syria also is deeply unpopular with many Americans, with a Pew survey finding that 63 percent opposing the idea. And the president's publicly shifting positions on how to respond to a deadly chemical weapons attack in Syria also have confused many Americans and congressional lawmakers. "In times of crisis, the more clarity the better," said Sen. Lindsey Graham, R-S.C., a strong supporter of U.S. intervention in Syria. "This has been confusing. For those who are inclined to support the president, it's been pretty hard to nail down what the purpose of a military strike is." For a time, the Obama administration appeared to be barreling toward an imminent strike in retaliation for the Aug. 21 chemical weapons attack. But Obama made a sudden reversal and instead decided to seek congressional approval for military action. Even after administration officials briefed hundreds of lawmakers on classified intelligence, there appeared to be limited backing for a use-of-force resolution on Capitol Hill. Rather than face defeat, Obama asked lawmakers this week to postpone any votes while the U.S. explores the viability of a deal to secure Syria's chemical weapons stockpiles. That pause comes as a relief to Obama and many Democrats eager to return to issues more in line with the public's concerns. The most pressing matters are a Sept. 30 deadline to approve funding to keep the government open — the new fiscal year begins Oct. 1 — and the start of sign-ups for health care exchanges, a crucial element of the health care overhaul. On Wednesday, a revolt by tea party conservatives forced House Republican leaders to delay a vote on a temporary spending bill written to head off a government shutdown. Several dozen staunch conservatives are seeking to couple the spending bill with a provision to derail implementation of the health care law. The White House also may face a fight with Republicans over raising the nation's debt ceiling this fall. While Obama has insisted he won't negotiate over the debt limit, House Speaker John Boehner on Thursday said the GOP will insist on curbing spending. "You can't talk about increasing the debt limit unless you're willing to make changes and reforms that begin to solve the spending problem that Washington has," the Ohio Republican said.

# Floor Time

#### Debt debate will push right up to deadline

Cowan and Lowder 9/13

Richard and David, Reuters, Analysis: House Republicans go for broke in fiscal battles, 9/13/13, http://www.reuters.com/article/2013/09/13/us-usa-congress-debt-ceiling-analysis-idUSBRE98C04620130913

There are risks for Democrats and Obama too. While polling results showed the public more upset with Republicans then Obama after the "fiscal cliff" fight that led to across-the-board budget cuts, Obama's Gallup approval rating started on a downward trend then from which it has yet to recover, with other polls suggesting that Americans hold all parties in Washington as well as the president responsible for "gridlock."¶ With the deadlines fast-approaching, the maneuvering is well underway.¶ The White House announced that Obama would speak to the Business Roundtable group of big-company chief executives next week. White House spokesman Jay Carney did not offer any details about what Obama will say, but he has used business groups in the past to pressure Congress to avoid fiscal brinkmanship.¶ "We will never accept anything that delays or defunds" Obamacare, Carney stressed again on Thursday.¶ In the U.S. Capitol, the top four Republican and Democratic leaders of the Senate and House met in the office of House of Representative Speaker John Boehner on Thursday to try to plot out a happy ending to their government spending and debt limit challenges. Afterward, Boehner told reporters "there are a million options that are being discussed by a lot of people."¶ But while Republicans control the House, Boehner does not control Republicans.¶ HIGH-STAKES MANEUVER¶ The intra-party fight on such a high-stakes maneuver as coupling Obamacare changes to the debt limit hike is seen as pushing negotiations on the legislation right up to the October or November deadline.