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# 1

#### Our interpretation is that the aff must defend the hypothetical enactment of the United States Federal Government increasing statutory restrictions

**Ericson 3** (Jon M., Dean Emeritus of the College of Liberal Arts – California Polytechnic U., et al., The Debater’s Guide, Third Edition, p. 4)

The Proposition of Policy: Urging Future Action In policy propositions, each topic contains certain key elements, although they have slightly different functions from comparable elements of value-oriented propositions. 1. An agent doing the acting ---“The United States” in “The United States should adopt a policy of free trade.” Like the object of evaluation in a proposition of value, the agent is the subject of the sentence. 2. The verb should—the first part of a verb phrase that urges action. 3. An action verb to follow should in the should-verb combination. For example, should adopt here means to put a program or policy into action though governmental means. 4. A specification of directions or a limitation of the action desired. The phrase free trade, for example, gives direction and limits to the topic, which would, for example, eliminate consideration of increasing tariffs, discussing diplomatic recognition, or discussing interstate commerce. Propositions of policy deal with future action. Nothing has yet occurred. The entire debate is about whether something ought to occur. What you agree to do, then, when you accept the affirmative side in such a debate is to offer sufficient and compelling reasons for an audience to perform the future action that you propose.

#### This is best --- limits --- being able to garner advantages based off of in round discourse, reps and discussions allows for an infinite number of diverse advantage areas that makes it impossible to be prepared for --- it no longer matters what the topic is but what the discussions that we have --- it also creates an unpredictable burden of the different number of things that they could claim

# 2

#### Politics is Schmittian – the law is an ineffective counter-weight against the executive

Kinniburgh 13 Colin, writer for Dissent magazine, 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.

#### That naturalizes injustice and obviates the reasons why those injustices occur – it ignores root causes

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."

#### The concern with understanding and politicizing law is the problem. This concern has trapped progressives, radicals and liberals into the dead-end of pointing out the politics of different court decisions.

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 harmsit 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.

#### Our alternative is to bring democracy alive by defying the law. Individuals should recognize they are not controlled byt drones. Once we realize that Presidents and courts cannot determine who we are nor should they be looked at as the ultimate source of authority, then fundamental change is possible.

Zinn ‘5 (Howard, Z Magazine, It's Not up to the Court, November)

There is enormous hypocrisy surrounding the pious veneration of the Constitution and "the rule of law." The Constitution, like the Bible, is infinitely flexible and is used to serve the political needs of the moment. When the country was in economic crisis and turmoil in the Thirties and capitalism needed to be saved from the anger of the poor and hungry and unemployed, the Supreme Court was willing to stretch to infinity the constitutional right of Congress to regulate interstate commerce. It decided that the national government, desperate to regulate farm production, could tell a family farmer what to grow on his tiny piece of land. When the Constitution gets in the way of a war, it is ignored. When the Supreme Court was faced, during Vietnam, with a suit by soldiers refusing to go, claiming that there had been no declaration of war by Congress, as the Constitution required, the soldiers could not get four Supreme Court justices to agree to even hear the case. When, during World War I, Congress ignored the First Amendment's right to free speech by passing legislation to prohibit criticism of the war, the imprisonment of dissenters under this law was upheld unanimously by the Supreme Court, which included two presumably liberal and learned justices: Oliver Wendell Holmes and Louis Brandeis. It would be naive to depend on the Supreme Court to defend the rights of poor people, women, people of color, dissenters of all kinds. Those rights only come alive when citizens organize, protest, demonstrate, strike, boycott, rebel, and violate the law in order to uphold justice. The distinction between law and justice is ignored by all those Senators--Democrats and Republicans--who solemnly invoke as their highest concern "the rule of law." The law can be just; it can be unjust. It does not deserve to inherit the ultimate authority of the divine right of the king. The Constitution gave no rights to working people: no right to work less than twelve hours a day, no right to a living wage, no right to safe working conditions. Workers had to organize, go on strike, defy the law, the courts, the police, create a great movement which won the eight-hour day, and caused such commotion that Congress was forced to pass a minimum wage law, and Social Security, and unemployment insurance. The Brown decision on school desegregation did not come from a sudden realization of the Supreme Court that this is what the Fourteenth Amendment called for. After all, it was the same Fourteenth Amendment that had been cited in the Plessy case upholding racial segregation. It was the initiative of brave families in the South--along with the fear by the government, obsessed with the Cold War, that it was losing the hearts and minds of colored people all over the world--that brought a sudden enlightenment to the Court. The Supreme Court in 1883 had interpreted the Fourteenth Amendment so that nongovernmental institutions hotels, restaurants, etc.-could bar black people. But after the sit-ins and arrests of thousands of black people in the South in the early Sixties, the right to public accommodations was quietly given constitutional sanction in 1964 by the Court. It now interpreted the interstate commerce clause, whose wording had not changed since 1787, to mean that places of public accommodation could be regulated by Congressional action and be prohibited from discriminating. Soon this would include barbershops, and I suggest it takes an ingenious interpretation to include barbershops in interstate commerce. The right of a woman to an abortion did not depend on the Supreme Court decision in Roe v. Wade. It was won before that decision, all over the country, by grassroots agitation that forced states to recognize the right. If the American people, who by a great majority favor that right, insist on it, act on it, no Supreme Court decision can take it away. The rights of working people, of women, of black people have not depended on decisions of the courts. Like the other branches of the political system, the courts have recognized these rights only after citizens have engaged in direct action powerful enough to win these rights for themselves. Still, knowing the nature of the political and judicial system of this country, its inherent bias against the poor, against people of color, against dissidents, we cannot become dependent on the courts, or on our political leadership. Our culture--the media, the educational system--tries to crowd out of our political consciousness everything except who will be elected President and who will be on the Supreme Court, as if these are the most important decisions we make. They are not. They deflect us from the most important job citizens have, which is to bring democracy alive by organizing, protesting, engaging in acts of civil disobedience that shake up the system. That is why Cindy Sheehan's dramatic stand in Crawford, Texas, leading to 1,600 anti-war vigils around the country, involving 100,000 people, is more crucial to the future of American democracy than the mock hearings on Justice Roberts or the ones to come on Judge Alito. That is why the St. Patrick's Four need to be supported and emulated. That is why the GIs refusing to return to Iraq, the families of soldiers calling for withdrawal from the war, are so important. That is why the huge peace march in Washington on September 24 bodes well. Let us not be disconsolate over the increasing control of the court system by the right wing. The courts have never been on the side of justice, only moving a few degrees one way or the other, unless pushed by the people. Those words engraved in the marble of the Supreme Court, "Equal Justice Before the Law," have always been a sham. No Supreme Court, liberal or conservative, will stop the war in Iraq, or redistribute the wealth of this country, or establish free medical care for every human being. Such fundamental change will depend, the experience of the past suggests, on the actions of an aroused citizenry, demanding that the promise of the Declaration of Independence--an equal right to life, liberty, and the pursuit of happiness--be fulfilled.

# 3

#### Boehner foot-dragging has just delayed comprehensive reform until next year – business leaders will still ensure a comprehensive agreement happens

VOA News, 11-15-’13 (“US Business Leader Confident Boehner Will Seek Immigration Reform” http://www.voanews.com/content/reu-us-business-leader-confident-boehner-immigration-reform/1790627.html)

The head of the biggest U.S. business group, a traditional ally of Republicans, said on Thursday that he remains confident that the top Republican in Congress will push to enact comprehensive immigration reform. Donohue said he supports Boehner's decision to take a step-by-step approach, with smaller measures to fix the nation's broken immigration system, as opposed to the broader, comprehensive approach favored by Democrat leaders in the Senate. “I believe it will get done,” Donohue said at a news conference attended by business, religious and law enforcement leaders, all of whom echoed his determination and optimism. A landmark bill to bolster border security, help business get needed workers and provide a pathway to U.S. citizenship for up to 11 million undocumented immigrants won Senate approval in June. However, thus far, the House has passed only a handful of limited bills, most dealing with enforcement and none providing a pathway to U.S. citizenship. Donohue promised to help Boehner get the votes to pass a series of bills to provide comprehensive reform, including a pathway to citizenship. He said such legislation would be good for business, labor and the country, and that he expects final congressional approval in the first half of next year. “We're not going away,” said Donohue, whose business group, along with organized labor, helped craft the Senate bill. “We're just getting warmed up.” Boehner drew fire on Wednesday when he said that the House will not negotiate with the Senate to resolve differences between the Senate bill and what the House ends up passing. “We have made it clear that we are going to move on a common sense, step-by-step approach,” the speaker said, repeating his opposition to the Senate legislation. “We have no intention of ever going to conference on the Senate bill,” he continued. Some read Boehner's comments to mean that he was walking away from comprehensive reform. Donohue, whose Chamber of Commerce represents more than 3 million businesses, said he didn't see it that way. “I'm not upset with Boehner,” Donohue said, adding that he believes Congress will end up doing what needs to be done to overhaul the U.S. immigration system. “We will get there,” he said. “It doesn't matter to me what music they play for the dance.” Objection to Pathway The Chamber of Commerce, and much of the business community, has long been allies of Republicans, largely because of the party's anti-tax, anti-regulatory positions. Yet many Republicans have balked at the Senate bill because of the pathway to citizenship for illegal immigrants. Critics say the pathway would provide “amnesty” to law breakers and encourage more illegal immigration. Supporters disagree. Instead, they argue, it would bring millions of illegal immigrants out of the shadows and end their exploitation. Donohue said he remains confident Congress will enact a comprehensive immigration overhaul, largely because polls show more than 70 percent of Americans back it.

#### **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.

#### Comprehensive agreement key to Latin American relations

Lopez-Levy 12 – PhD Candidate at the Josef Korbel School of International Studies of the University of Denver

Arturo, “The Latin American Gorilla,” Foreign Policy in Focus, http://www.fpif.org/articles/the\_latin\_american\_gorilla

Few political acts would have a greater effect on U.S.-Latin American relations than the naturalization of millions of Hispanics over the next decade. President Obama announced that immigration reform would be a legislative priority in his second term during the Summit of the Americas in Cartagena. It is not only a domestic but a foreign policy promise. The countries that have the largest number of undocumented immigrants in the United States are the same ones that have free-trade agreements: Mexico, Central America, and Colombia. These are also the countries with the greatest need for a coordinated effort against organized crime and drug and arms trafficking.¶ Establishing a path to citizenship for millions of undocumented immigrants would make border control more manageable, and it would also lead to greater demand for the legal immigration of families and circular movement between the United States and immigrants’ countries of origin. Comprehensive U.S. immigration reform would have a very significant positive impact on tourism, remittances, investment, and the voting preferences of expatriates from those countries.

#### Spills over to broader relations – solves warming

Shifter 12 - President of the Sol M. Linowitz Forum Intern-American Dialogue

Michael, "Remaking the Relationship: The United States and Latin America" Inter-American Dialogue Policy Report -- April -- www.thedialogue.org/PublicationFiles/IAD2012PolicyReportFINAL.pdf

There are compelling reasons for the United States and Latin America to ¶ pursue more robust ties .¶ Every country in the Americas would benefit from strengthened and ¶ expanded economic relations, with improved access to each other’s markets, investment capital, and energy resources . Even with its current economic problems, the United States’ $16-trillion economy is a vital market ¶ and source of capital (including remittances) and technology for Latin ¶ America, and it could contribute more to the region’s economic performance . For its part, Latin America’s rising economies will inevitably become ¶ more and more crucial to the United States’ economic future .The United States and many nations of Latin America and the Caribbean ¶ would also gain a great deal by more cooperation on such global matters ¶ as climate change, nuclear non-proliferation, and democracy and human ¶ rights . With a rapidly expanding US Hispanic population of more than 50 ¶ million, the cultural and demographic integration of the United States and ¶ Latin America is proceeding at an accelerating pace, setting a firmer basis ¶ for hemispheric partnership. Despite the multiple opportunities and potential benefits, relations between ¶ the United States and Latin America remain disappointing . If new opportunities are not seized, relations will likely continue to drift apart . The longer the ¶ current situation persists, the harder it will be to reverse course and rebuild ¶ vigorous cooperation . Hemispheric affairs require urgent attention—both ¶ from the United States and from Latin America and the Caribbean

#### Warming is an existential risk

Mazo 10 – PhD in Paleoclimatology from UCLA

Jeffrey Mazo, Managing Editor, Survival and Research Fellow for Environmental Security and Science Policy at the International Institute for Strategic Studies in London, 3-2010, “Climate Conflict: How global warming threatens security and what to do about it,” pg. 122

The best estimates for global warming to the end of the century range from 2.5-4.~C above pre-industrial levels, depending on the scenario. Even in the best-case scenario, the low end of the likely range is 1.goC, and in the worst 'business as usual' projections, which actual emissions have been matching, the range of likely warming runs from 3.1--7.1°C. Even keeping emissions at constant 2000 levels (which have already been exceeded), global temperature would still be expected to reach 1.2°C (O'9""1.5°C)above pre-industrial levels by the end of the century." Without early and severe reductions in emissions, the effects of climate change in the second half of the twenty-first century are likely to be catastrophic for the stability and security of countries in the developing world - not to mention the associated human tragedy. Climate change could even undermine the strength and stability of emerging and advanced economies, beyond the knock-on effects on security of widespread state failure and collapse in developing countries.' And although they have been condemned as melodramatic and alarmist, many informed observers believe that unmitigated climate change beyond the end of the century could pose an existential threat to civilisation." What is certain is that there is no precedent in human experience for such rapid change or such climatic conditions, and even in the best case adaptation to these extremes would mean profound social, cultural and political changes.

# 4

#### The United States federal government should transfer the Human Terrain System to the Civil Affairs department at USA Special Operations Command and terminate and replace current management.

#### Moving HTS to the Civil Affairs department and restructuring current command solves the system’s abuses and militarism without withdrawing them from the country

Stanton, National Security Specialist, ‘8 (John, November 6, “Cleaning Up US Army/TRADOC's Human Terrain System (HTS): Terminate Current Management, Move HTS to Civil Affairs” http://cryptome.info/0001/hts-cleanup.htm)

A Civil Solution from Fort Bragg It is high time that civilian and military personnel in the Office of the Secretary of Defense and the US Army fix what in the minds of many has become a get-rich scheme for retired military contractors and their friends. All sources have pointed their collective fingers at these regular's of the local pub--the High Noon Saloon--as the sources for the program's travails: Maxie McFarland (DI-SES ,TRADOC HQ G-2), Steve Fondacaro (HTS Program Manager, former Commander of JIEDDO)), Mrs. Montgomery McFate-Sapone (HTS Senior Social Scientist), Steve Rotkoff (HTS Deputy Program Manager). BAE Systems is also receives criticism for being ethically challenged. "They are all milking the program," said a source. According to all sources, the HTS program is located in the wrong place with the wrong people. Sources believe that the program should properly be funded and located in Civil Affairs (CA) at Fort Bragg, North Carolina -- home to USA Special Operations Command (USASOC). They all agree that the current management crew should be terminated and replaced with competent individuals. Some have indicated that "congressional inquiries and legal action" are forthcoming. In a sign of the mutinous atmosphere inside HTS, some believe that "settlements" are being made by management to keep dissenters/whistleblowers quiet. One source commented that, "the concept of human terrain analysis is an inherently governmental function, an inherently civil affairs function, and not something that should be tainted by association with the intelligence function. It is something that is also diametrically opposite the Clandestine Human Intelligence function (spying for money)." US Army Major Kevin Burke of CA at Fort Bragg has provided a structured and formalized program to improve on counter insurgency operations in his December 2007 thesis titled Civil Reconnaissance: Separating the Insurgent from the Population. The solid 89-page thesis was written at the Naval Post Graduate School in Monterey, California and is available by request from cioran123[at]yahoo.com [Cryptome mirror]. It should be the cornerstone document for cleaning up the HTS program and moving forward. Major Burke's thesis suggests the following: Civil Reconnaissance should be kept out of the intelligence function. Civil Reconnaissance requires proper training and competent management. HTS/HTTs should be moved into the Brigade Civil Affairs Planner element. Doctrine must to be developed to explain the relationship between the HTS/HTT and the military. It does not now exist. Standard Operating Procedures need to be developed immediately for data collection, analysis, and storage. USASOC 95th Civil Affairs Brigade, Civil Information Cell may be the proper location for the data. Civil Affairs staff and planners should be the primary generators of missions and suggestions to the Command

#### Absent reform and restructuring the military will be forced to acquire civil reconnaissance information on their own – turns the aff

Burke, Naval Postgraduate School, ‘7 (Kevin, December, “Civil Reconnaissance: Separating the Insurgent from the Population” http://edocs.nps.edu/npspubs/scholarly/theses/2007/Dec/07Dec\_Burke.pdf)

The Human Terrain Team could have significant impact on the ability to guide and plan Civil Reconnaissance operations, and help make sense of Civil Information. Although currently no doctrine exists to depict the relationship of the HTT to the military, the logical location for the HTT to insert itself is with the Brigade Civil Affairs Planner. If the CA planner could incorporate the HTT into a cell that works together, the combined knowledge and capabilities could be extremely powerful. Using this CA/HTT cell, information can be gathered in order to accurately depict the human terrain, then operations could be developed to target the insurgents’ efforts at controlling or influencing the population. Without an HTT the task of analyzing the civil terrain falls to the Civil Affairs planner who is more soldier than cultural anthropologist. The information a Civil Affairs soldier could provide to a commander in reality will be a best guess based on what appears in front of him and what cultural understanding he may or may not have. Essentially, CA soldier can function as collectors of Civil Information but have a limited ability to analyze it based on their education and training; having the HTT present would remove that obstacle, and help commands better understand the information and the people. Bottom line, The HTTs could provide cultural expertise to a military that has very little.

# 1NC Solvency

#### Executive lawyers will teach the Executive how to blow off the plan

Shane 12 \*Peter M. Jacob E. Davis and Jacob E. Davis II Chair in Law, The Ohio State University Moritz School of Law. From 1978 to 1981, served in the Office of Legal Counsel, U.S. Department of Justice. Journal of National Security Law & Policy, 5 J. Nat'l Security L. & Pol'y 507

Yet, the ideological prism of presidentialism can bend the light of the law so that nothing is seen other than the claimed prerogatives of the sitting chief executive. Champions of executive power - even skilled lawyers who should know better - wind up asserting that, to an extraordinary extent, the President as a matter of constitutional entitlement is simply not subject to legal regulation by either of the other two branches of government. [\*511] Government attorneys must understand their unique roles as both advisers and advocates. In adversarial proceedings before courts of law, it may be fine for each of two contesting sides, including the government, to have a zealous, and not wholly impartial, presentation, with the judge acting as a neutral decisionmaker. But in their advisory function, government lawyers must play a more objective, even quasi-adjudicative, role. They must give the law their most conscientious interpretation. If they fail in that task, frequently there will be no one else effectively situated to do the job of assuring diligence in legal compliance. Government lawyers imbued with the ideology of presidentialism too easily abandon their professional obligations as advisers and too readily become ethically blinkered advocates for unchecked executive power. Jack Goldsmith headed the Office of Legal Counsel (OLC) for a little less than ten months in 2003-2004. Of the work done by some government attorneys and top officials after 9/11, he said they dealt with FISA limitations on warrantless surveillance by the National Security Agency (NSA) "the way they dealt with other laws they didn't like: they blew through them in secret based on flimsy legal opinions that they guarded closely so no one could question the legal basis for the operations." 7 He describes a 2003 meeting with David Addington, who was Counsel and later Chief of Staff to Vice President Dick Cheney, in which Addington denied the NSA Inspector General's request to see a copy of OLC's legal analysis in support of the NSA surveillance program. Before Goldsmith arrived at OLC, "not even NSA lawyers were allowed to see the Justice Department's legal analysis of what NSA was doing." 8

#### courts always defer to the executive

Driesen 9 \* David M. University Professor, Syracuse University; Fordham Law Review, October, 78 Fordham L. Rev. 71

The executive branch often interprets the vast body of law it administers unilaterally. In some areas, courts have no opportunity to review its decisions. 217 Even when reviewable, the courts usually approach executive branch decisions deferentially and often correct errors in ways that leave continuing latitude for executive branch shaping of the law. 218 Because of the awkwardness of impeachment and funding cutoffs, congressional oversight provides only a very limited remedy for executive excess, and executive decisions to withhold information can further weaken oversight's effectiveness. 219 Because modern Presidents are so profoundly political, a danger exists that they will interpret the law opportunistically, to increase their own power and advance their faction's political agenda, rather than faithfully execute the laws Congress has publicly passed. 220 The opportunities for abuse have recently multiplied, because of the specter of terrorism, which tends to drive the executive toward secret policy making of his own largely unrestrained by law. 221

#### 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.

# 1NC HTS

#### EMPIRE. The aff creates the conditions for new form of imperial sovereignty. The global expansion of checks and balances is a new form of biopolitical logic that works to keep the multitude in check

Coleman 6 Mat, Associate Professor, Department of Geography, The Ohio State University, The Problem with Empire, www.geog.ucla.edu/downloads/856/142.pdf‎

The scope of the contemporary Thermidorian counter-revolution is substantially more bewildering and at least in terms of it spatial organization, owes very little if anything at all to the territorializing disciplinary logic sketched out above. Following the work of prominent Marxist theorists on the boundary-dissolving cultural politics of late modernity, Hardt and Negri suggest that the “sovereignty machine” has recently been replaced by a maze-like postmodern paradigm of “imperial sovereignty” signposted by the politics of difference and structurally undergirded by the growth of radically decentered regimes of accumulation and modes of regulation. This new condition of imperial sovereignty – in which the sovereign’s counter-revolutionaries have abandoned the fort and have circled round to join the marching masses from the rear in a confusing mass of political networks, as in Seattle – is, for Hardt and Negri, in substantial part the product of the globalization of the American constitutional experiment, which governs according to checks and balances rather than by executive fiat. In this sense, Hardt and Negri’s notion of newly emergent imperial sovereignty can be likened to Carl Schmitt’s Weimar Republic-era discussion of Wilsonian internationalism. Schmitt warned after the end of WWI and repeatedly thereafter of the arrival of a new form of American imperialism dependent not on the simple military might of the Allied powers but on the erection of global legal and commercial networks, which operate by deterritorializing the existential commitments and institutional functions once monopolized by states (Schmitt, 1976 [1932], 1985 [1933], 1987, 1996 [1938]; see also Ulmen, 1987). For Schmitt, the 20th century diffusion of the American republican experiment – in the name of global peace and human rights – was, then, really about the geopolitical production of a decentered, supranational “empty space” (Schmitt, 1996 [1938]: 49) of depoliticized, spectacular consumption and cultural difference governed through the privatizing and pluralizing tendencies of democratic government and constitutional law. The point here is that Hardt and Negri present more or less the same story, arguing that the “contemporary idea of Empire is born through the global expansion of the internal US constitutional project” (2000: 182). The difference, however, is that whereas Schmitt saw the US as an undisclosed force behind the global liberal project, Hardt and Negri see no one orchestrating agent, and certainly not the US.2 As they explain in an addendum to Empire (Hardt et al., 2002b: 210-211): The US government is not the centre of Empire, and its president is not the Emperor. The primary principle of Empire . . . is that its power has no actual and localizable centre. Imperial power is distributed in networks and through articulated mechanisms of control . . . . The centre of Empire, if it still makes sense to speak of that, resides in no place but in the virtuality of its power. The long 20th century, then, is not really an American century, but an imperial century. Indeed, from Hardt and Negri’s perspective, Empire cannot be about US power because contemporary imperial government is the antithesis of state power; because in postmodernity the counter-revolution has abandoned the “the tired transcendentalism of modern [state] sovereignty, presented either in Hobbesian or Rousseauian form” (Hardt & Negri, 2000: 161; Hardt, Negri et al., 2002a: 179-180). Now arranged in democratic, open, and consensus-based networks in which horizontal processes of self-regulation – rather than vertical disciplinary tactics – thwart the material creativity of everyday lives, the Thermidor has forsaken the quest for transcendence via the state. Instead, “it” now pursues a differently imperial strategy – a parasitical one that simultaneously reproduces and taps the unruly powers of the multitude while at once providing a minimum of functional balances, limits, and equilibria necessary to keep the anarchic potentialities of the multitude in check. This is an immanentist mode of network power which – in spite of our reference to Schmitt – at least nominally owes its formulation to Foucault’s discussion of biopolitical power, or what we described above as a shepherd-like network of forces active in an “aleatory space” of flows and circulations. And it is this biopolitical notion of imperialism which sets the analysis in Empire apart from other current theories about the territorial imperial strategies adopted by the US in the global political economy. For the biopolitical logic of Empire is inclusionary and democratic rather than exclusionary and authoritarian, and its spatiality is an unbroken “field of interventions” rather than either a world of sovereign states or of border-drawing disciplinary tactics.

Your criticisms of a sovereign’s ability to decide who lives and dies is exactly what Empire wants.

Hardt and Negri 2K (Michael, associate professor in Duke University's literature program, Antonio, inmate at Rebibbia Prison in Rome, Empire)

"Discourse" and "interpretation" are presented as powerful weapons against the institutional rigidities of the modernist perspectives. The resulting postmodernist analyses point toward the possibility of a global politics of difference, a politics of deterritorialized flows across a smooth world, free of the rigid striation of state boundaries. Although many of the various postmodernist theorists are lucid in their refusal of the logics of modern sovereignty, they are in general **extremely confused about the nature of our potential liberation from it-**perhaps precisely because **they cannot recognize clearly the forms of power that have today come to supplant it**. When they present their theories as part of a project of political liberation, in other words, postmodernists are still waging battle against the shadows of old enemies: the Enlightenment, or really modern forms of sovereignty and its binary reductions of difference and multiplicity to a single alternative between Same and Other. The affirmation of hybridities and the free play of differences across boundaries, however, **is liberatory only in a context** where power poses hierarchy exclusively though essential identities, binary divisions, and stable oppositions. The structures and logics of power in the contemporary world are **entirely immune** to the "liberatory" weapons of the postmodernist politics of difference. In fact, **Empire too is bent on doing away with those modern forms of sovereignty** and on setting differences to play across boundaries. Despite the best intentions, then, the postmodernist politics of difference **not only is ineffective against but can even** coincide with and support **the functions and practices of imperial rule.** The danger is that postmodernist theories focus their attention so resolutely on the old forms of power they are running from, with their heads turned backwards, that **they tumble unwittingly into the welcoming arms of the new power**. From this perspective the celebratory affirmations of postmodernists can easily appear naive, when not purely mystificatory. What we find most important in the various postmodernist currents of thought is the historical phenomenon they represent: they are the symptom of a rupture in the tradition of modern sovereignty. There is, of course, a long tradition of "anti-modern" thought that opposes modern sovereignty, including the great thinkers of the Frankfurt School (along with the entire republican line we have traced back to Renaissance humanism). What is new, however, is that postmodernist theorists point to the end of modern sovereignty and demonstrate a new capacity to think outside the framework of modern binaries and modern identities, a thought of plurality and multiplicity. However confusedly or unconsciously, they indicate the passage toward the constitution of Empire.

#### The non-debate space is more important than any resistance inside this space. And the fantasies of debate are distracting ourselves from this obligation.

Welsh 12 Scott Department of Communication Appalachian State University (“Coming to Terms with the Antagonism between Rhetorical Reflection and Political Agency”, *Philosophy and Rhetoric,* Vol. 45, No. 1, 2012, Jstor)

Giroux’s concluding words, in which scholars reclaim the promises of a truly global democratic future, echo Ono and Sloop’s construction of scholarship as the politically embedded pursuit of utopia, McKerrow’s academic emancipation of the oppressed, McGee’s social surgery, Hartnett’s social justice scholar, and Fuller’s agent of justice. Each aims to unify the competing elements within the scholarly subject position—scholarly reflection and political agency—by reducing the former to the latter. Žižek’s advice is to consider how such attempts are always doomed to frustration, not because ideals are hard to live up to but because of the impossibility of resolving the antagonism central to the scholarly subject position. The titles “public intellectual” and “critical rhetorician” attest to the fundamental tension. “Public” and “rhetorician” both represent the aspiration to political engagement, while “critical” and “intellectual” set the scholar apart from noncritical, nonintellectual public rhetoric. However, rather than allowing the contingently articulated terms to exist in a state of paradoxical tension, these authors imagine an organic, unavoidable, necessary unity. The scholar is, in one moment, wholly public and wholly intellectual, wholly critical and wholly rhetorical, wholly scholar and wholly citizen—an impossible unity, characteristic of the sublime, in which the antagonism vanishes (2005, 147). Yet, as Žižek predicts, the sublime is the impossible. The frustration producing gap between the unity of the ideological sublime and conflicted experience quickly begins to put pressure on the ideology. This is born out in the shift from the exhilarated tone accompanying the birth of critical rhetoric (and its liberation of rhetoric scholarship from the incoherent and untenable demands of scientific objectivity) to a dispirited accounting for the difficulty of actually embodying the imagined unity of scholarly reflection and political agency. Simonson, for example, draws attention to the gap, noting how, twenty years later, it is hard to resist the feeling that “the bulk of our academic publishing is utterly inconsequential.” His hope is that a true connection between scholarly reflection and political agency may be possible outside of academia (2010, 95). Fuller approaches this conclusion when he says that the preferred path to filling universities with agents of justice is through “scaling back the qualifications needed for tenure-stream posts from the doctorate to the master’s degree,” a way of addressing the antagonism that amounts to setting half of it afloat (2006, 154). Hartnett is especially interesting because while he also insists on the existence of the gap, dismissing “many” of his “colleagues” as merely dispensing “politically vacuous truisms” or, worse, as serving as “tools of the state” and “humanities-based journals” as “impenetrably dense” and filled with “jargon-riddled nonsense,” he evinces a considerable impatience with the audiences he must engage as a social justice scholar (2010, 69, 74–75). In addition to reducing those populating the mass media to a cabal of “rotten corporate hucksters,” Hartnett rejects vernacular criticisms of his activism as “ranting and raving by fools,” and chafes at becoming “a target for yahoos of all stripes” (87, 84). In other words, the gap is not only recognized on the academic side of the ledger but appears on the public side as well; the public (in the vernacular sense of the word) does not yield to the desire of the social justice scholar. Or, as Žižek puts it, referencing Lacan, “You never look at me from the place in which I see you” (1991, 126). More telling still, Hartnett’s main examples of social justice scholars are either retired or located outside of academia (2010, 86). As Simonson suggests, and Hartnett implicitly concedes, it may well be that it really is only outside the academy that there can be immediate, material, political consequences.

#### Doesn’t cause cultural exploitation – HTT solves Iraqi stability

Spradlin, 16th Mobile Public Affairs Detachment, ’10 (Jennifer, October 1, “Human Terrain Teams: Mapping a course for a peaceful, prosperous Iraq” http://www.army.mil/-news/2010/10/01/45676-human-terrain-teams-mapping-a-course-for-a-peaceful-prosperous-iraq/)

The Human Terrain Team, a specially trained group of Soldiers and civilians with expertise in cultural awareness, plays a pivotal role in helping both the U.S. and Iraqi governments realize their goals for a stable and prosperous Iraq. Soldiers of 3rd Armored Cavalry Regiment rotated through the U.S. Army National Training Center at Fort Irwin, Calif., in late May to prepare for a fall deployment to Iraq. Joined by HTT members, they trained in simulated towns and provinces with Arabic-speaking actors. HTT personnel interview local populations in their natural environments and create a better system of communication between the U.S. military, Iraqi civilians, and local, provincial, and national governments. "The goal of the human terrain team is to provide knowledge of the local population and their way of life to the U.S. military commanders," said Col. Edward Vaughn, who has served more than 32 years in the active Army, National Guard and Army Reserve. Vaughn volunteered to be a part of an HTT. "(We are there) to help them better understand the people and make better decisions," he said, explaining that there have been misunderstandings in the past, when accomplishing combat missions were the priority. "For a long time, we followed the principle that the shortest distance between two points was a straight line, but now we need to stop and get to the know people and develop that bond, that trust," said Vaughn. At press time, there were already about 15 HTTs operating in Iraq. Once in country, HTT members work with provincial reconstruction teams, civil affairs and large command groups to help facilitate an effective transition. "The people of Iraq have been through decades of turmoil and are in need of assistance," said Dr. James Forsythe, a social scientist with the HTT training at the NTC. "They're building their own country back, and we want to help them in any way possible." Forsythe, who has a doctorate in medical anthropology and served in the Navy Reserve, became interested in the Army's HTT project because of a desire to make a positive and lasting impression in Iraq. He said the key to success lies in the development of cultural awareness. "The role of the command group is increasingly focused on facilitating a transition," said Forsythe. "HTT has the ability, to coin an African proverb, 'to find a path to a clearing.' We are helping to build that path to that clearing and the clearing is an open space where Iraq can flourish." This is especially true as the Army continues to adapt its doctrines and methods to achieve victory, using counterinsurgency techniques that were not part of the traditional, large-scale battles of previous wars. "It's not a force-on-force battlefield anymore," said Col. Christie Nixon, a former Reserve brigade commander and current HTT member. "It's a people battlefield." Nixon, a firefighter with more than 27 years of service, said the HTT is one of the most exciting Army initiatives in years and she volunteered to become part of it. "The types of activities that the Army is going to be involved in for the short- and long-term future are culturally oriented, and we have to consider the people that we are going to impact," said Nixon. "The Army carries the standard of the United States all across the world. Forsythe added that if the HTTs are used properly, they could help prevent future conflicts and diminish local unrest before it manifests into violence. "HTT is the Army's light touch with a heavy impact," said Forsythe.

#### HTS decreases the amount of violence the military has to inflict

Staff Sgt Reeves, ’10 (Donald, April 25, “News: Human Terrain System” Combined Joint Task Force, http://www.dvidshub.net/news/48665/human-terrain-system)

For his map he will ignore the rugged mountains that spring up on the sides of the valley, and the roads that criss-cross through it. Boone is part of the Human Terrain System, and his job is to create a map of the map of the Afghanistan people to give to commanders so they can navigate the complex Afghan culture. "We're looking at the regular people, the average people and we're trying to figure out how they view their own lives, what issues do they think are important, what attitudes do they have toward their own national government, what attitudes they have towards the enemy," Boone said. Boone says that by gathering this information from average people, HTS members can save lives on a civilian-oriented battlefield. "Our purpose is to get the information in the hands of commanders to help them determine what their actions will be. That will help them reduce the lethality of what we have to do," Boone said.

passive debate. Our link arguments prove that you fail – you narrow debate into the lens of checks and balances

Ebrahim 12 Zahir, Justice activist, grew up in Pakistan, studied EECS at MIT, Project Human beings first, Response to Chris Floyd's 'Dead Enough: The Reality of the "Lesser Evil"' 11-15

‘This “debate” is a typical illustration of a primary principle of sophisticated propaganda. In crude and brutal societies, the Party Line is publicly proclaimed and must be obeyed — or else. What you actually believe is your own business and of far less concern. In societies where the state has lost the capacity to control by force, the Party Line is simply presupposed; then, vigorous debate is encouraged within the limits imposed by unstated doctrinal orthodoxy. The cruder of the two systems leads, naturally enough, to disbelief; the sophisticated variant gives an impression of openness and freedom, and so far more effectively serves to instill the Party Line. It becomes beyond question, beyond thought itself, like the air we breathe.’ and ‘Democratic societies use a different method: they don’t articulate the party line. That’s a mistake. What they do is presuppose it, then encourage vigorous debate within the framework of the party line. This serves two purposes. For one thing it gives the impression of a free and open society because, after all, we have lively debate. It also instills a propaganda line that becomes something you presuppose, like the air you breathe.’ and ‘The smart way to keep people passive and obedient is to strictly limit the spectrum of acceptable opinion, but allow very lively debate within that spectrum – even encourage the more critical and dissident views. That gives people the sense that there’s free thinking going on, while all the time the presuppositions of the system are being reinforced by the limits put on the range of the debate.’

#### Checks and balances de-energize politics

Delmas 6, Candice, Georgia State University, "Liberalism and the Worst-Result Principle: Preventing Tyranny, Protecting Civil Liberty" Philosophy Theses. Paper 14.

However, one might object that liberal institutions and practices precisely intend to discourage citizen participation to the extent that it does threaten the institutional mechanisms of defense against abuses of power. The system of checks and balances, indeed, is designed in order to prevent abuses of power from the people, their representatives, and the government, and thus efficiently protect civil liberty. In What Should Legal Analysis Become?, Unger does point at the historical development of these “mobilization-hostile arrangements” intended by early 19th century liberals “to dampen popular frenzy and to make property safe;”99 yet he does not directly address the inadequacy of such arrangements. A more complete argument is to be found in False Necessity, in which he argues, on historical grounds, that popular engagement is crucial to safeguarding freedoms from governmental abuse of power. His argument is twofold. First, it consists in a general critique of the liberal division of political power and system of checks and balances which dangerously stifle the state. Second, it is programmatic: Unger argues in favor of a mass popular engagement in the political sphere, in order to facilitate structural transformation and protect civil liberty. Analyzing the history of modern constitutional states in the 20th century, Unger reveals that the state’s plasticity is a necessary condition for its safety and stability. As he studies the states’ different constitutional features, Unger sorts out the energizing ones, which enhance freedom by means of supporting the state’s constructive and reconstructive capabilities, from the disabling (liberal) ones, which prevent transformations and condemn the state to paralysis. In particular, they [i.e., liberal structures] prevent those in power from changing the formative context of power and production itself even when they were elected on precisely such a program. Any weakening of the restraints upon the state’s reconstructive capabilities seems at the same time to endanger the basic security of the individual against oppression by his rulers. The constitutional arrangements that result in this formula for paralysis (…) characteristically multiply the number of independent centers of power that must be captured, or persuaded to consent, before state power can be effectively mobilized behind any transformative objective.100 The liberal techniques of checks and balances result in the systematic setting of obstacles in the way of any transformative project, even one approved of by the people. A particularly clear example is provided by the New Deal in the 1930’s. The Supreme Court kept striking down as unconstitutional the efforts of the Congress and President Franklin D. Roosevelt to deal with the Great Depression, on the grounds that they sought an extensive regulation of the economy. The fact that the Supreme Court resisted the programs in spite of their strong popular support shows that Shklar’s belief in the courts’ “natural” adjustment to social consensus may be misguided. The people had to reelect the president and the other supporters of the New Deal to insist that fundamental change was wanted and force the Supreme Court to allow the proposed legislations to pass. Structural change, while not impossible, becomes extremely difficult, and made possible, in this case, only by the lucky fact that a Supreme Court Justice changed his mind, allowing the impasse to be broken. According to Unger, a system so reluctant to implement change, even in the face of an economic catastrophe, is not a good one, as it lacks the ability to respond to crisis in a timely manner. Hence for Unger, the worst-result principle demands moving away from liberal structures to avoid their debilitating effects on society. Unger further emphasizes that totalitarian regimes were established against the people’s will and because of fragilities of the liberal democratic state. He stresses that the collapse of European democracies of the interwar period was sometimes hastened by the relative immobility to which the constitutional arrangements often condemned the governments. In the wake of World War I, indeed, many socialist countries in Europe, like Germany, Austria, and Poland, promulgated new constitutions. These showed a strong commitment to the techniques of dispersion of power and primarily aimed at ensuring the obedience of the executive to the parliament. So great power was given to the parliament and at the same time heavy constraints were imposed upon the government that had to execute legislative policy. These constitutions were soon revised, because of their evident debilitating effects, thus leading to “two immediate causes: the change in the balance of political forces, from left to right, and the desire to give the executive decisional mobility in a domestic and international circumstance of perpetual insecurity.”101 But it was too late. The new elements introduced in the revised constitutions “proved insufficient to rescue states that had already been caught up in the deadly struggles of the interwar period.”102 The revisions just hastened the states’ collapse. Hence the perpetuation of impasse, supposed to protect against abuses of power, turns out to be totally counterproductive to its function, since it paralyzes the state’s ability to revise, adapt and preserve itself when endangered. The link between the techniques of checks and the safeguards of freedom is thus an illusion, as impediments to popular initiative are likely to bring about what they were designed to prevent – tyranny. Unger’s worst-result norm demands avoidance of liberal politics not only because of their de-energizing effects, but also – and most importantly – because they are ineffective in their defense of freedoms. In contrast to this paralytic, de-energized politics, which frustrate us from our ability to experiment, Unger argues in favor of empowering the party in office to execute its program.

# \*\*\*2NC

# 2NC CP

#### There’s empirical proof – withdrawing the knowledge base of anthropologists causes the worst “experts” to fill-in – the last time this happened we got a little something called Abu Ghraib

Burke, Naval Postgraduate School, ‘7 (Kevin, December, “Civil Reconnaissance: Separating the Insurgent from the Population” http://edocs.nps.edu/npspubs/scholarly/theses/2007/Dec/07Dec\_Burke.pdf)

If the anthropological experts don’t contribute, the military will find other sources to get the information. As Anna Simons, an anthropologist who teaches at the Naval Postgraduate School, points out: If anthropologists want to put their heads in the sand and not assist, then who will the military, the CIA, and other agencies turn to for information? They'll turn to people who will give them the kind of information that should make anthropologists want to rip their hair out because the information won't be nearly as directly connected to what's going on in the local landscape.93 Without professional expertise and academics to put into context information found in the open source soldiers will do their own version of cultural analysis and develop methods of dealing with cultures they think will work. This trial and error approach to dealing with culture is the sort of thing that will allow an insurgency to point out the American’s mistakes and use the propaganda to further their agenda and boost recruiting efforts. An example of this is the Abu Ghraib scandal. Without cultural advisors the soldiers and leadership involved in interrogation techniques were left with finding out facts on their own in an effort to turn insurgents into informants. The interrogators used the book The Arab Mind by Raphael Patai which was a study of “Arab culture and psychology, first published in 1973, a cultural anthropologist. The book includes a twenty-five-page chapter on Arabs and sex, depicting sex as a taboo vested with shame and repression.94 “The segregation of the sexes, the veiling of the women . . . and all the other minute rules that govern and restrict contact between men and women, have the effect of making sex a prime mental preoccupation in the Arab world,” Patai wrote. Homosexual activity, “or any indication of homosexual leanings, as with all other expressions of sexuality, is never given any publicity. These are private affairs and remain in private.”95 The Patai book, an academic told me, was “the bible of the neocons on Arab behavior.” In their discussions, he said, two themes emerged—“one, that Arabs only understand force and, two, that the biggest weakness of Arabs is shame and humiliation.”96 The government consultant said that there may have been a serious goal, in the beginning, behind the sexual humiliation and the posed photographs. It was thought that some prisoners would do anything—including spying on their associates—to avoid dissemination of the shameful photos to family and friends. The government consultant said, “I was told that the purpose of the photographs was to create an army of informants, people you could insert back in the population.” The idea was that they would be motivated by fear of exposure, and gather information about pending insurgency action, the consultant said. If so, it wasn’t effective; the insurgency continued to grow.97 These are the types of uses of the information that if not put into context will backfire. “Using sexual humiliation to blackmail Iraqi men into becoming informants could never have worked as a strategy, since it only destroys honor, and for Iraqis, lost honor requires its restoration through the appeasement of blood. This concept is well developed in Iraqi culture, and there is even a specific Arabic word for it: al-sharaf, upholding one's manly honor. The alleged use of Patai's book as the basis of the psychological torment at Abu Ghraib, devoid of any understanding of the broader context of Iraqi culture, demonstrates the folly of using decontextualized culture as the basis of policy.”98 More of this will happen in the course of the present insurgency in both Iraq and Afghanistan unless professionals step forward and help make sense out of the information that is out there.

# 2NC K

#### The reference to law is the problem – criticizing law is a way for people to be trapped in the necessity of the law. We get lost in the law as separate from larger criticisms of the existing order. This is the most effective type of domination because it is a conceptual limitation on our thinking

Crenshaw 88, Pf Law @ UCLA, (Kimberle Williams, *Harvard Law Review*, May, lexis)

Legal historian Robert Gordon, for example, declares that one should look not only at the undeniably numerous, specific ways in which the legal system functions to screw poor people . . . but rather at all the ways in which the system seems at first glance basically uncontroversial, neutral, acceptable. This is Antonio Gramsci's notion of "hegemony," *i.e.,* that the most effective kind of domination takes place when both the dominant and dominated classes believe that the existing order, with perhaps some marginal changes, is satisfactory, or at least represents the most that anyone could expect, because things pretty much have to be the way they are. [76](http://www.lexis.com/research/retrieve?_m=2365c304878d445d7ea1ff2dfaa3edbd&docnum=47&_fmtstr=FULL&_startdoc=41&wchp=dGLbVlb-zSkAB&_md5=8d8987966aba5376e2917a9085ca5be0&focBudTerms=kristin%20bumiller&focBudSel=all#n76) According to Gordon, Gramsci directs our attention to the many thoughts and beliefs that people have adopted that limit their ability "even to imagine that life could be different and better." [**77**](http://www.lexis.com/research/retrieve?_m=2365c304878d445d7ea1ff2dfaa3edbd&docnum=47&_fmtstr=FULL&_startdoc=41&wchp=dGLbVlb-zSkAB&_md5=8d8987966aba5376e2917a9085ca5be0&focBudTerms=kristin%20bumiller&focBudSel=all#n77) Although society's structures of thought have been constructed by elites out of a universe of possibilities, people reify these structures and clothe them with the illusion of necessity. [**78**](http://www.lexis.com/research/retrieve?_m=2365c304878d445d7ea1ff2dfaa3edbd&docnum=47&_fmtstr=FULL&_startdoc=41&wchp=dGLbVlb-zSkAB&_md5=8d8987966aba5376e2917a9085ca5be0&focBudTerms=kristin%20bumiller&focBudSel=all#n78) Law is an essential [\*1352] feature in the illusion of necessity because it embodies and reinforces ideological assumptions about human relations that people accept as natural or even immutable. People act out their lives, mediate conflicts, and even perceive themselves with reference to the law. By accepting the bounds of law and ordering their lives according to its categories and relations, people think that they are confirming reality -- the way things must be. Yet by accepting the view of the world implicit in the law, people are also bound by its conceptual limitations. Thus conflict and antagonism are contained: the legitimacy of the entire order is never seriously questioned.

### 2NC AT: Perm

**(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.

**---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.

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# 2NC Impact

#### Addressing citizenship is key to Latin American relations – overcomes perceptions of disrespect

Baeza and Langevin 9

Gonzalo Baeza and Mark Langevin, Ph.D, “The Convergence We Need?” March 31, 2009, http://www.unc.edu/depts/diplomat/item/2009/0103/comm/baezalangevin\_convergence.html

The dual challenges of overcoming the mounting global economic crisis and moving toward a renewable energy based regional economy may not include as many points of interest convergence as President Obama would hope for. Yet, there are several ‘intermestic’ (i.e., both international and domestic in nature) policy challenges, most notably immigration and the criminal drug trade, which face the Americas in one way or another.16 Nonetheless, while the United States and LAC may share mutual interests and policy preferences in these areas, there are significant domestic electoral and political obstacles to resolving them unilaterally or through regional cooperation. Both the CFR taskforce and the Brookings policy framework place emphasis on developing a comprehensive U.S. immigration reform in consultation with LAC sending countries. Moreover, the CFR taskforce, WOLA, the Brookings commission, and the Inter-American Dialogue all agree that recent U.S. immigration policy undermines regional cooperation. The Dialogue asserts that the construction of a wall on the border with Mexico “has become a highly charged symbol of disrespect,”17 and the CFR taskforce concludes that: The failures of U.S. immigration policy have become a foreign policy problem. In the United States, immigration is largely considered a domestic policy issue. But given the profound impact that U.S. immigration policy has on many Latin American nations, it is naturally considered a vital issue to their relations with the United States.18 The CFR taskforce proposes a comprehensive immigration reform that recognizes U.S. security, economic, and foreign policy interests while offering a circular migration system based on legal migration, workforce development, and skill training, and a return to the sending country to foster economic development. The Brookings commission also offers a comprehensive, yet distinct approach to immigration reform by calling for regional coordination of a hemispheric labor market calibrated to meet U.S. shortages. The commission proposes the establishment of a regional institution, with a focus on Mexico and El Salvador, to design temporary worker programs, intensify border security cooperation, promote circular migration, and implement projects targeted to migrant sending regions. In addition, the commission calls for the founding of a parallel, “Standing Commission on Immigration and Labor Markets” that would serve as an independent federal agency to set annual temporary, provisional, and permanent visa limits based on regional labor market analyses and economic development goals. Both the CFR taskforce and the Brookings commission advocate greater investment in workplace verification laws and border security as well as a path to legal status for the millions of immigrants currently without legal standing. The Obama campaign also promoted comprehensive immigration reform that would strengthen border security and the immigration bureaucracy while offering a “responsible path” to earned citizenship for undocumented immigrants. Lastly, the Inter-American Dialogue offers President Obama two immediate recommendations that would partially rectify the erosion of U.S. leadership in the hemisphere and shorten the political distance between his administration and LAC. The Dialogue suggests that the new administration discontinue construction of the wall bordering Mexico and suspend federal efforts to target illegal immigrants for workplace raids and arrests. If taken, these recommendations would bolster President Obama’s regional leadership and dull the sharper edges of U.S. immigration policy. Paradoxically, such measures might galvanize further opposition to comprehensive immigration reform if the current economic crisis continues to threaten the employment and economic security of the U.S. electorate. All of the policy proposals favor a comprehensive immigration reform that would treat the untenable situation of millions of undocumented migrants while seeking to create a more effective immigration system to process more legal immigrants as well as developing tools to prevent illegal migration. Moreover, most of these recommendations would be well received by the immigrant sending countries and throughout LAC. However, immigration is also one of the most complex of the intermestic affairs that challenge the new U.S. administration, one further complicated by the deepening economic crisis and rising unemployment.

#### CIR provides a path to citizenship and can stop the use of patholozing language used to otherize immigrants

Goodman 12/7

Adam PhD candidate, University of Pennsylvania; Fulbright-García Robles fellow

“Comprehensive Immigration Reform and the 'I-word'” http://www.huffingtonpost.com/adam-goodman/illegal-immigrant-use-term\_b\_2257817.html

The most immediate impact of any comprehensive immigration reform would be providing a way for the estimated 11 million unauthorized immigrants in the United States to gain legal standing. Legislative action also could force the mainstream media to finally stop using pathologizing language to describe immigrants. In recent months Jose Antonio Vargas and his Define American organization, The Applied Research Center/Colorlines.com's "Drop the I-Word" campaign and Univision News have joined other activists and advocates in calling for the New York Times and the Associated Press to stop using "illegal" when referring to immigrants. Although many local and national media outlets have dropped the term, the Times and AP continue to defend its usage.¶ The Times and AP argue that "illegal" is an accurate and neutral term, but it is neither. In his 1946 essay "Politics and the English Language," George Orwell dispelled the misconception that "language is a natural growth and not an instrument which we shape for our own purposes." Mitt Romney's presidential campaign's strategic deployment of "illegal" illustrates this point.¶ In an extraordinarily shortsighted move, Romney took a hard line on immigration during the primary. He advocated for "self-deportation," the idea that eliminating economic opportunities for immigrants would force them to leave the country on their own, and he named anti-immigrant restrictionist Kris Kobach as a campaign advisor (which he later hedged on and tried to deny). Throughout the primary and the general election, Romney repeatedly used phrases such as "illegal immigrants," "illegals" and "illegal aliens." In doing so Romney further alienated many Latino voters and reinforced the false notion that immigrants are "the problem" rather than the flawed laws and policies meant to control migration.¶ Why did Romney use these terms? Yes, in part to establish his immigration enforcement bona fides in order to win the Republican nomination. But it also must be understood as part of a larger Republican strategy to normalize immigrants as "illegal" -- as "other." It is the same reason why most Republicans now calling for action on immigration reform do not support a pathway to citizenship. With Latinos and Asians breaking so heavily in favor of Democrats, stigmatizing immigrants as "illegal" and blocking a path to citizenship is a last ditch effort by the Republicans to halt, or at least slow down, the inevitable demographic trends that present serious challenges to the future of their party. As Bill O'Reilly stated on Fox News on election night, the United States is "a changing country." He continued, "The demographics are changing. It's not a traditional America anymore. ... And, whereby twenty years ago an establishment candidate like Mitt Romney would roundly defeat President Obama. The white establishment is now the minority."¶ What will it take for the Times and AP to stop using a disparaging, value-laden term like "illegal"? The answer may depend on what happens with comprehensive immigration reform.¶ Jorge Durand, an anthropologist at the Universidad de Guadalajara and co-director of the Mexican Migration Project, pointed out in an interview that recent immigrants have never had the opportunity to change their status. "For more than 20 years there hasn't been any program of regularization [in the United States]. So, how can you regularize yourself if no immigration reform exists that allows you to regularize yourself?"¶ As a result, categories such as "legal" and "illegal" immigrants -- categories created by the federal immigration bureaucracy and reinforced by much of the mainstream media -- have increasingly come to be seen as natural. Passing comprehensive immigration reform could remind us that they are constructions, and that they are in flux.

#### CIR solves immigrant marginalization and exploitation

Fitz 12 - Director of Immigration Policy at the Center for American Progress

Marshall, “Time to Legalize Our 11 Million Undocumented Immigrants,” CAP, http://www.americanprogress.org/issues/immigration/report/2012/11/14/44885/time-to-legalize-our-11-million-undocumented-immigrants/

More than two-thirds of the immigrants working without papers in the United States have contributed to our economy and culture for more than a decade. But our outdated and misguided immigration policies, along with our polarized immigration politics, block them from realizing their—and our nation’s—full potential and forces them to live in fear of being ripped from their families.¶ Let’s take a brief look at some of the benefits:¶ Bringing these hard-working immigrants off the economic sidelines would generate a $1.5 trillion boost to the nation’s cumulative GDP over 10 years and add close to $5 billion in additional tax revenue in just the next three years.¶ Registering these immigrants with background checks would ensure that we know who is here and will enable our authorities to focus enforcement resources on criminal elements and security threats instead of hard-working family members.¶ Bringing these immigrants out of the shadows would strike a blow to unscrupulous employers who mistreat their employees (immigrant and native-born alike) and help ensure worker safety for all.¶ Enabling immigrants to earn legal status and to openly participate in civic life will strengthen our communities and reduce marginalization and exploitation.¶ In other words, virtually everyone except exploitive employers and criminals is better off by enabling these immigrants to work above board and pay their full taxes. So if it’s a policy “no-brainer,” why hasn’t reform happened?

# 2NC Link

#### Obama will attempt to block any judicial limitations.

Weber 13 (Peter, The Week, degree from Northwestern, “Will Congress curb Obama's drone strikes? “, February 6, 2013, <http://theweek.com/article/index/239716/will-congress-curb-obamas-drone-strikes>)

One problem for lawmakers, says The New York Times in an editorial, is that when it comes to drone strikes, the Obama team "utterly rejects the idea that Congress or the courts have any right to review such a decision in advance, or even after the fact." Along with citing the law authorizing broad use of force against al Qaeda, the white paper also "argues that judges and Congress don't have the right to rule on or interfere with decisions made in the heat of combat." And most troublingly, Obama won't give Congress the classified document detailing the legal justification used to kill American al Qaeda operative Anwar al-Awlaki.

#### Court action causes Congress to backlash against Obama

Calabresi 2008(Massimo Calabresi, June 26, 2008, “Obama's Supreme Move to the Center Washington” TIME Magazine, http://www.time.com/time/politics/article/0,8599,1818334,00.html)

When the Supreme Court issues rulings on hot-button issues like gun control and the death penalty in the middle of a presidential campaign, Republicans could be excused for thinking they'll have the perfect opportunity to paint their Democratic opponent as an out-of-touch social liberal. But while Barack Obama may be ranked as one of the Senate's most liberal members, his reactions to this week's controversial court decisions showed yet again how he is carefully moving to the center ahead of the fall campaign. On Wednesday, after the Supreme Court ruled that the death penalty was unconstitutional in cases of child rape, Obama surprised some observers by siding with the hardline minority of Justices Scalia, Thomas, Roberts and Alito. At a press conference after the decision, Obama said, "I think that the rape of a small child, six or eight years old, is a heinous crime and if a state makes a decision that under narrow, limited, well-defined circumstances the death penalty is at least potentially applicable, that that does not violate our Constitution." Then Thursday, after Justice Scalia released his majority opinion knocking down the city of Washington's ban on handguns, Obama said in a statement, "I have always believed that the Second Amendment protects the right of individuals to bear arms, but I also identify with the need for crime-ravaged communities to save their children from the violence that plagues our streets through common-sense, effective safety measures. The Supreme Court has now endorsed that view." John McCain's camp wasted no time in attacking, with one surrogate, conservative Senator Sam Brownback of Kansas, calling Obama's gun control statement "incredible flip-flopping." McCain advisor Randy Scheunemann was even tougher in a conference call Thursday. "What's becoming clear in this campaign," Scheunemann said, is "that for Senator Obama the most important issue in the election is the political fortunes of Senator Obama. He has demonstrated that there really is no position he holds that isn't negotiable or isn't subject to change depending on how he calculates it will affect his political fortunes." Politicians are always happy to get a chance to accuse opponents of flip-flopping, but McCain's team may be more afraid of Obama's shift to the center than their words betray. Obama has some centrist positions to highlight in the general election campaign on foreign policy and national security, social issues and economics. His position on the child rape death penalty case, for example, is in line with his record in Illinois of supporting the death penalty. He is on less solid ground on the gun ban as his campaign said during the primary that he believed the D.C. law was constitutional. A top legal adviser to Obama says both cases are consistent with his previous positions. "I don't see him as moving in his statements on the death penalty or the gun case," says Cass Sunstein, a former colleague of Obama's at the University of Chicago. Sunstein says Obama is "not easily characterized" on social issues, and says the Senator's support for allowing government use of the Ten Commandments in public, in some cases, is another example of his unpredictability on such issues. On the issue of gun control, he says Obama has always expressed a belief that the Second Amendment guarantees a private right to bear arms, as the court found Thursday. But Obama's sudden social centrism would sound more convincing in a different context. Since he wrapped up the primary earlier this month and began to concentrate on the independent and moderate swing voters so key in a general election, Obama has consistently moved to the middle. He hired centrist economist Jason Furman, known for defending the benefits of globalization and private Social Security accounts, to the displeasure of liberal economists. On Father's Day, Obama gave a speech about the problem of absentee fathers and the negative effects it has on society, in particular scolding some fathers for failing to "realize that what makes you a man is not the ability to have a child — it's the courage to raise one." Last week, after the House passed a compromise bill on domestic spying that enraged liberals and civil libertarians, Obama announced that though he was against other eavesdropping compromises in the past, this time he was going to vote for it. Whether Obama's new centrist sheen is the result of flip-flopping or reemphasizing moderate positions, the Supreme Court decisions have focused attention again on the role of the court in the campaign season. McCain himself is vulnerable to charges of using the Supreme Court for political purposes. Earlier this month, when the court granted habeas corpus rights to accused terrorist prisoners at Guantanamo Bay, McCain attacked the opinion in particularly harsh language, though advisers say closing the prison there is high on his list of actions to rehabilitate America's image around the world. Liberals are hoping that despite Obama's moderate response to the Supreme Court decisions, the issues alone will rally supporters to him. "What both of these decisions say to me is that the Supreme Court really is an election-year issue," says Kathryn Kolbert, president of People For the American Way. "We're still only one justice away from a range of really negative decisions that would take away rights that most Americans take for granted," she says. And Obama's run to the center surely won't stop conservatives from using the specter of a Democratic-appointed Supreme Court to try to rally support. "Its pretty clear that if he's elected and Justice Scalia or Kennedy retires that he's going to appoint someone who's very likely to reverse [the gun control decision]," says Eugene Volokh, a professor at the UCLA School of Law. Given how Obama has been responding to the recent Supreme Court decisions, however, you're not likely to hear him talking about appointing liberal justices much between now and November.

#### Oversight sparks turf wars – Obama calls to rewrite the laws

Berger 8/12/13 (Judson, Fox, “Yemen drone strikes may revive war-powers battle between administration, Congress”, <http://www.foxnews.com/politics/2013/08/12/yemen-drone-strikes-could-revive-war-powers-battle-between-administration/>)

The escalation of drone strikes in Yemen, presumably in response to the ongoing Al Qaeda threat, and other technology-based military options could fuel calls to re-write laws that govern such actions to give Congress greater oversight over the administration's remote-controlled warfare. "Some of these campaigns by the administration clearly constitute an act of war," said Jonathan Turley, an attorney and professor at George Washington University Law School. To date, the administration has claimed broad latitude in its authority to launch limited military operations -- including drone strikes -- without congressional authorization. There's no indication this time will be any different. A total of nine suspected drone strikes reportedly have been recorded in Yemen since late July, taking out dozens of alleged Al Qaeda operatives and other militants. The most recent strike was on Saturday. The Washington Post reported last week that the strikes were authorized by the Obama administration in connection with the ongoing terror threat. If challenged on the strikes, the president is likely to argue that the operation is contained and does not require congressional authorization. He has in the past. This debate flared during the 2011 operation in Libya, when the administration launched a series of air and drone strikes in support of the campaign against Muammar Qaddafi.

#### Obama pushing comprehensive reform

KSN, 10-30-’13 (“Fate murky for US immigration bill as Obama pushes” http://www.ksn.com/news/national/immigration-bills-fate-murky-on-eve-of-lobbying\_46436466)

Obama on Monday reiterated his call for Congress to complete action on an immigration overhaul before the end of the year. He said that represented the only way to end the record deportations of immigrants undertaken by his administration, actions he has tried to curtail by allowing young people who immigrated illegally with their parents into the United States — so-called Dreamers — to remain in the country under certain conditions. "That's why my top priority has been let's make sure that we comprehensively reform the whole system so that we're not just dealing with Dreamers, we're also dealing with anybody who's here and is undocumented," he said in an interview with Fusion, a cable channel that is a collaboration of ABC News and Spanish-language Univision.

#### Obama’s push key to comprehensive agreement

Politico, 11-10-’13 (“White House seeks Republican immigration help” http://www.politico.com/story/2013/11/white-house-seeks-gop-immigration-help-99640.html)

President Barack Obama hasn’t given up on immigration reform, but he still needs a way to break through with House Republicans. The White House has reached out to former George W. Bush administration officials, conservative business leaders and selected House members, all in search of a way to hone a message that can move House leaders without scaring them off. In closed-door meetings, they have urged the White House to find a way to reach out to the GOP that doesn’t center on Obama banging the podium telling Speaker John Boehner to bring a bill to the floor. During the Senate debate, Obama mostly stayed out of the limelight, for fear his involvement would end any hope of a bipartisan success. But his staffers were heavily involved behind the scenes. White House aides recognize the situation with the House is similar, but participants in the meetings say the president’s team simply doesn’t know where to start with an inside game. On Tuesday, Obama met with the chief executives of eight companies to press his immigration case. The CEOs were circumspect after the meeting about what the president asked of them. “Everyone wants to see immigration reform occur, so the question is simply the best way to do that,” said Roger Altman, chairman of investment banking firm Evercore Partners who served in the Treasury Department during the Carter and Clinton administrations. Time is running out this year. House Majority Whip Kevin McCarthy (R-Calif.) indicated to immigration advocates that there will be no House votes on immigration bills this year, according to The Associated Press, citing the dwindling clock left on the congressional calendar this year. Conservatives sympathetic to the immigration reform effort, including former Bush Cabinet secretaries Michael Chertoff and Carlos Gutierrez; Carl Thorsen, former general counsel to ex-House Majority Leader Tom DeLay who is now working for New York Mayor Michael Bloomberg’s immigration group; and representatives from the U.S. Chamber of Commerce and the National Association of Manufacturers, met last month with White House chief of staff Denis McDonough and domestic policy adviser Cecilia Munoz. Conservatives in the White House meeting said one suggestion was to reach out to Budget Committee Chairman Paul Ryan (R-Wis.), but White House officials were blank. “It didn’t come across that they were really clear on who they should talk to,” one of the meeting participants said. “They didn’t say anything that would lead us to believe they have a plan.” When the White House sought a meeting with House Republicans to discuss immigration reform strategy last month, it didn’t invite Reps. Jeff Denham and David Valadao of California, among the most vocal advocates in the conference for comprehensive immigration reform. The pair have been working privately with other GOP lawmakers on legalization bills. It later rescinded an invitation to one pro-reform Republican eager to meet with the White House, Rep. Mario Diaz-Balart of Florida, and that meeting has yet to be rescheduled, according to his office. And at least two Texas Republicans rejected the White House overtures: Homeland Security Committee Chairman Michael McCaul and, according to a GOP source, Rep. Sam Johnson, who quit working on an immigration bill citing his lack of trust with the Obama administration. McCaul said on a conservative radio show that he viewed the meeting as a “political trap.” The White House says it’s holding the series of meetings with business leaders not so much to plan or reveal strategy but to get them to buy into the Obama immigration push and hope the visitors put pressure on the recalcitrant House GOP leadership. “The president and his team have met and will continue to meet with the broad range of stakeholders that are vested in seeing immigration reform signed into law, most of whom backed the bipartisan bill that passed the Senate,” White House spokesman Bobby Whithorne said. “That includes Democrats and Republicans, current and former lawmakers, business leaders, religious leaders, law enforcement officials and anyone else that can help us make the case to House leadership that immigration reform is a no-brainer for our economy and that the bipartisan Senate bill or something like it deserves a vote.” But White House involvement won’t be limited to behind-the-scenes discussions. Obama will do periodic events and interviews with the Spanish-language press to offer a subtle reminder to Republicans that the issue won’t go away before the 2014 midterm elections. After the government shutdown ended, Obama renewed his push for immigration reform and said the only way it will happen is through a public effort. “Keep putting the pressure on all of us to get this done,” Obama said last month. “There are going to be moments — and there are always moments like this in big efforts at reform — where you meet resistance, and the press will declare something dead, it’s not going to happen, but that can be overcome.” Business leaders and conservatives meeting at the White House say they want the administration’s involvement on some level. “I was surprised about how aggressive people in that room were, how aggressive they were on saying, ‘We need White House leadership, we need a plan, we need for you to be driving this thing,’” said a person in the room with McDonough and Munoz. “One of the things that is comforting to us is that when we do talk to them and they ask us for advice, they are asking from the frame of, ‘We know that a lot of stuff we do isn’t going to be helpful, so how can we be helpful?’” said Jeremy Robbins, executive director of the Partnership for a New American Economy, the pro-reform group backed by Bloomberg and News Corp. CEO Rupert Murdoch.