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#### War powers authority means the warrant to exercise those powers, not simply the ability to do so.

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Adam, "The Politics Economics Make." March 22, 2009, http://www.thepresidency.org/storage/documents/Fellows2009/Colgate\_Zimmerman.pdf

Skowronek distinguishes between presidential power and authority. Power is the formal and informal resources of the presidency. Authority is the warrant to exercise the powers of the presidency. Skowronek asserts that presidential authority is a function of a recurrent pattern that he refers to as political time. Political time is the “historical medium through which authority structures have recurred,” whereas secular time is “the medium through which power structures have evolved.”1 Political time describes the ability of the president to exercise authority over the formal powers of the office, whereas secular time is the emergent pattern that describes how those formal powers have developed and evolved. Skowronek employs these conceptions of secular and political time to understand how “contingent structures of authority have affected the reorganization of presidential power, and how changes in the organization of the presidential power have affected the political range of different claims to authority.”2 In short, Skowronek attempts to employ these two patterns – secular and political – to describe the president’s ability to exercise authority over the formal powers of the office changed. Skowronek concludes that as the formal powers of the presidency expands; the ability of the president to exercise those powers has narrowed.

#### The resolution indicates affs should advocate topical government change

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.

#### They create more Congressional oversight. That may deter some use but does not change the President’s authority in any way.

#### Explode the topic - they justify barrier to the use of presidential power. There’s an infinite number of functional restrictions that have no lit base and kill clash. Vote negative for fairness and education.

#### Second is Fair ground – the resolution is the only neutral site of stasis for controversy – changing this allows them to define the debate in ways that make it impossible for us to compete and really easy for them to win

#### Third is decision making --- effective policy discussions are necessary for skill development --- the aff skirts that question by being able to defend in round discourse and not the political implications of that ---

Steinberg & Freeley ‘8\*Austin J. Freeley is a Boston based attorney who focuses on criminal, personal injury and civil rights law, AND \*\*David L. Steinberg , Lecturer of Communication Studies @ U Miami, Argumentation and Debate: Critical Thinking for Reasoned Decision Making pp45-

Debate is a means of settling differences, so there must be a difference of opinion or a conflict of interest before there can be a debate. If everyone is in agreement on a tact or value or policy,there is no need for debate: *the matter can be settled by unanimous consent*. Thus, for example, it would be pointless to attempt to debate "Resolved: That two plus two equals four," because there is simply no controversy about this statement. (Controversy is an essential prerequisite of debate. Where there is no clash of ideas, proposals, interests, or expressed positions on issues, there is no debate. In addition, debate cannot produce effective decisions without clear identification of a question or questions to be answered. For example, general argument may occur about the broad topic of *illegal* immigration. How many illegal immigrants are in the United States? What is the impact of illegal immigration and immigrants on our economy? What is their impact on our communities? Do they commit crimes? Do they take jobs from American workers? Do they pay taxes? Do they require social services? Is it a problem that some do not speak English? Is it the responsibility of employers to discourage illegal immigration by not hiring undocumented workers? Should they have the opportunity- to gain citizenship? Docs illegal immigration pose a security threat to our country? Do illegal immigrants do work that American workers are unwilling to do? Are their rights as workers and as human beings at risk due to their status? Are they abused by employers, law enforcement, housing, and businesses? I low are their families impacted by their status? What is the moral and philosophical obligation of a nation state to maintain its borders? Should we build a wall on the Mexican border, establish a national identification can!, or enforce existing laws against employers? Should we invite immigrants to become U.S. citizens? Surely you can think of many more concernsto be addressed by a conversation about the topic area of illegal immigration. Participation in this "debate" is likely to be emotional and intense. However, it is not likely to be productive or useful without focus on a particular question and identification of a line demarcating sides in the controversy. To be discussed and resolved effectively, controversies must be stated clearly. Vague understanding results in unfocused deliberation and poor decisions, frustration, and emotional distress, as evidenced by the failure of the United States. Congress to make progress on the immigration debate *during the summer of 2007*. Someone disturbed by the problem of the growing underclass of poorly educated, socially disenfranchised youths might observe, "Public schools are doing a terrible job! They are overcrowded, and many teachers are poorly qualified in their subject areas. Even the best teachers can do little more than struggle to maintain order in their classrooms." That same concerned citizen, facing a complex range of issues, might arrive at an unhelpful decision, such as "We ought to do something about this" or. worse. "It's too complicated a problem to deal with." Groups of concerned citizens worried about the state of public education could join together to express their frustrations, anger, disillusionment, and emotions regarding the schools, but without a focus for their discussions, they could easily agree about the sorry state of education without finding points of clarity or potential solutions. A gripe session would follow. But if a precise question is posed—such as "What can be done to improve public education?"—then a more profitable area of discussion is opened upsimply by placing a focus on the search for a concrete solution step. One or more judgments can be phrased in the form of debate propositions, motions for parliamentary debate, or bills for legislative assemblies. The statements "Resolved: That the federal government should implement a program of charter schools in at-risk communities" and "Resolved: That the state of Florida should adopt a school voucher program" more clearly identify specific ways of dealing with educational problems in a manageable form, suitable for debate¶ . They provide specific policies to be investigated and aid discussants in identifying points of difference. To have a productive debate, which facilitates effective decision making by directing and placing limits on the decision to be made, the basis for argument should be clearly defined. If we merely talk about "homelessness" or "abortion" or "crime'\* or "global warming" we are likely to have an interesting discussion but not to establish profitable basis for argument. For example, the statement "Resolved: That the pen is mightier than the sword" is debatable, yet fails to provide *much* basis for clear argumentation. If we take this statement to mean that the written word is more effective than physical force for some purposes, we can identify a problem area: the comparative effectiveness of writing or physical force for a specific purpose.¶ Although we now have a general subject, we have not yet stated a problem. It is still too broad, too loosely worded to promote well-organized argument. What sort of writing are we concerned with—poems, novels, government documents, website development, advertising, or what? What does "effectiveness" mean in this context? What kind of physical force is being compared—fists, dueling swords, bazookas, nuclear weapons, or what? A more specific question might be. "Would a mutual defense treaty or a visit by our fleet be more effective in assuring Liurania of our support in a certain crisis?" The basis for argument could be phrased in a debate proposition such as "Resolved: That the United States should enter into a mutual defense treatv with Laurania." Negative advocates might oppose this proposition by arguing that fleet maneuvers would be a better solution. This is not to say that debates should completely avoid creative interpretation of the controversy by advocates, or that good debates cannot occur over competing interpretations of the controversy; in fact, these sorts of debates may be very engaging. The point is that debate is best facilitated by the guidance provided by focus on a particular point of difference, which will be outlined in the following discussion.

### K

#### 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.

#### 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.

#### 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. As progressives stay focused on the law, conservatives chalk up more wins. We need to get our attention out of the law and law reviews. Our incessant fidelity to the constitutional scholarship is WORSE than doing nothing.

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.

### DA

#### CIR will pass SOON Obama’s continued push is key

Matthews 10/16

Laura Matthews, MA Columbia, International Business Times “2013 Immigration Reform Bill: 'I'm Going To Push To Call A Vote,' Says Obama” October 16 2013 http://www.ibtimes.com/2013-immigration-reform-bill-im-going-push-call-vote-says-obama-1429220

When Congress finally passes a bipartisan bill that kicks the fiscal battles over to early next year, the spotlight could return to comprehensive immigration reform before 2013 ends.¶ At least that’s the hope of President Barack Obama and his fellow Chicagoan Rep. Luis Gutierrez, D-Ill., chairman of the Immigration Task Force of the Congressional Hispanic Caucus and one of the most vocal advocates for immigration reform in the House of Representatives.¶ “When we emerge from this crazy partisan eruption from the Republicans, there will be a huge incentive for sensible Republicans who want to repair some of the damage they have done to themselves,” Gutierrez said in a statement. “Immigration reform remains the one issue popular with both Democratic and Republican voters on which the two parties can work together to deliver real, substantive solutions in the Congress this year.”¶ Reforming the status quo has consistently been favored by a majority of Americans. Earlier this year, at least two-thirds of Americans supported several major steps to make the system work better, according to a Gallup poll. Those steps include implementing an E-verify system for employers to check electronically the immigration status of would-be employees (85 percent), a path to citizenship for undocumented immigrants, (72 percent), an entry-exit check system to make sure people who enter the country then leave it (71 percent), more high-skilled visas (71 percent) and increased border security (68 percent).¶ The Senate passed its version of a 2013 immigration reform bill in June that includes, but is not limited to, a pathway to citizenship for immigrants without documentation and doubling security on the southern border. But that measure has stalled in the House, where Republicans are adamant they will take a piecemeal approach.¶ The momentum that lawmakers showed for reform has been sapped by the stalemate that that has shut down the government for 16 days and brought the U.S. to the brink of default. The Senate has agreed on Wednesday to a bipartisan solution to break the gridlock.¶ When the shutdown and default threat is resolved (for a time), that’s when Obama will renew his push to get Congress to move on immigration reform. On Tuesday the president said reform will become his top priority.¶ “Once that’s done, you know, the day after, I’m going to be pushing to say, call a vote on immigration reform,” Obama told Univision affiliate KMEX-TV in Los Angeles. “And if I have to join with other advocates and continue to speak out on that, and keep pushing, I’m going to do so because I think it’s really important for the country. And now is the time to do it.”¶ The president pointed the finger at House Speaker John Boehner, R-Ohio, for not allowing the bill to be brought to the floor for a vote. Boehner had promised that the Senate’s bill would not be voted on unless a majority of the majority in the House supports it -- the same principle he was holding out for on the government shutdown before he gave in.¶ “We had a very strong Democratic and Republican vote in the Senate,” Obama said. “The only thing right now that’s holding it back is, again, Speaker Boehner not willing to call the bill on the floor of the House of Representatives. So we’re going to have to get through this crisis that was unnecessary, that was created because of the obsession of a small faction of the Republican Party on the Affordable Care Act.”¶ Republicans are opposing the Democratic view of immigration reform because of its inclusion of a 13-year path to citizenship for undocumented immigrants. They said this amounted to “amnesty.” Some Republicans prefer to give them legal resident status instead.¶ Immigration advocates have also been urging Obama to use his executive authority to halt the more than 1,000 deportations taking place daily. Like the activists, Gutierrez said the government shutdown didn’t do anything to slow the number of daily deportations.¶ Some Republicans who welcomed Sen. Ted Cruz’s filibuster over Obamacare because it shifted the focus from immigration.¶ “If Ted [didn’t] spin the filibuster, if we don’t make this the focus, we had already heard what was coming,” Rep. Louie Gohmert, R-Texas, told Fox News on Tuesday. “As soon as we got beyond this summer, we were going to have an amnesty bill come to the floor. That’s what we would have been talking about. And that’s where the pivot would have been if we had not focused America on Obamacare.”¶ Still, pro-immigration advocates are hopeful they can attain their goal soon. “With more prodding from the president and the American people,” Gutierrez said, “we can get immigration reform legislation passed in the House and signed into law.”

#### **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 immigration reform is key to the economy and highly skilled workers**

Farrell 12/13/12 (Chris, a contributing editor for Bloomberg Businessweek. From 1986-97, he was on the magazine's staff, as a corporate finance staff and department editor and then as an economics editor. Farrell wrote Right on the Money: Taking Control of Your Personal Finances and Deflation: What Happens When Prices Fall? Among Farrell's many awards are a National Magazine Award, two Loeb Awards, and the Edward R. Murrow Award. Farrell is a graduate of the London School of Economics and Stanford University. “Obama’s Next Act: Immigration Reform” <http://www.businessweek.com/articles/2012-12-13/obamas-next-act-immigration-reform>)

Washington won’t get much of a reprieve from verbal pyrotechnics once the drama of the fiscal cliff is over. Up next: major immigration reform. President Obama has made it clear that a comprehensive overhaul of the nation’s badly frayed immigration system is a second-term priority. Many Republican lawmakers are convinced the big takeaway from the 2012 election results is that conservatives need to rethink their hard-line stance on immigration—including illegal immigrants. Here’s what Washington should do before tackling the tough job of rewriting the immigration laws: Create a quicksilver path to citizenship for the 11 million to 12 million undocumented workers in the U.S. (excluding the small number convicted of violent crimes or multiple felonies). The shift in status acknowledges that these foreign-born newcomers, like previous generations of immigrants, overcame significant obstacles to come to the U.S. to make a better life for their families. Illegal immigrants are neighbors heading off to work, sending their kids to school, and attending church. Their everyday lives would vastly improve by moving from the shadows of society into the mainstream. More important from a public-policy perspective, the change would give a boost to the economy’s underlying dynamism. “What you’re doing in the short run is making it easier for workers to move between jobs, a relatively small effect,” says Gordon Hanson, a professor of economics at the University of California at San Diego. “The larger effect from eliminating uncertainty for these immigrants is creating incentives for them to make long-term investments in careers, entrepreneurship, education, homes, and community.” Let’s state the obvious: A rapid transformation of illegal immigrants into legal immigrants isn’t in the cards. Amnesty—let alone citizenship—is an anathema to large parts of the electorate. Too bad, since the scholarly evidence is compelling that immigrants—documented or not, legal or illegal—are a boon to the net economy. “Competition fosters economic growth,” says Michael Clemens, senior fellow at the Center for Global Development in Washington. The economic return from attracting skilled immigrants to the U.S. is well known. Foreign-born newcomers account for some 13 percent of the population, yet they are responsible for one-third of U.S. patented innovations. The nation’s high-tech regions such as Silicon Valley, the Silicon Hills of Austin, Tex., and Boston’s Route 128 rely on immigrant scientists, engineers, entrepreneurs, and employees. Better yet, economist Enrico Moretti at the University of California at Berkeley calculates that a 1 percent increase in the share of college-educated immigrants in a city hikes productivity and wages for others in the city. Less appreciated is how much the economy gains from the efforts of less-skilled immigrants, including illegal workers. Throughout the country, foreign-born newcomers have revived beaten-down neighborhoods as immigrant entrepreneurs have opened small businesses and immigrant families have put down stakes. Immigrant workers have played a vital role keeping a number of industries competitive, such as agriculture and meatpacking. Cities with lots of immigrants have seen their per capita tax base go up, according to David Card, an economist at UC Berkeley. Despite the popular impression that a rising tide of immigrants is associated with higher crime rates, research by Robert Sampson of Harvard University and others offer a compelling case that it’s no coincidence that the growing ranks of immigrants tracks the reduction in crime in the U.S. But don’t newcomers—legal and illegal—drive down wages and job opportunities for American workers? Not really. A cottage industry of economic studies doesn’t find any negative effect on native-born wages and employment on the local level. On the national level the research shows the impact on native-born Americans doesn’t drift far from zero, either positively or negatively. “In both cases, immigrants are more likely to complement the job prospects of U.S.-born citizens than they are to compete for the same jobs as U.S.-born citizens,” Giovanni Peri, an economist at the University of California at Davis, writes in Rationalizing U.S. Immigration Policy: Reforms for Simplicity, Fairness, and Economic Growth. The counterintuitive results reflect a numbers of factors. Immigrants expand the size of the economic pie by creating new businesses, new jobs, and new consumers. Middle-class families find it easier to focus on careers with affordable immigrant labor offering gardening, child care, and other services. Many illegal immigrants aren’t fluent in English, so they don’t compete for the same jobs as native-born workers. Another factor behind the lack of direct competition is the higher educational level of native-born Americans. In 1960 about half of U.S.-born working-age adults hadn’t completed high school, while the comparable figure today is about 8 percent. The real downside concern is on the fiscal side of the immigrant ledger. Yes, more taxes would go into Social Security, Medicare, and the like with legalization, but more people would qualify for Medicaid, welfare, and other benefits. At the local level, many school districts are strained financially from educating immigrant children, legal and illegal. That said, the prospect of fiscal costs would diminish as newly legalized immigrant workers move freely around the country seeking jobs, entrepreneurs are comfortable expanding their payrolls, and immigrant parents push their children to live the American Dream. “Over time, as entrepreneurs emerge and families are better able to get their kids through high school and college, you’re reducing the long-run fiscal claim of the group,” says Hanson. There is no economic evidence that making roughly 6 percent of the workforce illegal will benefit the economy. Plenty of research supports the opposite case. A fast track to legality offers Washington a rare twofer: a just move that’s economically efficient.

#### Destroys the environment

CSM, 8-

 [“Financial crisis threatens climate-change momentum,” http://www.climateark.org/shared/reader/welcome.aspx?linkid=110643]

As financial mayhem and recession increasingly demand the attention and resources of governments around the world, environmentalists are starting to fret: What about climate change? Their concern is not just that the trillions devoted to rescuing the global financial system mean less cash for the climate-change agenda; they are worried a prolonged recession will deflect consumers from green habits and drain corporate and government coffers of funding for research and development into green technology. [Yvo de Boer](http://www.csmonitor.com/tags/topic/Yvo%2Bde%2BBoer%22%20%5Ct%20%22_self), who heads the [UN](http://www.csmonitor.com/tags/topic/United%2BNations%22%20%5Ct%20%22_self) climate change secretariat, warned last week that it was “undeniable that the financial crisis will have an impact on the climate-change negotiations,” which are due to resume in [Poznan](http://www.csmonitor.com/tags/topic/Poznan%22%20%5Ct%20%22_self), [Poland](http://www.csmonitor.com/tags/topic/Poland%22%20%5Ct%20%22_self), next month. He noted that of the 190 nations seeking to conclude a new UN treaty in [Copenhagen](http://www.csmonitor.com/tags/topic/Copenhagen%22%20%5Ct%20%22_self) next year, few would find it easy to turn to taxpayers for funding. “If we go to citizens under the current circumstances ... and say ‘I’m increasing your tax burden ... to pay for climate policy,’ that might not go down very well,” Mr. de Boer said at a recent conference in [China](http://www.csmonitor.com/tags/topic/China%22%20%5Ct%20%22_self). [Tom Burke](http://www.csmonitor.com/tags/topic/Tom%2BBurke%22%20%5Ct%20%22_self), founding director of the sustainable-development group E3G, adds that the financial crisis has generated a “politics of distraction.” “People are focused on other things and [climate change] has slipped down the attention span of politicians and the media,” he says. Professor Burke believes some businesses and governments have opportunistically used the crisis to wriggle off the climate-change hook. He notes how governments in [Eastern Europe](http://www.csmonitor.com/tags/topic/Eastern%2BEurope%22%20%5Ct%20%22_self) have begun to challenge [EU](http://www.csmonitor.com/tags/topic/European%2BUnion%22%20%5Ct%20%22_self) emission-reduction targets, fearing this will hit industry at the worst time. “It makes the prospect for getting agreement to a second phrase of the [Kyoto](http://www.csmonitor.com/tags/topic/Kyoto%22%20%5Ct%20%22_self) protocol in Copenhagen next year a steeper hill to climb,” he says. Yet optimists maintain that the situation presents an opportunity, arguing that if the world can take rapid, expensive action to save its banks, it can do the same to save its climate. “One thing we have realized is that the authorities can take action if they want,” says [Stefan Singer](http://www.csmonitor.com/tags/topic/Stefan%2BSinger%22%20%5Ct%20%22_self), head of the European Climate and Energy Unit at WWF. “We’ve been saying it will take a couple of hundred billion dollars to deal with this in the short term. “We knew it was a massive amount of money, but in the financial crisis we have seen it is possible to mobilize lots of money as soon as governments and heads of state take things seriously,” he adds. When heads of state meet in [Washington](http://www.csmonitor.com/tags/topic/Washington%2C%2BDC%22%20%5Ct%20%22_self) this weekend to discuss how to resuscitate international financial architecture in the wake of the economic crisis, climate change will figure fleetingly, if at all. Meanwhile, at government level, responses to the crisis have largely involved measures like cutting interest rates and fiscal-stimulus packages designed to get the “old economy” moving again. Environmentalists are concerned that a big opportunity is going begging, that financial reforms should take into account the wider risk of climate change to the world. As one UN official put it, all the talk has been about [Wall Street](http://www.csmonitor.com/tags/topic/Wall%2BStreet%22%20%5Ct%20%22_self) and Main Street, but what about places with no streets? A slowing in economic activity might look like an environmental blessing. Slowing demand generally means lower energy usage. Car sales and gasoline demand have been falling sharply. Projections for flights out of [Europe](http://www.csmonitor.com/tags/topic/Europe%22%20%5Ct%20%22_self)’s busiest airport, [Heathrow](http://www.csmonitor.com/tags/topic/London%2BHeathrow%2BAirport%22%20%5Ct%20%22_self), show a 2 percent decline – equivalent to around 10,000 fewer flights a year. But the green lobby warns this is just a momentary blip. A few quarters of slowdown may bear down temporarily on the growth in greenhouse gas emissions, but will not shift the world onto a low-carbon path. Scientists are calling for an 80 percent cut in carbon emissions by 2050. “It will only take us back toward the trend line,” says Burke. “Anyone who thinks this will rescue us or buy more time has misunderstood where we are.” Green technology has benefited enormously from the sky-high cost of crude in recent years, which has made renewable energy like wind, wave, solar, tidal, and biomass power generation cheaper by comparison. The collapse in crude prices to $60 a barrel represents a threat to the renewables industry, and already there are signs of go-slow in the sector. Last week, the Danish group Vestas, the world’s biggest wind-turbine maker, indicated it would be slowing operations “until we see how the financial problems affect the wider picture.” A leading British scientist, speaking off the record at an informal recent event, says R&D for green technology will take a hit. British energy giants [BP](http://www.csmonitor.com/tags/topic/BP%2Bplc%22%20%5Ct%20%22_self) and Shell have signaled a pullback from renewable projects in [Britain](http://www.csmonitor.com/tags/topic/United%2BKingdom%22%20%5Ct%20%22_self). Such projects are highly capital intensive, and raising cash now is challenging. “All big investment projects are increasingly uncertain in this environment,” says [Julian Lee](http://www.csmonitor.com/tags/topic/Julian%2BLee%22%20%5Ct%20%22_self), a senior energy analyst at the [Centre for Global Energy Studies](http://www.csmonitor.com/tags/topic/Centre%2Bfor%2BGlobal%2BEnergy%2BStudies%22%20%5Ct%20%22_self). “People are holding off from investment decisions in oil and gas projects, and I’m sure the same reasoning will apply to big renewable projects like wind farms.

### Solvency

#### You don’t have a solvency advocate for why including drones within the WPR “delineates the fissures in anthropocentric methods which reduces armed forces to solely human bodies” – assumes that armed forces are just human bodies

#### WPR regulates the armed forces, but the armed forces are the Army, Navy, Air Force, Marine Corp, Special ops and Strategic forces. Includes nuclear forces.

US Code 10 subsection 111 'Military Force Structure Review Act of 1996'. \*\*\* Current through PL 113-31, approved 8/9/13 \*\*\* TITLE 10. ARMED FORCES SUBTITLE A. GENERAL MILITARY LAW PART I. ORGANIZATION AND GENERAL MILITARY POWERS CHAPTER 2. DEPARTMENT OF DEFENSE Go to the United States Code Service Archive Directory 10 USCS § 111 Lexis

"(1) The term ' above the line' force structure of the Armed Forces' means the force structure (including numbers, strengths, and composition and major items of equipment) for the Armed Forces at the following unit levels:

 "(A) In the case of the Army, the division.

 "(B) In the case of the Navy, the battle group.

 "(C) In the case of the Air Force, the wing.

 "(D) In the case of the Marine Corps, the expeditionary force.

 "(E) In the case of special operations forces of the Army, Navy, or Air Force, the major operating unit.

 "(F) In the case of the strategic forces, the ballistic missile submarine fleet, the heavy bomber force, and the intercontinental ballistic missile force.

 "(2) The term 'Commission on Roles and Missions of the Armed Forces' means the Commission on Roles and Missions of the Armed Forces established by subtitle E of title IX of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1738; 10 U.S.C. 111 note).

#### It’s a semantic distinction – even if the WPR says armed forces Congress ALREADY considers the WEAPONS THEY USE to be restrictable via WPR – throwing drones in the same category as nuclear weapons does nothing

 - Lobel 2012 JULES LOBEL Professor of Law, University of Pittsburgh Law School Conflicts Between the Commander in Chief and Congress: Concurrent Power over the Conduct of War. \*OHIO STATE LAW JOURNAL [Vol. 69:391

Given the fatal flaws in all of the approaches discussed above, perhaps the suppositions that underlie those theories should be reexamined before formulating a new theory. The alternative approach to be explored in the remainder of this Article starts by challenging the commonly accepted understanding that the President has exclusive authority over battlefield operations and that Congress cannot participate in the conduct of campaigns. As a matter of constitutional logic and history, that usually agreed on proposition is untenable. 60 As Part II of this Article demonstrates, throughout our history—from the QuasiWar with France to the Civil War to the Vietnam conflict—on numerous occasions Congress has enacted legislation that interfered with the President’s socalled exclusive authority over battlefield operations and campaigns. Moreover, the constitutional grant of authority to the President to be Commander in Chief was not designed by the Framers to preclude congressional authority over the conduct of warfare. Rather, the Framers’ grant to Congress of the powers to raise and support armies, to declare war, to issue letters of marque and reprisal, and to provide rules for the armed forces and rules governing captures was designed to provide important checks on the President’s Commander in Chief power. There is no basis in the text of the Constitution or logic to limit Congress’s substantive power over the conduct of warfare powers and make them subservient to the President’s Commander in Chief power. For example, Congress’s power to raise an army means that it can raise an army with certain weapons, not others, and a certain number of troops and no more. As Professor Stephen Carter points out: Nothing in the language or structure of the Constitution suggests a distinction between rules limiting the number of tanks and limiting the theatres of operation. One might, I suppose, try to argue that restrictions on the number of soldiers or amount of equipment are limits on what the armed forces shall be; stipulations on where or how these forces can fight are limits on what the armed forces may do. But that difference—if it is a difference—is merely semantical. 61 Congress can therefore say the army shall not be one with nuclear weapons or that it shall have nuclear weapons but only use them in response to a nuclear attack—both of which would be important restrictions on the President’s ability to use tactical nuclear weapons in a battlefield situation. Or the Congress could (and has) said that it will be an army that does not use ground troops in a particular conflict, or does not torture prisoners. All these restrictions, which Carter views as definitional and nearly always constitutional, effectively say, “We have created this army, not that one.” 62 So too, the congressional power to declare or authorize war has been long held to permit Congress to authorize and wage a limited war—“limited in place, in objects, and in time.” 63 When Congress places such restrictions on the President’s authority to wage war, it limits the President’s discretion to conduct battlefield operations. For example, Congress authorized President George H. W. Bush to attack Iraq in response to Iraq’s 1990 invasion of Kuwait, but it confined the President’s authority to the use of U.S. armed forces pursuant to U.N. Security Council resolutions directed to force Iraqi troops to leave Kuwait. That restriction would not have permitted the President to march into Baghdad after the Iraqi army had been decisively ejected from Kuwait, a limitation recognized by President Bush himself. 64 Yet that restriction seems to be the very kind of limitation on a President’s tactical battlefield command that the commonly accepted premise would not permit. But if Congress can thus limit the purpose of the war against an enemy, why could it not impose other similar restrictions— limiting for example the theater of war, or even the places the military can attack? If the 1991 Persian Gulf Resolution was constitutional—and nobody claimed it was not—Congress could have authorized war against Germany for the purpose of protecting Britain and liberating Western Europe, while not permitting combat operations into Germany or other theaters of action such as the Middle East or North Africa. Congress would never have done so, but the 1991 Persian Gulf authorization suggests that it could have. The 1991 Persian Gulf authorization is not an anomaly; Congress has limited the objects, purposes, and tactics Presidents could use in conducting war throughout our history.

#### Changing doesn’t mean we will treat these new subjects with respect

**Hettinger**, Professor of Philosophy and coordinator of the minor in environmental studies, **02**

(Ned, Ethics & the Environment 7.1 (2002) 109-123)

What cannot be found in Nature as Subject is a vision of a positive role for humanity in the natural world. My worry is that Katz's views about the value of nature and our obligations to it leave no room for such an account. I fear that Katz's conceptualization of how humans have wronged nature **may entail that all human activity toward nature wrongs nature**. This would undermine the possibility of envisioning an environmentally just future in which humans live in the natural world in a morally appropriate way. This is a serious problem, because environmental philosophy needs an ethic for the use of nature, as well as for its nonuse. We need a vision of a constructive human relationship with nature, in addition to a characterization of our past failures of relationship. The question I pose is whether Katz's ideas allow for an account of how humans can be flourishing members who contribute to natural community.

#### The aff pushes operations underground – undercuts cbms and turns case

**Lorber, 13** – (Eric, J.D. Candidate, University of Pennsylvania Law School, Ph.D Candidate, Duke University, “Executive Warmaking Authority And Offensive Cyber Operations: Can Existing Legislation Successfully Constrain Presidential Power?”)

Stemming from similar tension noted in the constitutional division of war-making authority noted above, congressional oversight of covert actions beyond intelligence collection has often proved a point of contention between the executive and legislative branches. n195 Presidents have "inferred authority [to conduct covert actions] from such places as the Vesting Clause, the Commander-in-Chief Clause, the Treaty Clause, and from an implied executive privilege." n196¶ [\*993] Likewise, Congress attempted to rein in the President's ability to conduct covert operations without oversight by implementing a series of laws that required the President to get approval before undertaking such activities. n197 If the President did not provide such notification, Congress could decline to fund that particular covert activity. n198 Following the revelation that widespread, unreported covert actions were undertaken during the Vietnam War, Congress moved for stricter control of executive power, both by forcing the executive to account for the money it was spending as part of annual authorization bills n199 and by streamlining its own oversight capability by tasking two primary committees, the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence, with oversight. n200¶ While Congress designed this legislation to rein in the President's power to conduct covert activities without oversight, events in the 1980s clearly showed that its efforts had been ineffective. n201 In particular, the Iran-Contra affair illustrated that Congress needed to substantially reform oversight legislation to ensure that it could properly monitor executive covert action. n202 As a result, in 1990, Congress began drafting a new oversight bill, [\*994] the Intelligence Authorization Act of 1991, which grants Congress oversight of covert activities. n203 Section 413b of the Intelligence Authorization Act provides,

And your authors admit that seeing the world as actants is no guarantee

Bennett 11 Jane, Professor Political Theory - Johns Hopkins University, *Eurozine*, 10-19, http://www.eurozine.com/articles/2011-10-19-loenhart-en.html

I agree, of course, that there is a darker side yet to vibrant materialism. Several forces could recoil upon us in a way that eliminates the conditions for human life. There are no cosmic guarantees to be provided by vital materialism.

It’s impossible to ignore the inevitability of individual choice – which makes an understanding of vibrant materiality difficult. Even for the aff, it is humans that will choose whether to view nature as actants, which limits the connectivity of vibrant materialism

Armstrong 12 Rachel, interdisciplinary practitioner with a background in medicine. Her work uses all manners of media to engage audiences and bring them into contact with the latest advances in science and their real potential through the inventive applications of technology, *Next Nature*, 4-12, http://www.nextnature.net/2012/04/the-ecological-human/

Although ‘vibrant materiality’ may initially appear to have unlimited connectivity, it is actually constrained and edited by individual choices. People may alter the composition of their bodies by changing the ‘actants’ that constitute their unique human ecology by, for example, choosing to eat different foodstuffs that make them smarter, or happier. They may even nurture unique ecologies that confer an evolutionary advantage such as incorporating telecommunications devices into their living spaces that increase behavioural effectiveness. People may even decide just how far (through the agency of their associated ‘actants’) they can directly influence the ecology of the entire planet by recycling material, using renewable energy or growing food locally.

Denouncing the category of humans – without any transformative potential – is a SELF-DEFEATING GESTURE - denouncing conceptions of “human” doesn’t mean that we’ll ever get past them

Calarco 4, Assistant Professor Philosophy @ Fullerton,

(Matthew, Animal Philosophy: Essential Readings in Continental Thought)

We now have stronger reasons than ever before for rejecting a certain conception of what it is to be human, but we seem to be hardly any closer **to a post-metaphysical thinking** regarding the animal. You might say that Continental philosophy **has had an easier time denouncing** what **Descartes or Kant** said about the human than it has criticizing what they said about the animal, an observation that naturally leads one to question whether the humanism it rejects is really quite so defunct after all. The "end of humanism," the "ends of man," the "end of philosophy," the "death of the author," the "death of God," the "death of man" — these apocalyptic shibboleths are becoming self-defeating utterances amid a discourse that has said hardly anything about animals in comparison. We can only speculate why Continental philosophers have generally not had more to say about the traditional other of man — animals. One might perhaps attempt to account for the grossness of the discrepancy between man-talk and animal-talk by evoking the seemingly insurmountable difficulties of escaping metaphysical discourse itself. It is an established part of Heideggerian lore that **the philosopher who seeks to go beyond metaphysics is destined to find herself all the more firmly rooted within it**. Does not the discourse on the animal as such presuppose a distinction be made between animals and humans, thereby reaffirming the hegemony of humanism according to the familiar logic of negation? Would it not be better to eschew speaking of an opposition between the human and the animal altogether?

LONG TERM CULTIVATION IS MORE IMPORTANT THAN YOUR MOMENTARY GESTURE –

The issue is how to spread awareness. Voting for the idea that things could be different doesn’t make that difference more of a possibility.

Dalby 4 Simon, Professor in the Department of Geography and Environmental Studies at Carleton University. ANTHROPOCENE ETHICS: RETHINKING 'THE POLITICAL' AFTER ENVIRONMENT, Paper for the International Studies Association annual

The reimagining of humanity as a new biophysical forcing agent requires a politics that is sensitive to context and to consequences of actions; in short responsibilities are part of a politics. The assumption of consequenceless consumption is untenable as the basis of any serious discussion of politics that considers contemporary contexts.

YOU CAN’T ESCAPE ANTHROPOCENTRISM – THE LANGUAGE OF HUMANISM WILL ALWAYS CREEP IN

**Turner**, Pf of philosophy and religious studies at Nasvhille State Community College, **02**

(Donald L., The Animal Other, *disClosure* 12, EBSCO)

For Derrida, the ideas of Heidegger and Levinas are eschatological in their attempts to make contact with absolute alterity or to transcend, via language, a humanistic horizon. Derrida questions any claim to transcend a humanistic or anthropocentric frame of mind, arguing that **reliance on language “ceaselessly reinstates the new terrain on the oldest ground,”** re-establishing one “more naively and more strictly than ever” inside the realm one purports to transcend (Margins 135). Derrida insists that a critique of “humanism” and “metaphysics” such as that issued by Heidegger can only come from within that very tradition and using tools it provides (Bennington 303-309). Derrida treats Levinas’s approach similarly in “Violence and Metaphysics,” which is both a defense of Heidegger in the face of Levinas’s attacks and a critique of Levinas’s formulation of absolute alterity. For Derrida, description of an encounter with truly absolute alterity is a practical impossibility, for one cannot describe that which one can by definition have no comprehension—there must be some similarity for a self to recognize an other as existing at all (Bernasconi 128-131). As with his critique of Heidegger, Derrida’s point is that Levinas’s description of absolute alterity requires that he **employ the ontological language that he seeks to transcend**, and thus that any contact with the other must involve some mutual affectedness (Writing 151).

#### Congressional oversight means more secrecy

Greenwald 12THURSDAY, JUN 7, 2012 03:05 AM PDT Probing Obama’s secrecy games Will high-level Obama officials who leak for political gain be punished on equal terms with actual whistleblowers? BY GLENN GREENWALD

What all of this reflects is the wildly excessive, anti-democratic secrecy behind which the U.S. Government operates, and the solution in the face of this growing controversy ought to be serious attempts to increase transparency and dilute the wall of secrecy. But that’s highly unlikely to happen. When people like Dianne Feinstein, Carl Levin and John McCain start digging their hands into these controversies, they reflexively do the opposite: they are devoted to always-increasing levels of government secrecy. For Security State servants like these, secrecy is the currency on which their power, influence and self-importance depends: the more government actions which they know about but which are concealed from the citizenry, the more influential and unaccountable they are. So as is usually true when bipartisan groups of self-important Senators gather in common cause, they’re certain to make the core problem worse. In response to the genuine problem of selective leak-punishment by the Executive Branch, they will not try to increase transparency but will do the opposite: attempt to plug leaks, punish whistleblowers, and fortify U.S. Government secrecy powers even beyond where they are now.

#### The President can easily use the Covert Action Statute to justify any imminent threat

Lawfare 12 Legality of U.S. Government’s Targeted Killing Program under Domestic Law, http://www.lawfareblog.com/wiki/the-lawfare-wiki-document-library/targeted-killing/legality-of-targeted-killing-program-under-u-s-domestic-law/

Nevertheless, Bradley and Goldsmith explain, even if Congress did not authorize the U.S. government’s targeted killing program with the AUMF, the President could in theory act against terrorists presenting an imminent threat under the Covert Action Statute (CAS), 50 U.S.C. §413b. The CAS is potentially an important authorizing authority, as its scope extends beyond that of the AUMF, namely in that it is not limited to those terrorist groups linked to the September 11, 2001 attacks. In other ways, though, the CAS may be narrower than the AUMF. For instance, Robert Chesney sets forth the argument that the CAS merely authorizes that which is otherwise lawful under Article II, and thus does not expand the scope of the President’s authority.

#### The executive will give the Congress the finger – secrecy, media and lying

Branfman 13 Fred, Director of Project Air War, interviewed the first Lao refugees brought down to Vientiane from the Plain of Jars in northern Laos, visited U.S. airbases in Thailand and South Vietnam, talking with U.S. Embassy officials, Alternet, 6-9

Whatever his personal beliefs prior to becoming President Mr. Obama, as the Executive's titular leader, has necessarily signed up to support the secrecy, lying, and disinformation it employs to enjoy maximum flexibility from democratic oversight in order to pursue its policies of overt and covert violence. Two important new books - Jeremy Scahill's Dirty Wars and Mark Mazzetti's The Way of the Knife - describe how, in near-total secrecy, the U.S. Executive is a world of its own. Over the last 12 years, Executive officials have unilaterally and secretly launched, escalated or deescalated wars; installed and supported massively corrupt governments, savage warlords, or local paramilitary forces, and overthrown leaders that have displeased it; created the first unit of global American assassins and fleets of machines waging automated war; engaged in vicious turf wars for more money and budget; spied on Americans including the media and activists on a scale unmatched in U.S. history; compiled 3 different sets of global "kill lists" independently operated by the White House, CIA and Pentagon/JSOC; used police-state tactics while claiming to support democracy, e.g. when it fed retina scans, facial recognition features and fingerprints of over 3 million Iraqi and Afghani males into a giant data base; incarcerated and tortured, either directly or indirectly, tens of thousands of people without evidence or trial; and much more. All of these major activities are conducted entirely by the Executive Branch, without meaningful Congressional oversight or the knowledge of the American people. The foundational principle of the U.S. Constitution is that governments can only rule with the "informed consent" of the people. But the U.S. Executive Branch has not only robbed its people of this fundamental right. It has prosecuted those courageous whistleblowers who have tried to inform them. The U.S. mass media, dependent upon the Executive for their information and careers, and run by corporate interests benefiting from Executive largesse, predominately convey Executive Branch perspectives on an hourly basis to the American people. Even on the relatively few occasions when they publish information the Executive wishes to keep secret, it has little impact on Executive policies while maintaining the illusion that the U.S. has a "free press". The U.S. Executive is essentially free to conduct its activities as it wishes. In future articles in this space we will explore three key features of the U.S. Executive Branch: (1) Evil - If evil consists of murdering, maiming, and making homeless the innocent, and/or waging the “aggressive war” judged the “supreme international crime” at Nuremberg, the U.S. Executive Branch is today clearly the world’s most evil institution. It has killed, wounded or made refugees of an officially-estimated 21 million people in Iraq and Indochina alone, far more than any other institution since the time of Stalin and Mao. President Obama is the first U.S. President to acknowledge, in his recent "counterterrorism" speech, that this number has included killing "hundreds of thousands" of civilians in Vietnam whom it officially claimed it was trying to protect. Former Secretary of Defense Robert McNamara put the total number of Vietnamese killed at 3.4 million. [38] (2) Lawlessness - If illegality consists of refusing to obey the law, the Executive is clearly the most lawless institution in the world. It routinely violates even timid legislative attempts to control its unilateral war-making. And no nation on earth has signed fewer international laws, and so failed to observe even those it has signed. These include measures like those intended to clean up the tens of millions of landmines and cluster bombs [39] with which it has littered the world, refused to clean up, and which continue to murder and maim tens of thousands of innocent people until today. (3) Authoritarianism - And if "authoritarianism" consists of a governing body acting unilaterally, regularly deceiving its own citizenry, neutering its legislature ,and prosecuting those who expose its lies, the U.S. Executive is clearly the most undemocratic institution in America. Indeed its deceiving its own people - keeping its activities secret and then lying about and covering them up when caught - throws its very legitimacy into question.

#### The executive will arbitrarily define words, they don’t care

Pollack, 13 -- MSU Guggenheim Fellow and professor of history emeritus [Norman, "Drones, Israel, and the Eclipse of Democracy," Counterpunch, 2-5-13, www.counterpunch.org/2013/02/05/drones-israel-and-the-eclipse-of-democracy/, accessed 9-1-13, mss]

Bisharat first addresses the transmogrification of international law by Israel’s military lawyers. We might call this damage control, were it not more serious. When the Palestinians first sought to join the I.C.C., and then, to receive the UN’s conferral of nonmember status on them, Israel raised fierce opposition. Why? He writes: “Israel’s frantic opposition to the elevation of Palestine’s status at the United Nations was motivated precisely by the fear that it would soon lead to I.C.C. jurisdiction over Palestinian claims of war crimes. Israeli leaders are unnerved for good reason. The I.C.C. could prosecute major international crimes committed on Palestinian soil anytime after the court’s founding on July 1, 2002.” In response to the threat, we see the deliberate reshaping of the law: Since 2000, “the Israel Defense Forces, guided by its military lawyers, have attempted to **remake the laws** of war by consciously violating them and then **creating new legal concepts to provide juridical cover** for their misdeeds.” (Italics, mine) In other words, habituate the law to the existence of atrocities; in the US‘s case, targeted assassination, repeated often enough, seems permissible, indeed clever and wise, as pressure is steadily applied to the laws of war. Even then, “collateral damage” is seen as unintentional, regrettable, but hardly prosecutable, and in the current atmosphere of complicity and desensitization, never a war crime. (**Obama is hardly a novice at** this game of **stretching the law to suit the convenience of**, shall we say, the **national interest**? In order to ensure the distortion in counting civilian casualties, which would bring the number down, as Brennan with a straight face claimed, was “zero,” the Big Lie if ever there was one, placing him in distinguished European company, Obama **redefined the meaning** of “combatant” status to be any male of military age throughout the area (which we) declared a combat zone, which noticeably led to a higher incidence of sadism, because it allowed for “second strikes” on funerals—the assumption that anyone attending must be a terrorist—and first responders, those who went to the aid of the wounded and dying, themselves also certainly terrorists because of their rescue attempts.) These guys play hardball, perhaps no more than in using—by report—the proverbial baseball cards to designate who would be next on the kill list. But funerals and first responders—verified by accredited witnesses–seems overly much, and not a murmur from an adoring public.

#### Congressional limitations cause greater executive reliance on PMCs. The drug war in Columbia proves the link

MICHAELS 4 \*Jon D. Assistant Professor of Law at the UCLA School of Law. Law Clerk to the Honorable Guido Calabresi, U.S. Court of Appeals for the Second Circuit; *Washington University Law Quarterly*, BEYOND ACCOUNTABILITY: THE CONSTITUTIONAL, DEMOCRATIC, AND STRATEGIC PROBLEMS WITH PRIVATIZING WAR, Fall, 82 Wash. U. L. Q. 1001

But since the War Powers Resolution applies only to the deployment of U.S. Armed Forces 259 and, moreover, since anti-covert operations legislation requiring congressional notification and consultation [\*1077] applies only to members of the U.S. intelligence community, 260 there is room to maneuver unilaterally if the president were to use privateers. The drug war in Colombia provides an apt example. 261 Due to frustrations associated with Congress's stringent limitations on the number and responsibilities of American soldiers in Colombia in the 1990s, private military firms were utilized probably in no small part to circumvent these legislative restrictions. 262 According to P.W. Singer, the intent of privatized military assistance is to bypass Congressional oversight and provide political cover to the White House if something goes wrong... . [So,] the United States quietly arranged the hire of a slew of PMFs, whose operations in Colombia range far beyond the narrow restrictions placed on U.S. soldiers fighting the drug war. Rather, the firms' operations are intended to help the Colombian military finally end the decades-old [rebel] insurgency. 263 Again, the structural damage is clear: through bypassing Congress - and the American people - the Executive can initiate more conflict than the public might otherwise have been willing to support.

#### In order for the aff to actually solve they must overwhelm ingrained systems of collective functioning, neo-liberalism, the media and the day to day needs of feeding children. The affirmative is no more than a simplistic philosophical slogan that just assumes that if we describe the world correctly, people will follow along.

Ivakhiv 10 Adrian J, Associate Professor of Environmental Studies – U of Vermont, immanence, partitions of the sensible, <http://blog.uvm.edu/aivakhiv/2010/06/20/partitions-of-the-sensible>

How, then, is a “discursive shift from environmentalism to vital materialism” to take place? And what would it mean? What’s wrong, in any case, with “environmentalism”? I think Bennett, like Shellenberger and Nordhaus, Tim Morton, and many others (I’m thinking back to the mid-1990s polemics over Bill Cronon’s “Trouble with Wilderness”) are right to critique the dualism that has shaped the environmental imaginary — the idea that humans are over here, nature is over/out there, and that we must protect it but have done an atrocious job doing that. The philosophical solution to that dualism is not necessarily what we’ve been missing, however. It’s been there, available to be worked on and developed at least — in Spinoza, Schelling, Peirce, Bergson, James, Whitehead, and all the sources Deleuze and others have been digging up, as well as in some of the non-Western traditions that Romantics and Transcendentalists and others have looked to in their quests for viable non-dualisms. (Those are just my own favorite places to look for it; there are obviously others.) Philosophy, however, isn’t enough. The overarching dualism — a layered and interlocking set of dyads that Val Plumwood identified so many years ago as a “logic of domination” — is something that’s gotten ingrained into our systems of collective functioning. As Latour argues, the material world has gotten relegated to the scientists, while ethics and politics have left out matter. The systems that rule in our time — in both the material and social domains — are the instrumental, economic ones. BP is devastating the Gulf of Mexico and the human and animal communities that depend on it because they provide the goods for us — oil and jobs — which gives them the privilege to act as they please. Both the “democracy of objects” and democracy itself have been eclipsed, all the more by the last few decades of neoliberal policies, but really through the entirety of the period within which democracy supposedly took shape. The problem, it seems to me, is not that material things aren’t valued, or even that they aren’t valued in and for themselves (as opposed to their value for us). When asked, many people agree with “environmental” goals: protecting the natural world, polluting less, living more sustainably, eating more organically, and all of that. But in practice those goals are never as immediate as the others — feeding one’s children, keeping up with the neighbors, driving oneself and one’s kids to work and school and taking those few weeks off every year to get far enough away from work to be able to recover from it, staying sane. If we could, without an exorbitant amount of effort, clean up our rivers, end hunger, and bring about world peace, many of us would. The problems, however, are systemic ones. They are about how the system has been designed, so that politics, for instance, is about rotating the deck chairs on the interlocking corporate-governmental Titanic and shouting the right slogans periodically to make it appear that it’s not about that. And how it’s been designed so that food comes from the supermarket (not really from the ground), houses are built in rows without any sense of where sunlight comes from, cities are built around highways, and life revolves around banks (rather than the other way around, at most). Human-made objects are imposed onto a world as if they were alien to it, not as if they emerged through the same kinds of processes that have kept the whole thing going and growing for millions of years. Changing all that is a communicative challenge that calls for a new vocabulary of images, affects, sentiments, desires, and collective and individual identities. The point is not just to come up with the right philosophical tweak, or even paradigm shift; it is to bring that paradigm alive. Writing must be supplemented by sound, image, video, and performance, and accompanied by a revolution in the means of cultural production so that culture becomes about food (how it’s grown, raised, and moved around), clothes (ditto), shelter (how we arrange ourselves materially and spatially), and politics. Not the old kind of politics, but cosmopolitics, which, as Bennett rightly argues, could benefit from a relaxation of the strictures against anthropomorphism (which is something that Disney, Pixar, and a lot of artists know very well). What we need is an effective cosmopolitical imaginary to begin circulating in the image-affect and media networks that inform people’s identities around the world. Vibrant Matter hints at so much of this, though for the most part doesn’t get into the details. (The topic of media, for instance, is conspicuously left out.) Its sensibility reflects the kind of generosity of thought that nudges readers forward, without clamoring for attention, and for those who have already been engaging deeply with the vibrant materiality of things, it is likely to be a quietly inspirational read rather than a transformative one.

#### Why do we underestimate the non-human? Because of philosophy that assumes humans are the measure of all things, because we think objects are passive and because of an ACTION BIAS BUILD INTO HUMAN PERCEPTION (Gendered language not advocated)

Bennett and Livingston 12 Jane Bennett, Chair of Political Science Department at Johns Hopkins University and Alexander Livingston SCAPEGOAT, Semi-ology of a Disaster or, Toward a Non-Moralizing Materialism, Issue 2

Why do we then overlook the creative contributions of nonhumans and underestimate their calls? One source of the tendency is a philoso phical canon based on the presumption that man is the measure of all things; another is a default grammar that diligently assigns activity to subjects and passivity to objects; another is what Henri Bergson identifi ed as the action-bias built right into human perception—sensory attention is continually directed pragmatically toward the potential utility of external bodies, rather than toward their non-instrumentalizable aspects or thing-powers.7

#### This is not a trivial concern. For your authors, like Bennett, she admits that there should be a time and place for these kind of micropolitics

#### We should attempt to choose the right action and the right style of action at the right time – by paying attention to the public

Bennett 11 Jane, Professor Political Theory - Johns Hopkins University, *Eurozine*, 10-19, http://www.eurozine.com/articles/2011-10-19-loenhart-en.html

You ask another important and difficult question. Let me begin by saying something “Machiavellian,” i.e., that political effectiveness requires choosing the right action and the right style of action at the right time, and to do this one must be alert to the role of impersonal (fortuna) as well as personal (human intentional) forces at work in “real time.” The political strategy I pursue in order to enhance the prospects for “greener” modes of consumption and production is an indirect one: the story of vibrant matter I tell seeks to induce a greater attentiveness to the active power of things — a power that can impede, collaborate with, or compete with our desire to live better, healthier, even happier lives. Perhaps this new attentiveness will translate into more thoughtful and sustainable public policies. I am not sure that it will, but it is, I think, a possibility worth pursuing for a while. My political strategy is indirect because its target is not the macro-level politics of laws, policy, institutional change but the micro-politics of sensibility-formation.

#### And your authors admit that seeing the world as actants is no guarantee

Bennett 11 Jane, Professor Political Theory - Johns Hopkins University, *Eurozine*, 10-19, http://www.eurozine.com/articles/2011-10-19-loenhart-en.html

I agree, of course, that there is a darker side yet to vibrant materialism. Several forces could recoil upon us in a way that eliminates the conditions for human life. There are no cosmic guarantees to be provided by vital materialism.

#### It’s impossible to ignore the inevitability of individual choice – which makes an understanding of vibrant materiality difficult. Even for the aff, it is humans that will choose whether to view nature as actants, which limits the connectivity of vibrant materialism

Armstrong 12 Rachel, interdisciplinary practitioner with a background in medicine. Her work uses all manners of media to engage audiences and bring them into contact with the latest advances in science and their real potential through the inventive applications of technology, *Next Nature*, 4-12, http://www.nextnature.net/2012/04/the-ecological-human/

Although ‘vibrant materiality’ may initially appear to have unlimited connectivity, it is actually constrained and edited by individual choices. People may alter the composition of their bodies by changing the ‘actants’ that constitute their unique human ecology by, for example, choosing to eat different foodstuffs that make them smarter, or happier. They may even nurture unique ecologies that confer an evolutionary advantage such as incorporating telecommunications devices into their living spaces that increase behavioural effectiveness. People may even decide just how far (through the agency of their associated ‘actants’) they can directly influence the ecology of the entire planet by recycling material, using renewable energy or growing food

# \*\*\*2NC

### 2NC Impact

#### New depression causes authoritarianism

Hart, politicalscience @ the University of Michigan, March/April ‘9

(Ronald, Foreign Affairs, How Development Leads to Democracy, p. 26-38)

Thus, other things being equal, high levels of economic development tend to make people more tolerant and trusting, bringing more emphasis on self-expression and more participation in decisionmaking**.** This process is not deterministic, and any forecasts can only be probabilistic, since economic factors are not the only influence; a given country's leaders and nation-specific events also shape what happens. Moreover, modernization is not irreversible. Severe economic collapse can reverse it, as happened during the Great Depression in Germany, Italy, Japan, and Spain and during the 1990s in most of the Soviet successor states. Similarly, if the current economic crisis becomes a twenty-first-century Great Depression, the world could face a new struggle against renewed xenophobia and authoritarianism.

**omprehensive reform is key to prevent food insecurity**

Gaskill ’10 (Ron Gaskill is director of congressional relations for the American Farm Bureau Federation. Worker shortage urges immigration reform efforts April 9, 2010 Season Right for Meaningful Immigration Reform By Ron Gaskill)

Even in these times of higher-than-usual unemployment, most farmers and ranchers still struggle to find all the workers they need for a successful season. Serious concerns that not enough domestic workers will choose to work in agriculture has become a harsh reality across the countryside. About 15 million people in the United States choose non-farm jobs at wages that are actually lower than what they could earn by working alongside farmers and ranchers. The on-farm jobs and opportunities are there, but many workers choose not to take advantage of them. The issue is rapidly moving from one centered on a lack of resources, to one with food insecurity at its heart. Farmers and ranchers are the ones being squeezed; caught between a domestic labor force that doesn’t want agricultural work, government policy that fails to recognize the seriousness of the problem and an administration that consistently makes it harder to hire workers. U.S. consumers will continue to eat fresh fruits and vegetables regardless of how the labor scenario ultimately plays out. But, whether or not those fruits and vegetables are grown in the U.S. or imported from other countries where labor is more plentiful greatly concerns Farm Bureau. It’s past time for our nation’s policymakers to translate grassroots concern into meaningful action. As much as we believe in a farmer’s right to farm, Farm Bureau fully respects the right of U.S. workers to choose other lines of work. But, on the flip side, as employers, we must be able to legally employ those who do want to work, even if they’re from other countries. Comprehensive immigration reform is needed, so that America’s farmers and ranchers can continue to produce an abundant supply of safe, healthy food, as well as renewable fuels and fiber for our nation.

**Food insecurity kills billions**

Brown ‘5 (Lester Brown, President of the Earth Policy Institute, February 7, 2005, People and the Planet, “Falling water tables 'could hit food supply',” http://www.peopleandplanet.net/doc.php?id=2424

Many Americans see terrorism as the principal threat to security, but for much of humanity, the effect of water shortages and rising temperatures on food security are far more important issues. For the 3 billion people who live on 2 dollars a day or less and who spend up to 70 per cent of their income on food, even a modest rise in food prices can quickly become life-threatening. For them, it is the next meal that is the overriding concern."

### 2NC AT: Econ Fails

#### empiricism first --- complexity fails

Morowitz, 98-

Harold, Robinson Professor of biology and natural philosophy at George Mason University (“A Closet Epistemologist,” Complexity, vol. 2, no. 2, 12/7/98, Wiley)

The firm notion emerges that empirical science commences with observations, tempered by the caveat that even the simplest observations are theory-laden to some degree. From observations or collections of observations, theories are formulated and concepts of what underlies the observations are constructed. Theory formulation is a creative part of the scientific enterprise, and we lack very certain ideas as to how this takes place. The universal requirement of all empirical science is that theories have predictions which are subject to verification or falsification by experiment. My old friend Henry Quastler, who had overlapped with Popper in Vienna, used to say to me in his best Austrian accent, “Harold, a theory must be vulnerable.” These philosophical views have served science very well in its simplicity phase when the objects of observations were well defined. In the most favorable cases they became meter readings to some large number of significant figures so that precision could enter into the testing of theories. But when we turn our attention from planetary orbits and electric oscillators to economies, ecological systems, societies and huge arrays of neurons bathing in a sea of biochemicals, the predictions lose their preciseness and the meaning of verification or falsification becomes fuzzy indeed. (Enter handwaving.) There can be no doubt that high speed computing is causing a radical change in how we do science and is altering the meaning of theory. The question arising is how we know that the “science” generated within the complexity domain is the “science” that operated from the PopperMargenau epistemology criteria and provided us the underlying understanding of nature that forms one of the bases of Western culture. How do the approaches differ? They both start with elements or agents understood in some detail and a set of interactions rules (the theory). Traditional science proceeds through logical or analytical operations to predicted results. Although the logic and mathematics may be very elaborate, the nature of the theoretical unfolding tends to be transparent. In complexity theory the intermediate operations are deep within the computer and much less transparent. Complexity theory has one other aspect that seems quite different: because of the large number of agents under study and the combinatoric nature of the interactions, the domain of possible outcomes tends to grow explosively, and pruning algorithms are included as part of the theory. This constant selection makes the unfolding even less transparent, and we are reduced to examining the outcomes with **little insight** into how they were arrived at. And finally, as noted by Hollings, the results of complexity theory to date do not give precise results but “in a qualitative sense resonate with the observable.” One of the most reassuring features of the classical scheme was the precision of prediction in many domains. The best known case, celestial mechanics, yielded very precise predictions about future paths of planetary orbits. But we now work in a domain where precise agreement is replaced by resonating with the observable in a qualitative sense. I believe that these two approaches are sufficiently far apart that we must moderate our claims and separate them from the traditional claims of science. Complexity theory is a very immature discipline, and in the vigor of our pursuit and enthusiasms for the possibilities, some **restraint must be shown.** Well, closet epistemologist that I am, why have I not solved the problems that I have set forth? It is not for lack of trying; rather it has proven much too hard a task for this editorial pen. Then again, the problem may be ten, twenty, or more years premature. I will, however, not refrain from needling my colleagues. We need more certain results or more modesty— maybe both.

#### Our predictions are true ---

#### economic predictions are right

Chow, 2-

Professor of Economics at Princeton University (Gregory, “Can Economist Forecast Accurately, stored in Princeton archives, http://www.princeton.edu/~gchow/AcadSin.pdf)//BZ

Economic prediction is an art as much as a science. It is an art to apply the appropriate economic laws. All trained economists have studied the basic textbooks and passed qualifying examinations. However only a few have the sound judgment to select the relevant part of economic theory to make an accurate analysis of the problem at hand. For example, what explains the Asian financial crisis in 1997-99? Was it due to an inherent weakness of the financial system of many Asian counties? In the West, such an alleged weakness is dubbed “phony capitalism.” If this is the case a slow and incomplete recovery should be predicted because future growth would be limited by such fundamental weaknesses in economic institutions that cannot be changed easily. Was the crisis that first started in Thailand in 1997 the result of speculative bubbles similar in nature to those occurring in developed economies? If so, the affected Asian economies could be expected to recover fairly rapidly to their former growth paths in the same way that a developed economy recovers from a bubble, provided that no other important factors came to intervene, such as a downturn of the U. S. economy. Methods Of Prediction Given the above conditions for accurate predictions, economic events can be predicted by the use of quantitative economic models. We will also consider the forecasting of non-repetitive or unique events. Such events can also be forecasted if the factors affecting the outcome and the manner they affect it are corrected specified by the use of relevant economic and non-economic knowledge combined with sound judgment. We can describe methods of prediction suitable for the two types of problems. A) Formal and quantitative. The use of a formal model is required. One can select a small number of important variables to make the forecast and rely on a few parameters to characterize the interactions of these variables with the variable to be forecast. The value of the parameters could be estimated by econometric methods or determined by judgment based on prior knowledge of the forecaster. Some economists build large econometric models for forecasting. I do not have such competence; I am unable to specify so many equations correctly since there may be insufficient knowledge concerning some of the equations. The estimation of a large number of parameters may give rise to inaccurate estimates given a limited set of data. Furthermore, misspecification of some equations can affect the estimation accuracy of other equations and the predictive accuracy of the entire model. Hence I will leave to others to discuss how to forecast with models much larger than the one presented in Chow (1967a), while being content to answer the question raised in the title this paper by using the examples with which I am familiar. B) Informal and qualitative. The use of econometric models for prediction assumes that the data are generated by a stochastic process that continues to generate data in the same manner as in the past. Therefore it is applicable only to repetitive economic events. Some economic events are not repetitive. One example is the introduction of economic reform in China in 1978. To forecast such events one cannot rely on an econometric model and statistical data to estimate its parameters, but the analytical framework is similar. The method for forecasting non-repetitive or unique historical events is more general than econometric method. Both require the selection of important variables and the specification of how the variables affect the outcome. Econometrics is a special case when the variables can be conveniently measured numerically and when their effects can be formulated in a set of mathematical equations. For example, the degree of competence of certain political leaders and the quality of the Chinese workers and entrepreneurs affected the success of China’s economic reform in the 1980’s but these variables are difficult to quantify. By assigning numbers somewhat arbitrarily to these attributes may not improve forecast accuracy. The effects of these qualitative attributes or variables need not be embedded in mathematical equations. Specifying a set of mathematical equations may not be as effective as the use of judgment concerning the combined effects of the attributes as we shall demonstrate in an example below on predicting the future of Hong Kong. The computer has not yet surpassed the human brain in processing information for making important business and political predictions. Neither can the use of mathematics. However, two general steps in the use of econometrics for forecasting are applicable in general. First, select the major “variables” relevant to the historical situation at hand, even if these “variables,” like the ability and character of certain political leaders, are not measured quantitatively. Second, specify how the variables acting together will affect the outcome to be predicted.

#### c. rational actor theory is true and explains the world

Boetke, 3-

 (Peter, professor of economics at George Mason ,Review of “Economics as Ideology”, published in Revue de Philosophie economique, <http://www.gmu.edu/departments/economics/pboettke/pubs/recenstion_douvrage.pdf>)

It is my belief that Hoover is led to this, and other positions in his book that I find objectionable, because he fails to see economics as a discipline which can provide us with knowledge equivalent in ontological stature to the law of gravity and that democratic deliberations often produce economic policies that are the equivalent of engineering proposals for human beings to float rather than walk or drive to their next destination. If my characterization is correct, then as we saw in the quote from Mises, the economists will find themselves in opposition to proposed policy solutions to right this or that perceived social wrong. The economist is put in the unenviable position of reminding fellow citizens that wishing it so doesn't necessarily make it so. The science of economics puts parameters on our utopias, and **those who advocate utopian solutions cannot stand any suggestion that their plan for the future is unworkable**. The discipline of economics in addition to providing a critique, also suggests that any alternative arrangement being proposed must specify the institutional mechanisms by which incentives between actors will become aligned and the correct information will flow to right actors in time for them to make appropriate decisions or learn from their previous decisions that mistakes were made so the appropriate adjustments will be made. If no mechanism is in place, then incentive incompatibilities and coordination failures will result so that no matter how beautiful the proposed policy might appear on paper the solution will be one of economic waste and political opportunism. Because Hoover's book **doesn't deal with** economic science in such a sustained way, it cannot at the end of the day **explain the evolution of modern economic thought and without that there is no way to understand the creation of contemporary politics** in the wake of the breakdown of the Keynesian consensus in the 1970s, the collapse of communism in the 1980s and the realization of the tragic failure of development planning in the third world in the 1990s. Economic reality, it turns out more than psycho-history is the best way to understand the way the world work. Bibliographie Easterly W., 2002 <<The Cartel of Good Intentions>>, Foreign Policy, July/August. 4. The distinction between ontology and epistemology are often forgotten in discussions of the methodology and philosophy of the social sciences. We come to know the laws of gravity in a manner different than we come to know the law of demand (question of epistemology), but the forces at work that are described by the law of gravity and the law of demand are nevertheless real in the same way (question of ontology). The argument for methodological dualism between the natural and social sciences that was made by Mises and then Hayek crucially relies on this distinction between ontology and epistemology. In other words, economics is capable of establishing laws that have the same ontological claim as those derived in physics, but they are arrived at through procedures of inquiry entirely different from those employed in the natural sciences.

### 2NC AT: Game Theory

#### creates responsibility and is better than not trying

Kurasawa, 4-

 (Professor of Sociology, York University of Toronto, Fuyuki, Constellations Volume 11, No 4, 2004)

A radically postmodern line of thinking, for instance, would lead us to believe that it is pointless, perhaps even harmful, to strive for farsightedness in light of the aforementioned crisis of conventional paradigms of historical analysis. If, contra teleological models, history has no intrinsic meaning, direction, or endpoint to be discovered through human reason, and if, contra scientistic futurism, prospective trends cannot be predicted without error, then the abyss of chronological inscrutability supposedly opens up at our feet. The future appears to be unknowable, an outcome of chance. Therefore, rather than embarking upon grandiose speculation about what may occur, we should adopt a pragmatism that abandons itself to the twists and turns of history; let us be content to formulate ad hoc responses to emergencies as they arise. While this argument has the merit of underscoring the fallibilistic nature of all predictive schemes, it conflates the necessary recognition of the contingency of history with unwarranted assertions about the latter’s total opacity and indeterminacy. Acknowledging the fact that the future cannot be known with absolute certainty does not imply abandoning the task of trying to understand what is brewing on the horizon and to prepare for crises already coming into their own. In fact, the incorporation of the principle of fallibility into the work of prevention means that we must be ever more vigilant for warning signs of disaster and for responses that provoke unintended or unexpected consequences (a point to which I will return in the final section of this paper). In addition, from a normative point of view, the acceptance of historical contingency and of the self-limiting character of farsightedness places the duty of preventing catastrophe squarely on the shoulders of present generations. The future no longer appears to be a metaphysical creature of destiny or of the cunning of reason, nor can it be sloughed off to pure randomness. It becomes, instead, a result of human action shaped by decisions in the present – including, of course, trying to anticipate and prepare for possible and avoidable sources of harm to our successors. Combining a sense of analytical contingency toward the future and ethical responsibility for it, the idea of early warning is making its way into preventive action on the global stage.

#### predictions are inevitable --- alt creates the worst form of them

Fitzsimmons, 7-

 (Michael, “The Problem of Uncertainty in Strategic Planning”, Survival, Winter 06/07) SAS

But handling even this weaker form of uncertainty is still quite challeng- ing. If not sufficiently bounded, a high degree of variability in planning factors can exact a significant price on planning. The complexity presented by great variability strains the cognitive abilities of even the most sophisticated decision- makers.15 And even a robust decision-making process sensitive to cognitive limitations necessarily sacrifices depth of analysis for breadth as variability and complexity grows. It should follow, then, that in planning under conditions of risk, variability in strategic calculation should be carefully tailored to available analytic and decision processes. Why is this important? What harm can an imbalance between complexity and cognitive or analytic capacity in strategic planning bring? Stated simply, where analysis is silent or inadequate, **the personal beliefs of decision-makers** **fill the void**. As political scientist Richard Betts found in a study of strategic sur- prise, in ‘an environment that lacks clarity, abounds with conflicting data, and allows no time for rigorous assessment of sources and validity, ambiguity allows intuition or wishfulness to drive interpretation ... The greater the ambiguity, the greater the impact of preconceptions.’16 The decision-making environment that Betts describes here is one of political-military crisis, not long-term strategic planning. But a strategist who sees uncertainty as the central fact of his environ- ment brings upon himself some of the pathologies of crisis decision-making. He invites ambiguity, takes conflicting data for granted and **substitutes a priori scepticism about the validity of prediction** for time pressure as a rationale for discounting the importance of analytic rigour. It is important not to exaggerate the extent to which data and ‘rigorous assessment’ can illuminate strategic choices. Ambiguity is a fact of life, and scepticism of analysis is necessary. Accordingly, the intuition and judgement of decision-makers will always be vital to strategy, and attempting to subordinate those factors to some formulaic, deterministic decision-making model would be both undesirable and unrealistic. All the same, there is danger in the opposite extreme as well. Without careful analysis of what is relatively likely and what is relatively unlikely, what will be the possible bases for strategic choices? A decision-maker with no faith in prediction is left with little more than a set of worst-case scenarios and his existing beliefs about the world to confront the choices before him. Those beliefs may be more or less well founded, but if they are not made explicit and subject to analysis and debate regarding their application to particular strategic contexts, they remain only beliefs and premises, rather than rational judgements. Even at their best, such decisions are likely to be poorly understood by the organisations charged with their implementation. At their worst, such decisions may be poorly understood by the decision-makers themselves.

### 2NC PC Key

#### CIR will pass --- Obama needs to prevent extremist from tubing chances

McMorris-Santoro 10/16

Evan McMorris-Santoro, BuzzFeed White House Reporter, “DREAMers Put Obama On Notice: New Immigration Push Better Not Be A Play For 2014 Votes”

http://www.buzzfeed.com/evanmcsan/dreamers-put-obama-on-notice-new-immigration-push-better-not

Vargas actually shares the view of many immigration advocates and Democrats that the shutdown and it’s dramatic effect on the GOP’s standing could be a boon to immigration reform’s chances.¶ “Right now the Republican leadership looks very weak, and the fact that they want to be able to take initiative and actually look stronger, I think immigration is an opportunity [to do that]. It’s going to gain momentum not only by the Republican leadership’s stance, but by the fact that Senate Republicans and Democrats worked together to put something together,” he said. “What we know is that there are people on both sides of the aisle who really want to get it done, and the only thing that’s going to kill is the politics that Democratic leaders and Republicans extremists are going to play with.”¶ Vargas’ group is doing its best to spark bipartisan conversations on immigration reform. Next week, the DREAM Action Coalition is hosting an event in Washington featuring members of Congress on both sides of the aisle calling for DREAM legislation.¶ Now Obama needs to prove he’s out to do whatever it takes to get immigration reform accomplished, Vargas said.

### 2NC Overview

The aff dilutes the discussion by providing an illusion of necessity --- the greatest trick the devil ever pulled was convincing the world that he didn’t exist --- the greatest trick that the law told us was that it actually created change --- they accept the bounds of the law and the law as actually doing something *anything* to create change which creates the worse kind of domination --- **Legality is what feeds a new form of muscular liberalism where these illusions cannot see how much they sustain it which legitimizes wars for democracies and doctrines of pre-emption**

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

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

 **(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.

# 2NC Link Wall

#### Playing with the law is too dangerous. The aff’s fidelity to the law via criticism of the law only creates more converts into legalistic thinking. Their simultaneous critical embrace channels activists into acceptance and absorption of the law.

Garth 12 \*Bryant G. Bryant G. Garth is Dean and Professor of Law at Southwestern Law School. Southwestern Law Review, 41 Sw. L. Rev. 211

At the risk of overdoing the sociological analysis, one might say also that the attraction of idealists into the legal field serves to perpetuate this. Each generation of scholars makes the law more relevant to actors seeking social change by denouncing efforts to make social change narrowly through law. In this way, social movements and activists will be more likely to ally with legal actors who recognize the limits of the law - but still cannot avoid them. Movements in this way are channeled more effectively into law than they would if legal scholars pretended that rights solved all problems. This account may appear to be an expression of cynicism about social change through law. I do not think that is the case. In fact, the constant criticism of the limits of law moves the law to absorb the criticism and in the process change - even if much more slowly than activists want.

#### Playing with the law draws activists into the law’s hold

Garth 12 \*Bryant G. Bryant G. Garth is Dean and Professor of Law at Southwestern Law School. Southwestern Law Review, 41 Sw. L. Rev. 211

None of the articles provides a simple answer. From my more sociological perspective, the paradox is that what attracts people to the law is what limits their possibilities. Law in the United States contains the structures of power - in two senses. First, the power of law comes not from the law as such but from the power that is embedded in it over time. Absent some major social crisis, playing to the law in the United States is a way to craft a potentially winning strategy. It is hard to move ahead by severing the hold of law or stepping out of conventional categories (or rejecting conventional medical understandings). Second, law contains the structures by providing rules that limit the freedom of the powerful to do whatever they want but at the same time ensure that the powerful will not lose their position. Activists in the United States inside the law confront this dilemma, and activists from outside the law are also drawn to law (and the same dilemma) because they seek to gain the support of law (and what is embedded in it) to advance their agendas. The history of the rise and fall of [\*214] welfare rights is a perfect example of this situation. n1 In the absence of major crises that shake up the system and change the power structure, change is managed in this way.

# \*\*\*1NR

#### They will say Goldstein points out that including killer robots in the armed forces means we expose their abstractions, but the WPR already does that – Goldstein does not even talk about using the WPR – a reason why you don’t have a solvency advocate, but the WPR actually already does it – Cambodia proves:

Fisher 12 Military Operations in Libya: No War? No Hostilities? Louis Fisher is Scholar in Residence at The Constitution Project. He spent four decades at the Library of Congress from 1970 to 2010, ﬁrst as Senior Specialist in Separation of Powers at the Congressional Research Service and later as Specialist in Constitutional Law at the Law Library. The Constitution Project Presidential Studies Quarterly 42, no. 1 (March)

Several issues of interest appear in this sentence. First, it speaks of no need for “further congressional authorization.” Further? There had been no congressional authorization at all for the Libyan military action. Second, the administration interpreted the word “hostilities” in the War Powers Resolution to mean that hostilities did not exist with the U.S. military effort in Libya: U.S. forces are playing a constrained and supporting role in a multinational coalition, whose operations are both legitimated by and limited to the terms of a United Nations Security Council Resolution that authorizes the use of force solely to protect civilians and civilian populated areas under attack or threat of attack and to enforce a no-ﬂy zone and an arms embargo. U.S. operations do not involve sustained ﬁghting or active exchanges of ﬁre with hostile forces, nor do they involve the presence of U.S. ground troops, U.S. casualties or a serious threat thereof, or any signiﬁcant chance of escalation into a conﬂict characterized by those factors. (U.S. White House 2011d, 25) This interpretation is unpersuasive. It ignores the political context under which the War Powers Resolution was debated and enacted. Part of the momentum behind passage of the statute concerned the decision of the Nixon administration to bomb Cambodia (Eagleton 1974, 150-83). The massive U.S. air campaign did not involve “sustained ﬁghting or active exchanges of ﬁre with hostile forces,” the presence of U.S. ground troops, or substantial U.S. casualties (U.S. White House 2011d, 25). Nevertheless, it was understood by all parties that the bombing constituted hostilities and helped prompt Congress to enact statutory restrictions on presidential power. According to the analysis by the Obama administration, if the United States conducted military operations by bombing at 30,000 feet, launching Tomahawk missiles from ships in the Mediterranean, and using armed drones, there would be no “hostilities” in Libya (or anywhere else) under the terms of the War Powers Resolution, provided that U.S. casualties were minimal or nonexistent. Under that interpretation, a nation with superior military force could pulverize another country—including the use of nuclear weapons—and there would be neither hostilities nor war. Although OLC in its April 1 memo offered a legal defense for President Obama’s military actions in Libya, despite the lack of statutory authorization, it was later asked to argue that “hostilities” (as used in the War Powers Resolution) were absent in Libya. It refused to offer that conclusion.

### Pmcs

#### They’ll shift to using PMCs controlling decisions and intelligence activities over drones.

Isenberg 12 – (David, author of the book Shadow Force: Private Security Contractors in Iraq, “Predator Military Contractors: Privatizing the Drones,” http://www.huffingtonpost.com/david-isenberg/contractors-privatizing-the-drones\_b\_1976650.html)

Clanahan judges that The Air Force appears to have adopted a position similar to that of the Office of the DNI, but is not nearly as dependent on contractors for intelligence activities and thinks one can conclude "that the Air Force is making a conscious effort to retain control over intelligence-analysis activities, and is keeping contractors from engaging in inherently governmental activities.¶ But it is not hard to see how things could turn bad. As a cautionary danger, Clanahan notes this incident:¶ "A recent Air Force investigation of an erroneous drone strike in the Uruzgan Province, central Afghanistan, raised questions concerning the possibility of inappropriate use of contractors for tactical intelligence and target identification. In February 2010, Hellfire missiles, launched after a "positive identification" based on drone intelligence monitoring, killed fifteen Afghan civilians, and injured at least a dozen more, travelling in a three-vehicle convoy near U.S. special operations forces who were conducting a capture mission. Investigations into the miscalculated decision to strike revealed that although the drone was operated by military personnel, and the decision to fire was made by the ground force commander, the decision was largely based upon intelligence analysis being conducted and reported by a civilian contractor. Arguably, this reported contractor activity should not be viewed as inherently governmental since it did not involve "direction and control of intelligence" or final decision making, but should at least be considered very "closely associated with inherently governmental [activities]," namely, the decision to strike--i.e., to engage in offensive combat....¶ Nevertheless, the Air Force must always remain cautious of contracted intelligence activities where civilians may exert a significant amount of influence or control over targeting and weapons release decisions. It is imperative that the Air Force prevent contractors from getting too close to the tip of the spear."¶ There is one aspect of contractor involvement in drone activities that may violate current Federal policy.¶ Currently, small tactical drone operations seem to be the only Air Force UAS mission where military members are not always in operational control of a military aircraft.

#### PMCs are part of the larger military industrial complex that treats non-human objects as things to be consumed.

Jose L. Gomez **del Prado**, July 03, 20**13** (Global Research, UN Working Group on Mercenaries and Global Research, “The Privatization of War: Mercenaries, Private Military and Security Companies (PMSC)”, Beyond the WikiLeaks Files, UN Working Group on Mercenaries and Global Research 7 [http://www.globalresearch.ca/the-privatization-of-war-mercenaries-private-military-and-security-companies-pmsc/21826#sthash.rbiUPMwM.P9xC5sqo.dpuf])

The privatization of war has created a structural dynamic, which responds to a commercial logic of the industry. A short look at the careers of the current managers of BAE Systems, as well as on their address-books, confirms we are not any longer dealing with a normal corporation, but with a cartel uniting high tech weaponry (BAE Systems, United Defence Industries, Lockheed Martin), with speculative financiers (Lazard Frères, Goldman Sachs, Deutsche Bank), together with raw material cartels (British Petroleum, Shell Oil) with on the ground, private military and security companies. The majority of the private military and security companies has been created or are managed by former militaries or ex-policemen for whom it is big business. Just to give an example MPRI (Military Professional Resources Incorporation) was created by four former generals of the United States Army when they were due for retirement[15]. The same is true for Blackwater and its affiliate companies or subsidiaries, which employ former directors of the C.I.A.[16]. Social Scientists refer to this phenomenon as the Rotating Door Syndrome.

#### Shift of drones now from the DOD to CIA-

The Hill 13 “White House move to let Pentagon take over CIA armed drones sparks concern” By Carlo Muñoz 03/24/13 http://thehill.com/blogs/defcon-hill/policy-and-strategy/290049-white-house-plan-to-let-pentagon-take-over-cia-armed-drones-sparks-concern

Currently, the Pentagon and CIA operate their own armed drone programs, geared toward eliminating senior al Qaeda leaders or other high-level terror targets around the world. Under the Obama administration's proposal, the CIA would continue to supply targeting and other intelligence on possible targets, but operational control over the actual drone strikes would fall to the Pentagon, according to reports. Work is ongoing at the White House, Pentagon and CIA to shift the drone program to the military, but "it’s on a reasonably fast track,” one U.S. official told The Daily Beast. Current and former administration officials, though, are defending the proposed move amid lawmaker questions. Shifting control of the drone program to the Pentagon would allow U.S. officials to streamline drone operations "under normal procedures in the law of war" and sidestep a number of sticky legal situations stemming from the CIA portion of the program, former Director of National Intelligence Dennis Blair said in January. Use of drone strikes under Pentagon oversight, according to Blair, would be no different than more traditional weapons and tactics used by American forces in ongoing counterterrorism operations. "I don't think it [will be] any different with drones," according to Blair, who served as the White House's top intelligence official from 2009 to 2010. But Feinstein and some lawmakers are concerned that removing Pentagon control could distance the decision to authorize drone strikes from CIA intelligence and decision-making procedures. Moving the drone program to the Defense Department, though, could put some political distance between the CIA and the controversial counterterrorism tactic. The administration's legal justifications for the drone program, particularly the argument that U.S. citizens suspected of terrorism overseas could be targets, was a major roadblock in the eventually successful Senate confirmation of CIA Director John Brennan. If the Pentagon assumes control of the program, it could remove Langley from the political crosshairs of lawmakers such as Sens. Rand Paul (R-Ky.) and Ron Wyden (D-Ore.), among others, who have argued against the agency's expanding role in such operations. Paul famously filibustered Brennan's nomination for nearly 13 hours on the Senate floor, over concerns armed drones could be used against American citizens on U.S. soil. Wyden pressed Brennan, along with Director of National Intelligence James Clapper, on whether CIA drones could be used for surveillance stateside on U.S citizens, during a Senate Intelligence committee hearing in March. A transition to DOD could also help Brennan transition the agency back to its "traditional mission" of intelligence collection and analysis overseas, a direction CIA needed to move in to cope with a post-Iraq and post-Afghanistan world, according to former CIA Director Michael Hayden. The agency, under Brennan's leadership, has "got to get back to the traditional missions" of foreign espionage, surveillance and counterintelligence, Hayden told The Hill in January. Those types of missions have fallen by the wayside in the years since the terrorist attacks of Sept. 11, 2001, in favor of counterterrorism efforts — such as the armed drone program — aimed at hunting down top al Qaeda and Taliban leaders, as well as and other Islamic militant networks. A secret report from the President’s Intelligence Advisory Board last week said that the nation’s intelligence agencies were prioritizing supporting military operations over traditional intelligence gathering. The report cautioned that the post-9/11 focus could leave the country vulnerable to new threats.

### Bennet

#### In order for the aff to actually solve they must overwhelm ingrained systems of collective functioning, neo-liberalism, the media and the day to day needs of feeding children. The affirmative is no more than a simplistic philosophical slogan that just assumes that if we describe the world correctly, people will follow along.

Ivakhiv 10 Adrian J, Associate Professor of Environmental Studies – U of Vermont, immanence, partitions of the sensible, <http://blog.uvm.edu/aivakhiv/2010/06/20/partitions-of-the-sensible>

How, then, is a “discursive shift from environmentalism to vital materialism” to take place? And what would it mean? What’s wrong, in any case, with “environmentalism”? I think Bennett, like Shellenberger and Nordhaus, Tim Morton, and many others (I’m thinking back to the mid-1990s polemics over Bill Cronon’s “Trouble with Wilderness”) are right to critique the dualism that has shaped the environmental imaginary — the idea that humans are over here, nature is over/out there, and that we must protect it but have done an atrocious job doing that. The philosophical solution to that dualism is not necessarily what we’ve been missing, however. It’s been there, available to be worked on and developed at least — in Spinoza, Schelling, Peirce, Bergson, James, Whitehead, and all the sources Deleuze and others have been digging up, as well as in some of the non-Western traditions that Romantics and Transcendentalists and others have looked to in their quests for viable non-dualisms. (Those are just my own favorite places to look for it; there are obviously others.) Philosophy, however, isn’t enough. The overarching dualism — a layered and interlocking set of dyads that Val Plumwood identified so many years ago as a “logic of domination” — is something that’s gotten ingrained into our systems of collective functioning. As Latour argues, the material world has gotten relegated to the scientists, while ethics and politics have left out matter. The systems that rule in our time — in both the material and social domains — are the instrumental, economic ones. BP is devastating the Gulf of Mexico and the human and animal communities that depend on it because they provide the goods for us — oil and jobs — which gives them the privilege to act as they please. Both the “democracy of objects” and democracy itself have been eclipsed, all the more by the last few decades of neoliberal policies, but really through the entirety of the period within which democracy supposedly took shape. The problem, it seems to me, is not that material things aren’t valued, or even that they aren’t valued in and for themselves (as opposed to their value for us). When asked, many people agree with “environmental” goals: protecting the natural world, polluting less, living more sustainably, eating more organically, and all of that. But in practice those goals are never as immediate as the others — feeding one’s children, keeping up with the neighbors, driving oneself and one’s kids to work and school and taking those few weeks off every year to get far enough away from work to be able to recover from it, staying sane. If we could, without an exorbitant amount of effort, clean up our rivers, end hunger, and bring about world peace, many of us would. The problems, however, are systemic ones. They are about how the system has been designed, so that politics, for instance, is about rotating the deck chairs on the interlocking corporate-governmental Titanic and shouting the right slogans periodically to make it appear that it’s not about that. And how it’s been designed so that food comes from the supermarket (not really from the ground), houses are built in rows without any sense of where sunlight comes from, cities are built around highways, and life revolves around banks (rather than the other way around, at most). Human-made objects are imposed onto a world as if they were alien to it, not as if they emerged through the same kinds of processes that have kept the whole thing going and growing for millions of years. Changing all that is a communicative challenge that calls for a new vocabulary of images, affects, sentiments, desires, and collective and individual identities. The point is not just to come up with the right philosophical tweak, or even paradigm shift; it is to bring that paradigm alive. Writing must be supplemented by sound, image, video, and performance, and accompanied by a revolution in the means of cultural production so that culture becomes about food (how it’s grown, raised, and moved around), clothes (ditto), shelter (how we arrange ourselves materially and spatially), and politics. Not the old kind of politics, but cosmopolitics, which, as Bennett rightly argues, could benefit from a relaxation of the strictures against anthropomorphism (which is something that Disney, Pixar, and a lot of artists know very well). What we need is an effective cosmopolitical imaginary to begin circulating in the image-affect and media networks that inform people’s identities around the world. Vibrant Matter hints at so much of this, though for the most part doesn’t get into the details. (The topic of media, for instance, is conspicuously left out.) Its sensibility reflects the kind of generosity of thought that nudges readers forward, without clamoring for attention, and for those who have already been engaging deeply with the vibrant materiality of things, it is likely to be a quietly inspirational read rather than a transformative one.