# Round 7

# 2AC

## Case

#### Terrorists are trying to get nuclear weapons

Brian Michael Jenkins, 12

senior advisor to the president of the RAND Corporation and director of the National Transportation Security Center at the Mineta Transportation Institute, is a recognized authority on terrorism and security. “Tackling al Qaeda Today” <https://www.defenddemocracy.org/stuff/uploads/documents/Peaceable_Kingdom.pdf#page=167>, accessed 7/9/13,WYO/JF

The 2002 report devoted considerable attention to the prospect of terrorists with weapons of mass destruction. There was great concern at the time that 9/11 was not just the culmination of a long-term trend of escalating terrorism, but that it foreshadowed terrorist use of such weapons. Many in 167 government considered a terrorist attack with biological or nuclear weapons resulting in mass casualties to be only a matter time: some forecast that it was likely not more than a decade away. This has not occurred. Al Qaeda clearly had nuclear ambitions, and reportedly made several unsuccessful attempts to acquire fissile material. But as its organizational capabilities and human resources declined, al Qaeda’s quest for nuclear weapons was reduced to a propaganda campaign calculated to excite its followers and frighten its foes. Al Qaeda’s potential use of weapons of mass destruction, however, has remained a major preoccupation. The consequences of a worst-case scenario make it difficult to ignore the possibility of nuclear or biological terrorism. That possibility should not, however, be allowed to distort the entire counterterrorist effort, or become a national obsession that creates needless terror.

## CP

#### And, Executive reform and review fails—not a neutral decision maker, secrecy and speed undermine effective decision making—counterplan undermines separation of powers

Chebab, 2012

[Ahmad, Georgetown University Law Center, Retrieving the Role of Accountability in the Targeted Killings Context: A Proposal for Judicial Review, 3-30-12, http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2031572] /Wyo-MB

The argument put forth here, therefore, is that in light of the protections the Constitution¶ affords U.S. citizens, there must be a degree of inter-branch process when such individuals are targeted by the government to ensure that (1) these individuals truly pose a direct and imminent threat to the United States and (2) targeting is truly the last resort.¶ The preceding case law suggests that domestic legal protections for U.S. citizens necessitate a higher procedural threshold.102 Justice O’Connor acknowledged the danger inherent in exclusively intra-branch process in Hamdi when she asserted that the Executive is not a neutral decision-maker as the “even purportedly fair adjudicators are disqualified by their interest in the controversy.”103 In rejecting the government’s argument that a “separation of powers” analysis mandates a heavily circumscribed role for the courts in these circumstances, Justice O’Connor concluded that in times of conflict, the Constitution “most assuredly envisions a role¶ for all three branches when individual liberties are at stake.”104 Applying this reasoning to the entirely intra-executive process currently being afforded to American citizens like al-Awlaki would suggest that in the realm of targeted killing, where the deprivation is one’s life, the absence of any “neutral decision-maker” outside the executive branch is a clear violation of due process guaranteed by the Constitution. On a policy level, the danger of intra-executive process is similarly alarming. As Judge James Baker, in describing the nature of covert actions put it:¶ Because this process is internal to the executive branch, it is subject to executive-branch exception or amendment, with general or case-specific approval by the president. This is risky because in this area, as in other areas of national security practice, the twin necessities of secrecy and speed may pull as they do against the competing interests of deliberate review, dissent, and accountable decision-making.105

#### 2nd, Perm do both—Shields the Link to politics—Congress purposefully doesn’t act on legislation or waits for executive action so that they can blame the president

Buchanan 2013

[Neil Buchanan, Law Professor, February 21, 2013, Spending Priorities, the Separation of Powers, and the Rule of Law, http://www.dorfonlaw.org/2013/02/spending-priorities-separation-of.html, uwyo//amp]

The debt ceiling is keeping us busy, here at Dorf on Law. Later today, both Professor Dorf and I will be speaking at Columbia Law School, at the invitation of the Law Review editors who worked on our two articles in 2012. Over the weekend, we also finalized a new article, which Professor Dorf briefly described here yesterday. In it, we extend our ongoing analysis of the constitutional issues surrounding the debt ceiling. The short-hand versions of the two main sections of the article are: (1) Yes, there really is a trilemma, and (2) No, the debt ceiling is still not binding, even if everyone knows that they are creating a trilemma when they pass the spending and taxing laws. The latter point is important because already-existing trilemmas (such as the one that Congress and the President faced last month, before the Republicans capitulated by passing their "Debt Ceiling Amnesia Act") do not exist when there are no appropriated funds for the President to spend. (Strictly speaking, there would be a trilemma if even the minimal level of emergency spending required by law during a government shutdown could only be financed by borrowing in excess of the debt ceiling. But given that most of the tax code is enacted on a continuing basis -- that is, unlike spending, tax provisions generally do not expire on a particular date -- there will generally be enough money coming in to finance emergency operations without having to borrow.) Every spending/taxing agreement, therefore, potentially necessitates issuing enough net new debt to require an increase in the debt ceiling. When that happens, one could invoke something like the "last in time" rule, but we conclude that the problem should not be resolved by relying upon a legal canon that is generally used for rationalizing inconsistent laws. Rather, the more fundamental question is how to preserve the separation of powers. As we point out, Congress might actually want to give away its legislative powers, thus putting the political blame on the President for unpopular cuts (a point that Professor Scott Bauries at the University of Kentucky College of Law calls "learned legislative helplessness") -- but their desire to pass the buck is actually all the more reason not to let them do so. With great power comes great responsibility.

#### 3rd, counterplan links to politics

Schier 9

[Steven, Professor of Poliitcal Science at Carleton,"Understanding the Obama Presidency," The Forum: Vol. 7: Iss. 1, Berkely Electronic Press, http://www.bepress.com/forum/vol7/iss1/art10]

In additional to formal powers, a president’s informal power is situationally derived and highly variable. Informal power is a function of the “political capital” presidents amass and deplete as they operate in office. Paul Light defines several components of political capital: party support of the president in Congress, public approval of the presidential conduct of his job, the President’s electoral margin and patronage appointments (Light 1983, 15). Richard Neustadt’s concept of a president’s “professional reputation” likewise figures into his political capital. Neustadt defines this as the “impressions in the Washington community about the skill and will with which he puts [his formal powers] to use” (Neustadt 1990, 185). In the wake of 9/11, George W. Bush’s political capital surged, and both the public and Washington elites granted him a broad ability to prosecute the war on terror. By the later stages of Bush’s troubled second term, beset by a lengthy and unpopular occupation of Iraq and an aggressive Democratic Congress, he found that his political capital had shrunk. Obama’s informal powers will prove variable, not stable, as is always the case for presidents. Nevertheless, he entered office with a formidable store of political capital. His solid electoral victory means he initially will receive high public support and strong backing from fellow Congressional partisans, a combination that will allow him much leeway in his presidential appointments and with his policy agenda. Obama probably enjoys the prospect of a happier honeymoon during his first year than did George W. Bush, who entered office amidst continuing controversy over the 2000 election outcome. Presidents usually employ power to disrupt the political order they inherit in order to reshape it according to their own agendas. Stephen Skowronek argues that “presidents disrupt systems, reshape political landscapes, and pass to successors leadership challenges that are different from the ones just faced” (Skowronek 1997, 6). Given their limited time in office and the hostile political alignments often present in Washington policymaking networks and among the electorate, presidents must force political change if they are to enact their agendas. In recent decades, Washington power structures have become more entrenched and elaborate (Drucker 1995) while presidential powers – through increased use of executive orders and legislative delegation (Howell 2003) –have also grown. The presidency has more powers in the early 21st century but also faces more entrenched coalitions of interests, lawmakers, and bureaucrats whose agendas often differ from that of the president. This is an invitation for an energetic president – and that seems to describe Barack Obama – to engage in major ongoing battles to impose his preferences.

#### 5th, Cant solve drone prolif—Courts play a highly influential role on executive’s behavior and are key to solve transparency in strikes

Wexler 13

(Lesley, Professor of Law, University of Illinois College of Law, “The Role of the Judicial Branch during the Long War: Drone Courts, Damage Suits, and FOIA Requests,” 2013, Social Science Research Network/) /wyo-mm

This chapter suggests the judiciary may play an important role in the debate over the executive branch’s decisions regarding IHL even if it declines to speak to the substance of such cases. First, advocates may use courts as a visible platform in which to make their arguments and spur conversations about alternative, non-judicially mandated transparency and accountability measures. As they did with the trio of detention cases, advocates can leverage underlying constitutional concerns about the treatment of citizens to stimulate interest in the larger IHL issues. Second, litigants may use courts to publicize and pursue Freedom of Information (FOIA) requests and thus enhance transparency. Even if courts decline to grant FOIA requests, the lawsuits can generate media attention about what remains undisclosed. Third, and most robustly, Congress may pass legislation that would facilitate either prospective review of kill lists through a so-called drone court or remove procedural barriers to retrospective damage suits for those unlawfully killed by a drone strike. Even the threat of such judicial role may influence executive branch behavior.

#### DOD Links to politics- causes massive controversy

Goldsmith 13

(Jack, Lawfare, “More on Drone Shift from CIA to DOD,” March 21, 2013, <http://www.lawfareblog.com/2013/03/more-on-drone-shift-from-dod-to-cia/>) /wyo-mm

Following up on Wells’ post, I increasingly think that the shift in drone authorities from CIA to DOD first reported by Dan Klaidman might not amount to much in substance, and that any proposed changes face many hurdles in any event. In addition to the suggestions to this effect in the NYT story that Wells discusses, the WSJ reports that any CIA wind down in Yemen and especially Pakistan will be slow at best. It also notes that the possible shift from CIA to DOD “remains controversial on Capitol Hill, within the CIA and in some military circles among people who think the program is more effective under the agency’s control.” And it describes disagreements about the shift between Senator McCain, who is on the Arms Services Committee and who (unsurprisingly) favors the shift, and Senator Feinstein, who is on the Intelligence Committee and who (unsurprisingly) opposes it. This congressional jurisdictional battle (more details here) could have large consequences for the success of any shift.

#### Third, No solvency for terrorism or drone prolif

Zakaria 13

(Rafia, Aljazeera, “President Obama: The drones don't work, they just make it worse,” March 26, 2013, <http://www.aljazeera.com/indepth/opinion/2013/03/201332685936147309.html>) /wyo-mm

Moving the drone program from the CIA to the Department of Defense is thus being painted as a victory, even a capitulation, to those critics who have criticised the lack of transparency, accountability, and legal basis of the drone program. However, the details of the move do not suggest a reversal or even a rethinking of the strategic imperatives that the Obama Administration and the CIA have used to justify the drone program. First, the gradual process of the transition without any publicly disclosed details of how and when it will be completed are likely to create a situation in which, at least for a time, it would be difficult if not impossible to tell which agency, the Department of Defense or the CIA, would actually be responsible for a strike. Second, according to a government official who spoke to the Washington Post, the CIA program in Pakistan would be phased out even later “because of the complexities there” and because the program, unlike the ones in Yemen and Somalia, was actually begun by the CIA. Finally, even if the drone program is actually moved to the Department of Defense, it will be incorporated into its most secret portion, the Joint Special Operations Command, whose top-secret operations are also covert and never released to the public. When these factors are considered, the effort to provide more transparency and an institutional framework for the drone program seem chimerical at best and deceptive at worst. All of them point to a continuation of a national security mindset, within the Obama Administration and the State Department, both believing that drones, cheaply bought and unmanned, are a perfect way to bombard other countries with minimal cost the United States. With the risk of dead American soldiers reduced to nothing, military officials are also gobbling up the idea of waging remote-control wars all over the world, wherever a possible or even supposed threat can be identified.

## Prez Powers

#### 1st, Pres powers low now— Obama has set a future precedent limiting president’s ability to act unilaterally-Syria

NYT, 9-9-13

(“In Syrian crisis, US President Barack Obama tests limits of power” [Charlie Savage, The New York Times](http://www.ndtv.com/topic/charlie-savage-the-new-york-times) | September 09, 2013 http://www.ndtv.com/article/world/in-syrian-crisis-us-president-barack-obama-tests-limits-of-power-416490) KH  
But Harold H Bruff, a University of Colorado law professor who is one of the authors of a casebook on the separation of powers, argued that the episode would have enduring political ramifications. "I'm sure that Obama or some later president will argue later that they can still choose whether or not to go to Congress," he said. "But it does raise the political cost of a future president not going to Congress because the precedent will be cited against him or her."

#### 2nd, A multitude of other actors hamper presidential flexibility—thumps the disad

Rozell 12

(Mark Rozell, Professor of Public Policy, George Mason University, “From Idealism to Power: The Presidency in the Age of Obama” 2012, <http://www.libertylawsite.org/book-review/from-idealism-to-power-the-presidency-in-the-age-of-obama/>, KB)

A substantial portion of Goldsmith’s book presents in detail his case that various forces outside of government, and some within, are responsible for hamstringing the president in unprecedented fashion: Aggressive, often intrusive, journalism, that at times endangers national security; human rights and other advocacy groups, some domestic and other cross-national, teamed with big resources and talented, aggressive lawyers, using every legal category and technicality possible to complicate executive action; courts thrust into the mix, having to decide critical national security law controversies, even when the judges themselves have little direct knowledge or expertise on the topics brought before them; attorneys within the executive branch itself advising against actions based on often narrow legal interpretations and with little understanding of the broader implications of tying down the president with legalisms.

#### And, the link turn outweighs the link—Judicial oversight serves to legitimize executive decisions

Kwoka 11

(Lindsay, University of Pennsylvania Law School, J.D, Journal of Constitutional Law, “Trial by Sniper: The Legality of Targeted Killing in the War on Terror,” 2011, Lexis) /wyo-mm

Providing an intra-executive process is not sufficient in the context of targeted killing of a U.S. citizen outside of a war zone.122 Murphy and Radsan argue that due process would be satisfied if, after a strike has already occurred, the executive branch launched an investigation of its legality.123 They argue that interference from the judicial branch would undermine the executive’s decisionmaking and compromise state secrets.124 On the contrary, judicial intervention would not undermine the executive’s decisionmaking, but rather would serve to legitimize the executive’s actions. Even during wartime, many are critical of actions taken by the executive to deprive individuals of rights without intervention by the judicial branch. For instance, many objected to the Military Commissions Act on the grounds that it did not afford the accused of an independent judiciary.125 Furthermore, as noted above, the concerns about minimizing the disclosure of state secrets would be alleviated by permitting only the decisionmaker to review the evidence. The hearing would be conducted privately and the information would be conveyed on a “need-to-know” basis only. Thus the confidentiality problems associated with affording suspected terrorists a full jury trial are not present in a process where the judge reviews the evidence in confidence. Not only would judicial intervention decrease public skepticism of the executive’s decisions, but would also promote accuracy and fairness.126 Because mistakes are possible and have happened regarding misclassification of terrorists, accuracy is better preserved by allowing the judiciary to check the actions of the executive.127 The process would likely be fairer because federal judges are appointed for life tenure, and thus are less likely to be subject to public pressure.128 Moreover, having a federal judge decide on whether targeted killing is permissible would alleviate executive branch pressure. If a member of the executive branch were to be the neutral decisionmaker, he would have incentive to permit the President to do whatever he deems necessary. A federal judge would not likely be subject so such influence.

#### 4th, Political power is not zero sum—no trade off

Read, 3-1-12

[James, College of Saint Benedict/Saint John's University, jread@csbsju.edu, Is Power Zero-Sum or Variable-Sum? Old Arguments and New Beginnings, Political Science Faculty Publications.Paper 4, http://digitalcommons.csbsju.edu/cgi/viewcontent.cgi?article=1004&context=polsci\_pubs] /Wyo-MB

The specific question with which this essay is concerned is whether power – and ¶ especially political power – should be regarded as inherently zero-sum, one‟s agent‟s gain ¶ entailing by definition an equivalent loss for another or others; or variable-sum, whereby it is ¶ possible to have mutual gains of power not offset by equivalent losses somewhere else (positivesum), and mutual losses of power not offset by equivalent gains somewhere else (negative-sum). ¶ This essay is part of a larger book-length project that will systematically examine zero-sum and ¶ variable-sum understandings of power; and argue that a variable-sum understanding of power is ¶ at least as fruitful in describing actual power relations – including relations characterized by ¶ significant conflict – as the zero-sum view (see Read 2009a; 2010).

#### 5th, No Impact—Fast and flexible doesn’t mean effective, unilateral action doesn’t solve disad impacts

O’Neil 11

(Robert, Houston Law Review, “The Price of Purity: Weakening the Executive Model of the United States’ Counter-Terror Legal System,” Winter 2011, Lexis//wyo-mm)

Those opposed to enacting anti-terror policy through the regular bicameral process criticize the legislative method as being ill-suited for responding to threats to national security because of the time it requires before any plan of action may be [\*1446] implemented. n160 Unilateral executive action certainly permits greater speed in enacting policy decisions and may be preferable in urgent situations that call for swift action. n161 Under the pure form of the executive model, the executive is theoretically limited only by the time it takes him or her to divine the strategy, policy, or act. In contrast, the weak form of the executive model's preference for congressionally enacted counter-terror policy does tend to slow the pace at which new strategies are put in place. Fast action, however, even in exigent circumstances, does not necessarily equate effective action. n162 Feeling compelled to react immediately in a crisis situation can lead the executive to act impulsively, ß Marked 16:48 ß without considering potentially more effective alternatives. n163 For example, the violent interrogation sessions that followed the sudden executively authorized departure from longstanding international rules regarding the treatment of detainees caused great domestic and international controversy during the Bush Administration, and compromised the United States' credibility abroad. n164

## Politics

#### Negotiations will fall through – neither side compromising, Obamacare

Healey 9/10

Jon, “House GOP playing with fire by tying debt ceiling to Obamacare,” <http://www.latimes.com/opinion/opinion-la/la-ol-gop-defunding-obamacare-plan-shifts-toward-delaying-it-20130910,0,4825515.story>, MCR

Having said that, Cantor's proposal still amounts to playing a game of chicken with the Senate and Obama over the debt limit. We watched this movie before, when the new House GOP majority held the debt ceiling hostage in 2011. Obama played along that time, trying to reach a "grand bargain" with Republicans that would reduce deficits by cutting spending, paring entitlements and raising taxes. Those negotiations fell through, however, and the long stalemate spooked Standard & Poor's enough for the agency to downgrade the federal government's credit. Oh, and yes, the stock market plummeted by almost 16% and the economy sputtered. Democrats successfully blamed the whole affair on Republican brinkmanship, helping Obama retain the White House and his party hold onto the Senate.¶ This go-round, Obama insists that he won't negotiate over the debt ceiling. He wants a clean bill that raises the limit, no matter how unpalatable that may be for Republicans. Meanwhile, House Speaker John A. Boehner (R-Ohio) continues to demand that any debt limit bill include measures to reduce the deficit, just as Congress did last time.¶ The two sides are so far apart -- again -- on the debt ceiling that even the informal talks the White House was holding with selected Senate Republicans have fallen through for lack of common ground. By seeking to throw Obamacare into the mix, Cantor may help Congress get past its first fiscal hurdle. But he only makes the second one harder to overcome.

#### Democrats will universally resist GOP measures – no compromise

Mike Lillis, “Pelosi: Budget ball in Boehner's court,” The Hill, 9/12/13

Republicans have the next move in the fight over how to prevent a government shutdown, House Minority Leader Nancy Pelosi (D-Calif.) said Thursday.¶ “What's next is what the Republicans will come up with,” Pelosi said during a press briefing in the Capitol.¶ Pelosi took part in a meeting between bipartisan leaders of both chambers just hours earlier in the Capitol, as the lawmakers search for a way to fund the government and prevent a shutdown on Oct. 1.¶ Pelosi declined to comment on the substance of the meeting, but suggested that the sides had, for the time being, agreed to disagree.¶ “We listened to each other, and I think that candor saves time,” she said, “so ... in that respect we have made some progress in understanding where we all are as we go forward.¶ “We may not like what each of us has to say, but it is a reflection of our caucus[es],” she added.¶ House GOP leaders were forced this week to pull their short-term spending proposal after conservatives in their conference revolted over the absence of stronger language to defund President Obama's healthcare reform law.¶ Speaker John Boehner (R-Ohio) said Thursday that GOP leaders have no solid plan for how they'll proceed.¶ “There are a million options that are being discussed by a lot of people,” Boehner said after Thursday's meeting.¶ The issue is a tough one for Boehner and other GOP leaders, caught between preventing a government shutdown for fear Republicans will be blamed and appeasing conservatives with ObamaCare language they know won't pass the Democratic-controlled Senate.¶ House Minority Whip Steny Hoyer (D-Md.) said Thursday that GOP leaders have not approached him for help getting votes to prevent a shutdown.¶ Pelosi on Thursday offered a theory why, accusing the Republicans of trying to shutter the government purposefully by pushing spending bills with no chance of becoming law.¶ “The proposals the Republicans are putting forward are not proposals ... to keep government open, they are proposals to shut down government,” Pelosi charged. “Just because you're an anti-government ideologue who's landed in Congress doesn't mean that you should be shutting down the government.”¶ Pelosi said the ObamaCare language in the most recent GOP proposal was a non-starter for Democrats, and she blasted the post-sequester, $988 billion spending level in that bill as “unacceptable.” She warned that Democrats would vote en masse against similar legislation, if Republicans push it later in the month.¶ “As bad as all of that was, it wasn't bad enough for those in the Republican Caucus, so they have to go make matters worse, and when they bring that forward, we'll see what it is and make a judgment.¶ “But,” she warned, “if it looks anything like what they were considering now, [you'll see] a strong negative vote on the part of the Democrats.”¶ The Democrats are pushing an alternative continuing resolution, sponsored by Rep. Chris Van Hollen (D-Md.), that would eliminate the sequester with a series of revenue hikes and different spending cuts, and extend the government's life through the middle of November at a level of $1.058 trillion.¶ “We're asking for a vote,” Pelosi said Thursday. “We're hoping that we have that opportunity.”

#### Summers thumps – vital women voters and costly congressional fight that tradesoff with debt ceiling

Alister Bull and Rachelle Younglai, Analysis: Battle over Fed - Summers' opponents seek to sway Obama, Reuters, 9/5/2013

PRESSURE POINTS

Obama is in his second term as president and does not need to win re-election, but many in his party face close races in mid-term election in 2014.¶ Some Yellen backers contend that nominating Summers could erode support among vital women voters and could potentially cost his party control of the U.S. Senate.¶ "He is absolutely shooting himself in the foot. He is going to make it harder to achieve his agenda," cautioned Terry O'Neill, president of the National Organization for Women, who said Obama would "deeply tarnish" his legacy by naming Summers.¶ "The president is ... just thinking in this very siloed mind-set: this is the Fed, this is a gift I'm going to give to my friend Larry. And because he doesn't have to get re-elected, I suppose he doesn't have to think about the repercussions this is going to have in his own support base," she said.¶ Summers is widely considered a brilliant economist and he has broad experience in a range of top economic policy jobs.¶ Still, some Washington veterans are perplexed that Obama is apparently willing to bypass Yellen, who is also viewed as well qualified, and are concerned that Obama risks an unnecessary congressional fight at a time when he could spend his political capital more wisely.¶ As well as battling for authorization to punish the use of chemical weapons by Syrian President Bashar al-Assad, the White House must currently also persuade lawmakers to raise the U.S. debt ceiling and forge an agreement to fund the federal government for the fiscal year beginning in October.¶ "Does Barack Obama want to play political football with the Congress on everything all fall?" asked David Rothkopf, a former Clinton administration official who is now president of Garten Rothkopf, an international advisory firm.

#### 1st, Debates on drone courts now—legislation being written and proposed—thumps the disad

Wolverton, 3-12-13

[Joe, professor of American Government at Chattanooga State and was a practicing attorney until 2009, Federal Courts Rubber Stamp Federal Spying, http://tenthamendmentcenter.com/2013/05/12/federal-courts-rubber-stamp-federal-spying/comment-page-1/#.UfqaW2T70bh] /Wyo-MB

Although certainly not one to recognize checks on the executive, the White House indicated several months ago that it would entertain any legislative proposal for the establishment of such a tribunal. An Obama administration official told Reuters early this year, “The White House has been discussing various ways there could be independent review of counterterrorism actions for more than a year.”¶ In a press release issued in February, Senator King announced that he had sent a letter to Senators Feinstein and Saxby Chambliss (R-Ga.), chairwoman and vice-chairman of the Intelligence Committee, to consider a bill creating the new court.¶ King wrote, “As the Committee begins preparing the Intelligence Authorization Act for Fiscal Year 2014, I ask that you work with me to contemplate legislative solutions, such as the creation of an outside judicial process similar to the FISA court, that might provide an independent perspective in the distinctive case of a U.S. citizen who is a senior operational leader of al Qaeda.”¶ According to comments made by “congressional aides” cited in Reuters, “discussions are at a preliminary stage.” They also reportedly said that several similar proposals made by legal experts were being kicked around on Capitol Hill.¶

#### 3rd, Link turn – plan popular in congress

Jakes 13

(Laura Jakes, writer for the Associate Press. “Congress Considers Putting Limits on Drone Strikes” 2-6-13 http://www.military.com/daily-news/2013/02/06/congress-considers-putting-limits-on-drone-strikes.html//wyoccd)

WASHINGTON -- Uncomfortable with the Obama administration's use of deadly drones, a growing number in Congress is looking to limit America's authority to kill suspected terrorists, even U.S. citizens. The Democratic-led outcry was emboldened by the revelation in a newly surfaced Justice Department memo that shows drones can strike against a wider range of threats, with less evidence, than previously believed.¶ The drone program, which has been used from Pakistan across the Middle East and into North Africa to find and kill an unknown number of suspected terrorists, is expected to be a top topic of debate when the Senate Intelligence Committee grills John Brennan, the White House's pick for CIA chief, at a hearing Thursday.¶ The White House on Tuesday defended its lethal drone program by citing the very laws that some in Congress once believed were appropriate in the years immediately after the Sept. 11 attacks but now think may be too broad.¶ "It has to be in the agenda of this Congress to reconsider the scope of action of drones and use of deadly force by the United States around the world because the original authorization of use of force, I think, is being strained to its limits," Sen. Chris Coons, D-Del., said in a recent interview.¶ Rep. Steny Hoyer of Maryland, the No. 2 Democrat in the House, said Tuesday that "it deserves a serious look at how we make the decisions in government to take out, kill, eliminate, whatever word you want to use, not just American citizens but other citizens as well."¶ Hoyer added: "We ought to carefully review our policies as a country."¶ The Senate Foreign Relations Committee likely will hold hearings on U.S. drone policy, an aide said Tuesday, and Chairman Robert Menendez, D-N.J., and the panel's top Republican, Sen. Bob Corker of Tennessee, both have quietly expressed concerns about the deadly operations. And earlier this week, a group of 11 Democratic and Republican senators urged President Barack Obama to release a classified Justice Department legal opinion justifying when U.S. counterterror missions, including drone strikes, can be used to kill American citizens abroad.¶ Without those documents, it's impossible for Congress and the public to decide "whether this authority has been properly defined, and whether the president's power to deliberately kill Americans is subject to appropriate limitations and safeguards," the senators wrote.

#### 4th, Political capital theory not true—and if the plan causes a fight it means Obama will get to pass more legislation—winning wins

Hirsh, 2013

[Michael, national journal chief correspondent, There’s No Such Thing as Political Capital, 3-30-13, http://www.nationaljournal.com/magazine/there-s-no-such-thing-as-political-capital-20130207] /Wyo-MB

But the abrupt emergence of the immigration and gun-control issues illustrates how suddenly shifts in mood can occur and how political interests can align in new ways just as suddenly. Indeed, the pseudo-concept of political capital masks a larger truth about Washington that is kindergarten simple: You just don’t know what you can do until you try. Or as Ornstein himself once wrote years ago, “Winning wins.” In theory, and in practice, depending on Obama’s handling of any particular issue, even in a polarized time, he could still deliver on a lot of his second-term goals, depending on his skill and the breaks. Unforeseen catalysts can appear, like Newtown. Epiphanies can dawn, such as when many Republican Party leaders suddenly woke up in panic to the huge disparity in the Hispanic vote.¶ Some political scientists who study the elusive calculus of how to pass legislation and run successful presidencies say that political capital is, at best, an empty concept, and that almost nothing in the academic literature successfully quantifies or even defines it. “It can refer to a very abstract thing, like a president’s popularity, but there’s no mechanism there. That makes it kind of useless,” says Richard Bensel, a government professor at Cornell University. Even Ornstein concedes that the calculus is far more complex than the term suggests. Winning on one issue often changes the calculation for the next issue; there is never any known amount of capital. “The idea here is, if an issue comes up where the conventional wisdom is that president is not going to get what he wants, and he gets it, then each time that happens, it changes the calculus of the other actors” Ornstein says. “If they think he’s going to win, they may change positions to get on the winning side. It’s a bandwagon effect.”

#### 5th, Obama wont spend PC and he won’t be effective if he does

Jay Cost, staff writer, 2-11-2013, “Obama the Bargainer,” The Weekly Standard, http://www.weeklystandard.com/articles/obama-bargainer\_699205.html?page=1

Thus, with the festivities finished and the glow of the inauguration fading, it is fair to ask: Just how powerful will President Obama be in his second term? In other words, how successful will he be at persuading the diverse agents of our government to do what he wants them to do? If the lessons of his first term guide our expectations for the second, then the most likely answer is: not very. At first blush, this assertion might sound absurd. A weak President Obama? Proof of the contrary is in the pudding: The massive stimulus, the health care bill, and financial reform were all epic in their scope and ambition. Surely both left and right agree—whether they celebrate or bemoan the fact—that Obama is a very strong, liberal president. But presidential power—the ability to persuade—has many sources, some external, some internal. The external sources are all reducible to “the political context.” How many seats does the president’s party control in Congress? What is the status of the opposition party? What was the relative strength of the president and his party in the last election? What is his job approval rating? And so on. All of these factors set the boundaries for how easily the president can persuade others. In 2009 and 2010, President Obama enjoyed a very favorable political context. Today, the political context is more favorable to him than it was in 2011, but markedly diminished from the heady days of 2009. So, for instance, President Obama can call for action on “climate change” until he is blue (or, perhaps, green) in the face, but the political environment—including arguably the most conservative House of Representatives since the 1920s—means he lacks the power to make it happen. The internal sources of strength are the president’s political skills, which he deploys in particular circumstances. So the question becomes: How good is he at persuading others, given the political context? If political context is the science of presidential power, quantifiable in electoral results and congressional voting scores, persuasive skill is the art. Here, we must put down the American Political Science Review and pick up Machiavelli’s Prince. As for President Obama’s first term, no other incoming president in recent history had such a surplus of political capital and misused it so terribly. The reason? He lacks important skills that are integral in the exercise of presidential power. All presidents are unique, each possessing or lacking skills useful to a chief executive. Obama is notable in that he has mastered some vital skills better than any recent predecessor, but he exhibits virtually no facility with others. His strengths have been enumerated extensively by a fawning press corps. His favorable coverage is due not only to the media’s ideological commitment to his policy goals, but also to his natural gifts. He awes the press, and many other groups in society, by his very presence. Moreover, he knows he has this power over them. This ability, more than any other, made him president and remains his single greatest source of power. Yet though he affects some people intensely, he himself seems largely unaffected by others. This helps explain why he has used his speaking ability so unevenly: He is wont to misread people, and therefore situations. His Tucson speech, for instance, after the shooting of Rep. Gabrielle Giffords, was a political stroke of genius. He intuited what the moment called for and delivered it perfectly. By contrast, his 2009 speech to the International Olympic Committee pitching Chicago was a waste of time and made him look small. Similarly, he has time and again left business leaders feeling nonplussed, inviting them to the White House mainly to serve as window dressing for another teleprompter performance. It is on Capitol Hill that Obama seems most out of touch with his audience. In particular, he does not understand what the key players in Congress expect, yet he is convinced he knows them better than they know themselves. What’s more, he gives little and inconsistent guidance as to what he expects from them. That goes for both Republicans and Democrats. For Republicans, the warning signs appeared early, on the stimulus bill passed in the president’s first month in office. Obama and his team were supremely confident that they could get a $900 billion package through Congress with solid Republican support, so much so that when House minority whip Eric Cantor warned that they would receive no backing from House Republicans, they told him not to embarrass himself with such an absurd prediction. Team Obama failed to anticipate how turned off the congressional GOP would be by the spending side of the package: Democratic appropriators were unloading a wish list that had accumulated during more than a decade of Republican governance. The White House also thought the Republicans would be attracted to the tax cuts that constituted roughly one-third of the package. But the White House did not understand how Republicans view taxes—specifically, the difference between tax credits, which the stimulus favored heavily, and rate cuts, which Republicans prefer. None of this should have come as a surprise to anyone who had done any homework on the congressional GOP. After all, Republicans killed a 1993 stimulus bill that was qualitatively similar, but less than a tenth the size of the 2009 package. What did Team Obama surmise when its predictions fell flat? It certainly did not take time to gauge the congressional GOP more carefully, to build a more nuanced picture of Republicans’ motives and expectations. Instead, it adopted the cartoonish caricature one finds in a Paul Krugman column: Republicans are contemptible knaves, willing to let the economy go down the drain to embarrass the president. The stimulus also featured another theme of presidential-congressional relations under Obama: mixed messages from the White House. Early in the negotiations over the bill, President Obama told House minority leader John Boehner and Cantor that he was interested in their ideas. He did not want to play partisan games; he just wanted to jump-start the economy. Yet when Cantor presented the president a list of suggestions, Obama brought the dialogue to an icy conclusion by infamously declaring, “I won, so I think I trump you on that.” During the deliberations on the bill, the president’s chief of staff, Rahm Emanuel, was known to respond to other GOP suggestions by shouting, “We have the votes. F— ’em!” For the first two years of Obama’s tenure, congressional Republicans did not register with the White House at all. Contact was so sparse that when the GOP took control of the House of Representatives, the White House did not even have Boehner’s cell phone number so the president could place a congratulatory call. The case of Michigan Republican Dave Camp is illustrative. According to Bob Woodward in The Price of Politics, The administration’s approach to Congress was different from what he was used to. He had first come to Washington as a congressional staffer during the Reagan administration. Reagan had deployed administration liaisons all over Congress. Camp could remember Reagan getting on the phone with a lowly freshman congressman to discuss legislation. .  .  . During Obama’s first two years in office, Camp was the ranking Republican on the Democrat-controlled Ways and Means Committee. He was one of the more politically moderate House Republicans. Yet the administration’s Hill staff didn’t even seem to know who he was. He never saw them. During the debt ceiling battle of 2011, the president again exhibited cluelessness about the motivations of congressional Republicans. Precious time during the month of July was wasted as Obama insisted again and again on decoupling the Bush-era tax cuts, making permanent the cuts for those making under $250,000, and letting the cuts in the high-end rates expire. His argument was that the congressional GOP could avoid the wrath of Grover Norquist because it would not actually have to vote to increase taxes. It seemed never to cross his mind that tax rate increases such as he was proposing were anathema to congressional Republicans. The bigger problem during the debt ceiling fight, and probably the biggest contributor to the near-default of the country that summer, was Obama’s failure to heed Boehner’s warning that $800 billion in additional tax revenue was his “red line,” above which he could not go. The justification for that figure was that it was all that could be squeezed out of tax reform (and even that was optimistic according to many analysts); beyond that, tax rates would have to be raised in order to bring in more revenue. In late July, after Boehner had made a “grand bargain” offer that included $800 billion in new revenue, Obama asked for another $400 billion. Memories diverge on exactly who said what—Boehner is convinced Obama said he had to have the extra money, while Obama believes he only suggested it. This ambiguity might have been avoided if Obama had not made the rookie mistake of making such a big request over the phone instead of in person. And, anyway, he should have known not to ask, given Boehner’s previous warnings about his red line. Unsurprisingly, the deal blew up shortly afterwards. It boils down to the difference between listening and waiting to talk. With congressional Republicans, Obama always seems to do the latter. So, once again, he was left disappointed, and once again he assumed the worst of his negotiating partners. He surmised that there were simply too many extreme Tea Party Republicans who were prepared to breach the debt ceiling, and that Boehner lacked control of his caucus. Again, a basic understanding of Republican history would have corrected this notion. Like Newt Gingrich and Denny Hastert before him, Boehner is responsible to a majority of the Republican caucus, which for generations has opposed the kinds of rate increases that $1.2 trillion in new revenue would have required. Not only did Obama fail to listen during the debt ceiling struggle, he consistently sent the other side mixed messages. A case in point: Obama’s demagogic April 2011 speech blasted Paul Ryan’s budget as “leaving seniors at the mercy of the insurance industry” and abandoning “the fundamental commitment this country has kept for generations.” In private, however, Obama had praised Ryan for offering a serious proposal and emphasized that both sides had to avoid scaring the elderly for political points. Worse, he had held a bipartisan summit that very day to encourage the two sides to come together on a plan. Obama’s problems communicating with Congress are not limited to the right side of the aisle. Although Democrats need not worry about White House demagoguery or fret that Obama fails to understand their concerns, he has nevertheless done a poor job of engaging them in dialogue. In particular, the White House has often cut congressional Democrats out of the loop, inhibiting interbranch coordination and angering leaders by what they feel is trampling on their institutional rights. Indeed, the president’s signature achievement—Obamacare—almost did not happen because of this. The process by which the health care bill was written was chaotic, to say the least. At one point five bills were circulating on Capitol Hill, three in the House and two in the Senate. Each differed, sometimes dramatically, in how to expand coverage and how to pay for it. And yet the White House did virtually nothing in 2009 to coordinate these efforts. In fact, White House aides privately thought the final House bill was a liberal fantasy, and they had worked out a deal with medical providers that did not include the so-called public option. Yet the president never came out against that proposal, or any other, for that matter. After multiple calls over the summer of 2009 for President Obama to set some ground rules on what he expected, he gave a speech in early September that, though his aides promised specificity, was once again vague. Finally, in early January, when the two chambers had passed their bills and it came time to work out the finer points, President Obama actually stormed out of a meeting after Nancy Pelosi tartly expressed her frustration with his lack of leadership. It was left to Emanuel to finish the negotiations. Worse, the needless delays due to the lack of presidential leadership sapped public support for the reform effort, led to Scott Brown’s victory in the Senate race in Massachusetts that January, and eventually forced Democrats to pass a gratuitously slipshod and ill-conceived bill that otherwise never would have become law. After the 2010 midterms, House Democrats lost their majority, but not all of their clout. It would have been virtually impossible for Boehner to pass a compromise debt ceiling plan through the House in 2011 without at least some Democratic support, so it was appropriate for Pelosi and her leadership team to be kept in the loop. For a while, they were, but as Boehner and Obama approached a grand bargain, House Democrats were excluded. Amazingly, so was Harry Reid. Any deal would obviously have to bear the imprimatur of the Senate majority leader, yet he was cut out of the final talks. It was only after the New York Times scooped the Boehner-Obama grand bargain that the White House brought Senate Democrats into the loop. Unsurprisingly, they were apoplectic, believing that the deal extracted too little from the congressional GOP, and feeling that they had been ignored. In fact, it was the outrage of the Senate Democrats that prompted the White House to go back to Boehner at the last minute to ask for more tax revenue, scuttling the big deal once and for all. All of these stories point in the same direction: This president does not have a solid congressional outreach program, does not have a steady grasp of the expectations of legislators in either party, and does a notably poor job of communicating to them what he expects. Thus, a drifting and listless policy process, finally given direction by some power player outside the White House, often acting to avert imminent disaster, has marked almost every major deal during his tenure. There is little reason to expect anything different in the next four years. In the end, President Obama simply does not spend enough time talking to members of Congress. He is too aloof, and most accounts suggest he dislikes the seemingly petty, parochial nature of Capitol Hill. In an interview with journalist Ron Suskind, President Obama articulated what he believes to be the core of a president’s job, and what he learned from the troubles of his first term: The reason people put me in this office is people felt that I had connected our current predicaments with the broader arc of American history and where we might go as a diverse and forward-looking nation. And that narrative thread we just lost, in the day-to-day problem solving that was going on. .  .  . What the president can do, that nobody else can do, is tell a story to the American people about where we are and where we need to go. While this statement would surely make the republicans of the founding generation turn over in their graves, it does encapsulate the job of the modern president, but only in part. Yes, he is to stand, almost godlike, above the political process and tell a story, but the modern presidential deity is not in line with the watchmaker God of the 18th-century rationalists. It is not enough to put the pieces in motion, then stand back. Instead, a president must be more like the God of the Old and New Testaments, above the world and sovereign over it, but also intimately involved in it, guiding, encouraging, cajoling, and threatening people to make the right choices. The ideal modern president, to borrow a phrase from Theodore Roosevelt, is one “actually in the arena, whose face is marred by dust and sweat and blood.” President Obama does not much care for the arena, and his successes came despite this distaste, not because of it. In fact, Nancy Pelosi probably deserves most of the credit for the legislative victories of 2009-2010. She functioned as a de facto prime minister, with her eyes always on big, national projects while she dealt with the provincial concerns of this committee chair or that subcommittee member. She, not Obama, was the one “in the arena.” What this means is that major breakthroughs on legislation in the next four years are likely to depend on political actors outside the White House. Pelosi’s power is only a fraction of what it was, but policy success will still depend on congressional entrepreneurs as long as the White House remains disengaged. Thus, a whole host of issues will likely go unaddressed, above all, the looming entitlement crisis. One issue that could see movement is immigration reform, a topic of discussion where there is overlap between the parties and there are potential leaders in Congress, like Marco Rubio, who could help in whipping his party and negotiating a compromise with the other side.

## K

**Focusing on epistemology or ontology selfishly ignores real world problems**

**Jarvis, 2K** – Prof Philosophy @ U South Carolina (Darryl, Studies in International Relations, “International Relations and the Challenge of Postmodernism”, pg. 2)

While Hoffmann might well be correct, **these days one can neither begin nor conclude empirical research without first discussing epistemological orientations and ontological assumptions. Like a vortex, metatheory has engulfed us all and the question of "theory" which was once used as a guide to research is now the object of research.** Indeed, for a discipline whose purview is ostensibly outward looldng and international in scope, **and at a time of ever encroaching globalization and transnationalism, International Relations has become increasingly provincial and inward looking**. **Rather than grapple with the numerous issues that confront peoples** around the world, since the early 1980s the discipline has tended more and more toward obsessive self-examination.3 **These days the politics of famine, environmental degradation, underdevelopment, or ethnic cleansing**, let alone the cartographic machinations in Eastern Europe and the reconfiguration of the geo-global political-economy, **seem scarcely to concern theorists of international politics who define the urgent task of our time to be one of metaphysical reflection and epistemological investigation**. **Arguably, theory is no longer concerned with the study of international relations so much as the "manner in which international relations as a discipline, and international relations as a subject matter, have been constructed."4** To be concerned with the latter is to be "on the cutting edge," where novelty has itself become "an appropriate form of scholarship."5

#### Perm do both—the aff is key to solve arbitrary use of state power—solves their K impacts

Alford, 2011

[Ryan Patrick, Assistant Professor, Ave Maria School of Law, THE RULE OF LAW AT THE CROSSROADS: CONSEQUENCES OF TARGETED KILLING OF CITIZENS, UTAH LAW REVIEW, NO. 4, Online] /Wyo-MB

The Al-Aulaqi lawsuit makes it clear that the same arguments that the Plantagenet and Stuart kings used in attempts to weaken the Magna Carta and subsequent constitutional protections have been revived in a modern form. The complaint correctly asserts that “[t]he right to life is the most fundamental of all¶ rights.”25 However, the response to the Defendants’ motion to dismiss notes that “the upshot of its arguments is that the executive, [who] must obtain judicial approval to monitor a U.S. citizen’s communications or search his briefcase, may execute that citizen without any obligation to justify its actions to a court or to the public.”26 These arguments were of no avail in the District Court, which held that these allegations were indeed unreviewable in any court, because the executive had asserted, purportedly correctly, that addressing a violation of the right of life involves a nonjusticiable political question. Al-Awlaki was thus told that he was to have no day in court before being killed.27¶ Accordingly, seven hundred years after the executive death warrants issued by King Edward I (and four hundred years after a decisive rejection of King James I’s tentative attempts to revive the practice), we appear to be at a similar crossroads of history. However, it remains to be seen whether carrying out an executive order to kill an American citizen will lead to a backlash that reaffirms the importance of the bulwarks against this exercise of arbitrary power over life and death, or whether it leads to an implicit decision to abandon the rule of law and the constraints on executive power that have defined our constitutional tradition for centuries.¶ The early history of the resistance to arbitrary executive authority is important to the worldview and legal theory of the Framers of the Constitution. This Article argues that this history provides the best lens through which we might scrutinize the constitutionality of the targeted killing of American citizens. In doing so, this Article attempts to bring back to the forefront what is at stake in the Al-Aulaqi lawsuit: not merely the potential harm to the targeted individual, but the damage this might inflict on our constitutional tradition. Specifically, this Article will argue that if the courts uphold a decision declaring that the president’s powers are so broad as to preclude any judicial determination of whether the targeted killing program is prohibited by the Due Process Clause, we stand to lose the benefits of a seven-hundred year old tradition of resistance to arbitrary power.¶

#### And, Drones are inevitable

Henning, 2-20-12

[Job, NYT, Embracing the Drone, http://www.nytimes.com/2012/02/21/opinion/embracing-the-drone.html?pagewanted=all&\_r=0] /Wyo-MB

Drones — more formally armed Unmanned Aerial Vehicles, or UAVs — are “in.” Since a Predator strike in Yemen against Al Qaeda in November 2002 — the first known use of a drone attack outside a theater of war — the United States has made extensive use of drones. There were nearly four times as many drone strikes in Pakistan during the first two years of the Obama administration as there were during the entire Bush administration.¶ The United States is now conducting drone strikes in Somalia as well, and their use is expected to dramatically increase in Afghanistan over the next five years as NATO troops withdraw from there.¶ Armed drones are both inevitable, since they allow the fusing of a reconnaissance platform with a weapons system, and, in many respects, highly desirable. They can loiter, observe and strike, with a far more precise application of force. They eliminate risk to pilots and sharply reduce the financial costs of projecting power. Moreover, polls show that a vast majority of Americans support the use of drones.¶

#### And, Strict review of targeted killing operations is to maintain morality in war and undermine the video-game like effect of killing targets with drones

Guiora, 2012

[Amos, Professor of Law, S.J. Quinney College of Law, University of Utah, Targeted killing: when proportionality gets all out of proportion, Case Western Reserve Journal of International Law. 45.1-2 (Fall 2012): p235., Academic onefile] /Wyo-MB

One of the dominant, and admittedly controversial, arguments this essay advances is that states have an obligation to conduct themselves morally, including during armed conflict. Although some may find this notion inherently contradictory, "morality in armed conflict" is a term of art (and not an oxymoron) that lies at the core of the instant discussion. This concept imposes an absolute requirement that soldiers treat the civilian population of areas in which they are engaged in conflict with the utmost dignity and respect. This obligation holds true whether combat takes place "house-to-house" or using remotely piloted aircraft tens of thousands of feet up in the sky. This concept may be simple to articulate, yet it is difficult to implement; the operational reality of armed conflict short of war requires a soldier to make multiple decisions involving various factors, all of which have never-ending spin-off potential. After all, every decision is not only complicated in and of itself, but each operational situation has a number of "forks." The implication is that no decision is linear, and every decision leads to additional dilemmas and spurs further decision making.¶ Operational decision-making is thus predicated on a complicated triangle that must incorporate the rule of law, morality, and effectiveness. I have been asked repeatedly whether that triangle endangers soldiers while giving the "other side" an undue advantage. The concern is understandable; however, the essence of armed conflict is that innocent civilians are in the immediate vicinity of combatants, and there is a duty to protect them even at the risk of harm to soldiers. (12) The burden to distinguish between combatant and civilian is extraordinarily complicated and poses significant operational dilemmas for and burdens on soldiers.¶ For armed conflict conducted in accordance with the rule of law and morality, this burden of distinction can never be viewed as mere mantra. Distinction, (13) then, is integral to the discussion. It is as relevant and important to the soldier standing at a check-point, uncertain whether the person standing opposite him is a combatant or civilian, as it must be in any targeted killing dilemma. The decision whether to operationally engage must reflect a variety of criteria and guidelines. (14) Otherwise, the nation state conducts itself in the spirit of a video game where victims are not real and represent mere numbers, regardless of the degree of threat they pose.¶ At the most fundamental level, operational decision making in the context of counterterrorism involves the decision whether to kill an individual defined as a legitimate target. (15) Although some argue killing is inherently immoral, I argue that killing in the context of narrowly defined self-defense is both legal and moral provided that the decision to "pull the trigger" is made in the context of a highly circumscribed and criteria-based framework. If limits are not imposed in defining a legitimate target, then decisions take on the hue of both illegality and immorality.

#### Preventing extinction is the highest ethical priority – we should take action to prevent the Other from dying FIRST, only THEN can we consider questions of value to life

Paul Wapner, associate professor and director of the Global Environmental Policy Program at American University, Winter 2003, Dissent, online: http://www.dissentmagazine.org/menutest/archives/2003/wi03/wapner.htm

All attempts to listen to nature are social constructions-except one. Even the most radical postmodernist must acknowledge the distinction between physical existence and non-existence. As I have said, postmodernists accept that there is a physical substratum to the phenomenal world even if they argue about the different meanings we ascribe to it. This acknowledgment of physical existence is crucial. We can't ascribe meaning to that which doesn't appear. What doesn't exist can manifest no character. Put differently, yes, the postmodernist should rightly worry about interpreting nature's expressions. And all of us should be wary of those who claim to speak on nature's behalf (including environmentalists who do that). But we need not doubt the simple idea that a prerequisite of expression is existence. This in turn suggests that preserving the nonhuman world-in all its diverse embodiments-must be seen by eco-critics as a fundamental good. Eco-critics must be supporters, in some fashion, of environmental preservation. Postmodernists reject the idea of a universal good. They rightly acknowledge the difficulty of identifying a common value given the multiple contexts of our value-producing activity. In fact, if there is one thing they vehemently scorn, it is the idea that there can be a value that stands above the individual contexts of human experience. Such a value would present itself as a metanarrative and, as Jean-François Lyotard has explained, postmodernism is characterized fundamentally by its "incredulity toward meta-narratives." Nonetheless, I can't see how postmodern critics can do otherwise than accept the value of preserving the nonhuman world. The nonhuman is the extreme "other"; it stands in contradistinction to humans as a species. In understanding the constructed quality of human experience and the dangers of reification, postmodernism inherently advances an ethic of respecting the "other." At the very least, respect must involve ensuring that the "other" actually continues to exist. In our day and age, this requires us to take responsibility for protecting the actuality of the nonhuman. Instead, however, we are running roughshod over the earth's diversity of plants, animals, and ecosystems. Postmodern critics should find this particularly disturbing. If they don't, they deny their own intellectual insights and compromise their fundamental moral commitment.

#### Conflict is caused by human nature

Joseph K. **Clifton 11**,

Claremont McKenna College “DISPUTED THEORY AND SECURITY POLICY: RESPONDING TO “THE RISE OF CHINA”,” 2011, <http://scholarship.claremont.edu/cgi/viewcontent.cgi?article=1164&context=cmc_theses>, accessed 12/12/12,WYO?JF

Also known as “human nature realism,”14 classical realism posits that conflict between states is primarily a product of the aggressiveness of human nature. Hans J. Morgenthau is the canonical author of classical realism with his work Politics Among Nations, which was influential after World War II.15 As Morgenthau argues, “political realism believes that politics, like society in general, is governed by objective laws that have their roots in human nature.”16 That nature in the international arena translates to a state’s “interest defined in terms of power.”17 In other words, states seek as much political power as possible because they are social institutions, and therefore follow the drives of human nature. Given the premise that people (and states) will experience a conflict of interest in their pursuit of power, the goal of politics is to achieve “the realization of the lesser evil rather than of the absolute good.”18 This “lesser evil” is pursued through the balance of power, in which states try to maintain an existing equilibrium or construct a new equilibrium.

#### War planning is inevitable—rejecting it causes the state to become more interventionist, flipping the impact

**McCormack 10**

[Tara McCormack, ’10, is Lecturer in International Politics at the University of Leicester and has a PhD in International Relations from the University of Westminster. 2010, (Critique, Security and Power: The political limits to emancipatory approaches, page 59-61)]

The following section will briefly raise some questions about the rejection of the old security framework as it has been taken up by the most powerful institutions and states. Here we can begin to see the political limits to critical and emancipatory frameworks. In an international system which is marked by great power inequalities between states, the rejection of the old narrow national interest-based security framework by major international institutions, and the adoption of ostensibly emancipatory policies and policy rhetoric, has the consequence of **problematising weak or unstable states** and allowing international institutions or major states **a more interventionary role**, yet without establishing mechanisms by which the citizens of states being intervened in might have any control over the agents or agencies of their emancipation. Whatever the problems associated with the pluralist security framework **there were at least formal and clear demarcations**. This has the consequence of **entrenching international power inequalities** and allowing for a shift towards a hierarchical international order in which the citizens in weak or unstable states may arguably have even less freedom or power than before. Radical critics of contemporary security policies, such as human security and humanitarian intervention, argue that we see an assertion of Western power and the creation of liberal subjectivities in the developing world. For example, see Mark Duffield’s important and insightful contribution to the ongoing debates about contemporary international security and development. Duffield attempts to provide a coherent empirical engagement with, and theoretical explanation of, these shifts. Whilst these shifts, away from a focus on state security, and the so-called merging of security and development are often portrayed as positive and progressive shifts that have come about because of the end of the Cold War, Duffield argues convincingly that these shifts are highly problematic and unprogressive. For example, the rejection of sovereignty as formal international equality and a presumption of nonintervention has eroded the division between the international and domestic spheres and led to an international environment in which Western NGOs and powerful states have a major role in the governance of third world states. Whilst for supporters of humanitarian intervention this is a good development, Duffield points out the depoliticising implications, drawing on examples in Mozambique and Afghanistan. Duffield also draws out the problems of the retreat from modernisation that is represented by sustainable development. The Western world has moved away from the development policies of the Cold War, which aimed to develop third world states industrially. Duffield describes this in terms of a new division of human life into uninsured and insured life. Whilst we in the West are ‘insured’ – that is we no longer have to be entirely self-reliant, we have welfare systems, a modern division of labour and so on – sustainable development aims to teach populations in poor states how to survive in the absence of any of this. Third world populations must be taught to be self-reliant, they will remain uninsured. Self-reliance of course means **the condemnation of millions to** **a barbarous life of inhuman bare survival**. Ironically, although sustainable development is celebrated by many on the left today, by leaving people to fend for themselves rather than developing a society wide system which can support people, sustainable development actually leads to a less human and humane system than that developed in modern capitalist states. Duffield also describes how many of these problematic shifts are embodied in the contemporary concept of human security. For Duffield, we can understand these shifts in terms of Foucauldian biopolitical framework, which can be understood as a regulatory power that seeks to support life through intervening in the biological, social and economic processes that constitute a human population (2007: 16). Sustainable development and human security are for Duffield technologies of security which aim to *create* self-managing and self-reliant subjectivities in the third world, which can then survive in a situation of serious underdevelopment (or being uninsured as Duffield terms it) without causing security problems for the developed world. For Duffield this is all driven by a neoliberal project which seeks to control and manage uninsured populations globally. Radical critic Costas Douzinas (2007) also criticises new forms of cosmopolitanism such as human rights and interventions for human rights as a triumph of American hegemony. Whilst we are in agreement with critics such as Douzinas and Duffield that these new security frameworks cannot be empowering, and **ultimately lead to more power for powerful states**, we need to understand why these frameworks have the effect that they do. We can understand that these frameworks have political limitations without having to look for a specific plan on the part of current powerful states. In new security frameworks such as human security we can see the political limits of the framework proposed by critical and emancipatory theoretical approaches.

Shifting away from a military framework causes conflict and intervention – only the perm gives political content to rights

**McCormack 10**

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A corollary of this retreat from a political interpretation of conflict or social instability, is the delegitimation of social transformation in developing countries. Historically, social and political transformation has often been accompanied by war and strife. By pathologising conflict, the human security framework acts to prohibit social or political transformation, as such changes can only be understood in an entirely negative way (see for further discussion, Cramer 2006). As an important contributor to the human security framework has argued: ‘much human insecurity surely results from structural factors and the distribution of power, which are essentially beyond the reach of individuals’ (Newman, 2004b: 358). Thus to actually overcome human insecurity, collective action and change is needed. But this **may result in** **internal conflict or strife**, **precisely the changes that human security problematises in the first place**. People may be prepared to experience disruptions to their daily existence, or even severe societal conflict or economic deprivation in the pursuit of some other goals which are understood as worthy. The shift away from the pluralist security framework is **highly problematic**. The formal links between the state and its citizens are problematised and weak and failing states are potentially held up to increased international scrutiny and international intervention. International institutions and states have potentially greater freedom to intervene in other states, but with no reciprocal methods of control to replace the old political links between the state and its citizens which are weakened. The shift away from the pluralist security framework and the rhetorical adoption by international institutions and states of a more cosmopolitan security framework **does not challenge contemporary power inequalities, rather it serves to entrench them**. Once we separate rights from any rights bearing subject, these rights are only things that can be given by external agencies, indeed as Chandler (2009) has argued, here the subject is created by external powers. Ultimately the cosmopolitan and emancipatory framework which seeks to give universal human rights through international law or forms of intervention posits abstract rights, seeking to make the world conform to universal human rights and justice in the absence of a political constituency to give it content. Indeed this is seen as necessary in the face of the current global injustices. Yet the problem is that **without a political constituency to give content to those rights these rights are gifts of the powerful, they are closer to charity**. **Rights in themselves, without political form, are of little value**. Here rights are assumed to be able to correct political and economic and social wrongs, such as inequality or disempowerment. Yet such problems are not the result of a lack of rights, and cannot be corrected through rights. A lack of development is a political, economic and social problem (Lewis, 1998; Heartfield, 1996), the lack of rights or equality and empowerment stem from the real inequalities and power relations in the world. Divorcing rights from rights bearing subjects, and positing abstract individual rights that can only be ‘given’ by external agencies, does not enhance rights but ends up formalising real inequality (Lewis, 1998). Indeed, this is precisely what we can see with, for example, human security and contemporary interventions. Here, the old formal equality of the pluralist security framework is no longer relevant and it is increasingly accepted that more powerful states have a right to intervene in other states and to frame certain states as ‘outlaw states’ (Simpson, 2005). Conclusion In this chapter I have argued that there have been significant shifts in the post-Cold War security problematic which cannot be understood in terms of the pluralist security framework. The most striking aspect of the contemporary international security problematic seems to be a shift away from and problematisation of the old security framework in both international and national security policy discourse. I have already discussed that the pluralist security framework with its underlying commitments of non-intervention and sovereign equality is held to be both anachronistic and immoral. This chapter lends support to broadening the initial conclusions drawn about the critical security theory more generally. In their own terms critical security theorists do not seem to be very critical. Critical security theorists **are not** **critically engaging and explaining the contemporary security problematic and offering an alternative** to contemporary power inequalities. A critical question to ask would be why have international institutions and states framed their security policies in terms of a rejection of the pluralist security framework and taken up cosmopolitan rhetoric? Where does this shift come from? Despite their ostensible focus on power and power inequalities, it is striking that critical security theorists exclude the way in which power is being exercised in the post-Cold War international order from their analysis. Were critical security theorists to include this in their analysis they would discover that they seem to be sharing many of the assumptions and aims of the post-Cold War international order. Specifically in the context of the shifting international security problematic, critical security theorists seem to share a normative and ethical critique of the old security framework, combined with a depoliticised account of conflict and social, economic and political instability, and a depoliticised and idealised view of the potential of major international institutions and states to intervene. Moreover, in the behaviour and rhetoric of international institutions, the problematic theoretical implications of critical security theory’s idealised assumptions of the potential of international institutions or transnational organisations to be a force for emancipation and freedom for individuals is shown to be problematic in practice. I have argued that this rejection of the pluralist security framework does not challenge the status quo, but serves to further entrench power inequalities. In fact, it seems to reflect the increased freedom of the international community to intervene in other states.

#### Scenario creation isn't the same as threat construction, it’s crucial to see if policies are a good idea and reduce the risk of nuclear war.

Darryl S.L.**Jarvis** - School of Economics & Political Science, U. of Sydney - **2K3** "Political Risk in International Relations: Empirical Experiences and Conceptual Approaches" School of Economics and Political Science, Working Papers

Scenario generation has its origins in the Cold War when strategic analysts developed the method for helping to think futuristically about driving forces, chains of events, or possible trigger points that might lead to conflict between the Warsaw Pact and NATO, and how, if this occurred, the conflict might proceed. In essence, scenario generation was used to plot logically plausible possibilities and then to model responses, strategic positioning strategies, and to formulate war-fighting and contingency plans. Cold War scenario generation was said to be so successful in modeling circumstances of possible nuclear confrontation with devastating and mass annihilation outcomes, that policy makers were moved to develop the doctrine of MAD (Mutually Assured Destruction) and various avoidance strategies to avert the possibility of nuclear confrontation.64 The essence of scenario generation is defined by Geoff Coyle as “a justified and traceable sequence of events which might plausibly be imagined to occur in the future.”65 Importantly, scenarios are not “forecasts, preferences or predictions, but plausible, challenging descriptions of what might happen—in the form of a set of stories about alternative futures.”66 To this end, scenario analysis builds on many of the techniques of the Delphi method. But rather than use intermediaries to design survey questionnaires, identify experts and synthesize and interpret responses, scenario generation allows experts to develop scenarios that lay bare assumptions and the rationale on which interpretations are made, and to develop possible sketches of anticipated events and their probable time lines. The thinking behind this is to allow those who utilize scenarios to make informed decisions and to evaluate the scenarios generated relative to the assumptions on which they have been based. Apart from the military, some of the first institutions to employ scenario generation were commercial organizations. The Royal Dutch Shell Company, for example, pioneered scenario analysis under the auspices of three prominent individuals, Peter Schwartz, Kees van der Heijden and Peter Checkland.67 However, despite some 30 years of scenario generation no formal models exist; indeed the notion of formal techniques is actively resisted. Rather, scenario generation stresses creative, imaginary, challenging discourses about possible futures by looking at the dominant drivers of societal change and risk. These are normally categorized under the well known PEST acronym (political, economic, social and technological factors) as the primary drivers of change and risk, and primary determinations of future worlds, processes and events. Scenarios, however, are not used to write the future but to outline possibilities in relation to key decisions that need to be taken today and of the possible future implications of these decisions given a constantly changing environment. It is, in this sense, an attempt to map possible trajectories and outcomes and logically construct images of cause and effect so that the ramifications of decision making can be understood in terms of its collateral implications and consequences. Peter Schwartz encapsulated the process with the provocative title of his book: The art of the Long View.68 The precise methods associated with scenario generation are numerous and the method employed normally contingent on the intended purpose. Angela Wilkinson and Esther Eidinow, for example, suggest that scenario generation falls into four discrete categories: identified objectives, known constitutive / environmental elements; formally mapped trajectories; scenarios generated. 2. Inductive Method: Development of a series of scenarios from an assemblage of a series of possible events. 3. Incremental Approach: Develops images and maps and describes an “official future”—or the one the organization thinks most likely to emerge, and then develops scenarios on the basis of decisions and how they will interact with the “official future” and their possible consequences and effects. 4. Normative Approach: Starts with a set of characteristics of assumed conditions, or a scenario framed in a forward time horizon, and works backwards to see what it requires (decisions, events, processes, attributes) to get there and if this is feasible.69 Peter Schwartz suggested that just as novels have themes which provide continuity, logical connections, and thus a central narrative enabling interpretation and assessment, scenarios too need a theme. But what? Schwartz suggested several themes; challenge and response, for example: “Perhaps London’s position as a centre for financial services is challenged by Frankfurt or Tokyo; what are the drivers and uncertainties which will affect the viability of a strategic response?” Other themes suggested included winners and losers or infinite possibility. The theme is not important per se, but a tool providing a catalyst or fulcrum via which to stress test the assumptions, the logicality of outcomes, the implications of strategic decisions and the risks and opportunities that might present. As with other third generation approaches, scenario analysis is not a panacea, offering both insights but also displaying limitations. It embraces lateral creative thinking and challenges organizations (commercial, non-commercial and state based) to think about alternative futures or events otherwise not anticipated. To the extent that it is able to do this successfully, it has obvious advantages for contingency planning, risk identification, mitigation planning and risk avoidance. It thus helps various commercial, state and non-commercial actors to navigate uncertainty and risk environments rather than stumble upon them without due thought to management and response. The normal caveats about such approaches apply, however: the quality of the analysis is directly proportionate to the quality of the analysts; interpretative discretion if not managed and appropriately tested and checked, can derail the construction of quality scenarios and their utility.

**Realism is inevitable—states will always seek to maximize power**

John **Mearsheimer**, Professor, University of Chicago, THE TRAGEDY OF GREAT POWER POLITICS, **2001**, p. 2.

The sad fact is that **international politics has always been a ruthless and dangerous business**, and **it is likely to remain that wa**y. Although the intensity of their competition waxes and wanes, **great powers fear each other and always compete with each other for power. The overriding goal of each state is to maximize its share of world power, which means gaining power at the expense of other states.** But **great powers** do not merely strive to be the strongest of all the great powers, although that is a welcome outcome. Their **ultimate aim is to be the hegemon**-that is, **the only great power in the system.**

# 1AR

**No deal – GOP standoff – Obama’s PC fails**

**House 9/11**

Billy, “Leaders Meet as Fiscal Fights Loom Large”, <http://www.nationaljournal.com/daily/leaders-meet-as-fiscal-fights-loom-large-20130911>, MCR

However, **lawmakers must find some way to keep federal offices running**, even if only for the short term, **to allow time for negotiations on a larger deal that would include raising the debt ceiling** before mid-October, when estimates show the Treasury will no longer be able to pay U.S. obligations.¶ But, **so far, congressional compromise and agreement are far from certain**. **Boehner himself has already promised a “whale of a fight” over** raising **the** nation’s $16.7 trillion **debt ceiling**.¶ While the White House says President **Obama won’t negotiate** on the debt ceiling, because the United States must pay its bills, the speaker says **Republicans won’t agree to lift the borrowing authority without significant spending cuts and changes to Social Security, Medicaid, Medicare, farm programs, and government pensions**.

**No deal – GOP hostage taking Obamacare**

**Krugman 9/10**

Paul, “The Wonk Gap and the Debt Ceiling”, <http://krugman.blogs.nytimes.com/2013/09/10/the-wonk-gap-and-the-debt-ceiling/?_r=0>, MCR

So, **are we going to have a crisis over the debt ceiling again? Everyone seems to assume** that **we won’t,** that Republicans have learned their lesson, and that they’ll huff and puff before slinking away into the shadows. But **there’s a problem: the GOP leadership has been telling the base to chill on** the idea of **shutting down the government to defund Obamacare, that they’ll use the debt limit instead**. And **so far nobody seems to have been willing to admit that this won’t work** either**.¶** And part of the problem may be, once again, the complete lack of actual policy analysis on the right. Apparently Eric **Cantor is floating the idea of demanding a one-year delay in Obamacare in return for not forcing America into bankruptcy;** Greg Sargent emails a Republican aide for clarification, and get this reponse:¶ It’s absolutely one of the possible outcomes of a debt limit negotiation, and likely given the President’s proclivity for delaying sections of this law. Whether it’s a mandate delay, or delaying the law entirely, it depends on a great deal of other factors.¶ OK, this represents a complete failure to understand how the health reform works. As I’ve tried to explain, three things are essential: nondiscrimination, the individual mandate, and subsidies. Other things, like the employer mandate, can be delayed without undermining the basic working of the plan. But Republicans don’t know any of that; they haven’t tried to understand Obamacare, they’ve just denounced it. And so they mistake Obama’s flexibility on side issues for a willingness to retreat on the essentials, which he won’t do.¶ In other words, **the wonk gap might cause the GOP to stumble into disaster**.

**Plan popular- FISA Courts well-liked**

**Calabresi 13**

(Massimo, Time Swampland, “Checking Obama’s Assassination Power: A Drone Court Is Just One Way,” February 14, 2013, <http://swampland.time.com/2013/02/14/checking-obamas-assasination-power-a-drone-court-is-just-one-way/>) /wyo-mm

First, **the idea of a new secret national security court is popular because one already exists: the Foreign Intelligence Surveillance Court**, established in 1978 as a check on US spying on American citizens. A **good review of the origins of that court is at Lawfare today. The short version of the FISC court is that it is made up of respected judges** appointed by the Chief Justice of the U.S. Supreme Court, and it approves a variety of wiretapping and other investigative methods used by the executive branch against “American Persons” suspected of working for foreign powers anywhere in the world, including in the U.S.

**Links to politics – immense opposition to bypassing debate**

**Hallowell 13**

(Billy Hallowell, writer for The Blaze, B.A. in journalism and broadcasting from the College of Mount Saint Vincent in Riverdale, New York and an M.S. in social research from Hunter College in Manhattan, “HERE’S HOW OBAMA IS USING EXECUTIVE POWER TO BYPASS LEGISLATIVE PROCESS” Feb. 11, 2013, <http://www.theblaze.com/stories/2013/02/11/heres-how-obamas-using-executive-power-to-bylass-legislative-process-plus-a-brief-history-of-executive-orders/>, KB)

“In an era of polarized parties and a fragmented Congress, the opportunities to legislate are few and far between,” Howell said. “So **presidents have powerful incentive to go it alone**. And they do.”¶ **And the political opposition howls.**¶ Sen. Marco Rubio, R-Fla., a possible contender for the Republican presidential nomination in 2016, said that **on the gun-control front** in particular, **Obama is “abusing his power by imposing his policies via executive fiat instead of allowing them to be debated in Congress.”¶** **The Republican reaction is to be expected**, said John Woolley, co-director of the American Presidency Project at the University of California in Santa Barbara.¶ “For years **there has been a growing concern about unchecked executive power**,” Woolley said. “**It tends to have a partisan content, with** contemporary **complaints coming from the incumbent president’s opponents.”**

**And the counterplan fuels massive backlash—links to politics**

**Risen 4**

[Clay, Managing editor of *Democracy: A Journal of Ideas,* M.A. from the University of Chicago “The Power of the Pen: The Not-So-Secret Weapon of Congress-wary Presidents” The American Prospect, July 16, <http://www.prospect.org/cs/articles?article=the_power_of_the_pen>]

The most effective check on executive orders has proven to be political. **When it comes to executive orders, “The president is much more clearly responsible,”** says Dellinger, who was heavily involved in crafting orders under Clinton. “Not only is there no involvement from Congress, but **the president has to personally sign the order**.” **Clinton's Grand Staircase-Escalante** National Monument **executive order may** have helped him win votes, but it also **set off a massive congressional and public backlash.** Right-wing Internet sites bristled with comments about “dictatorial powers,” and Republicans warned of an end to civil liberties as we know them. “President Clinton is running roughshod over our Constitution,” said then–House Majority Leader Dick Armey. Indeed, **an unpopular executive order can have immediate--and lasting--political consequences.** In 2001, for example, **Bush proposed raising the acceptable number of parts per billion of arsenic in drinking water.** It was a bone he was trying to toss to the mining industry, and it would have overturned Clinton's order lowering the levels. But **the overwhelmingly negative public reaction forced Bush to quickly withdraw his proposal--and it painted him indelibly as an anti-environmental president.**