# Weber Round 6

## 2AC

### Word PIC

#### Perm do both. Policy solutions produce successful policies to meet individual needs.

Law Commission of Ontario, 12

“Principles for the Law as It Affects Persons with Disabilities,” Law Commission of Ontario, September 2012. <http://www.lco-cdo.org/en/disabilities-final-report-sectionIII//uwyokb>]

The framework [developed In Unison] also acknowledges the importance of developing flexible policy solutions in order to meet individual needs. Each person with a disability is unique and their specific needs, aspirations and challenges are influenced by their type of disability, stage of life, family, community and cultural context, and other characteristics. Aboriginal persons with disabilities, for example, view disability issues within frameworks that reflect their own cultural principles.[238] Inclusive design and accommodation must take into account the multiple aspects of identity for persons with disabilities. The principle of diversity in human abilities and other characteristics also reinforces the recognition that persons with disabilities are individuals first and foremost. For many individuals and in many circumstances, their disability is not the most important aspect of their identities. This recognition helps us to move beyond stereotypes and to combat ableism and paternalism.

#### Turn- The politics of the K reify the abled/disabled dichotomy while unwittingly creating a purism test for membership in the disabled community allowing for the ghettoization of unacceptable forms of disability and excluding participation from non-disabled academics and citizens

Humphrey, 2k

(Jill C. Faculty of applied social science @ the Open University, Researching disability politics, or, some problems with the social model in practice, Disability & Society 15.1)

ABSTRACT This article arises from a research project involving the disabled members’ group in UNISON, and problematises the social model which explicitly undergirds the discourses and practices of this group. In abstract terms, **there are dangers that the social model can be interpreted in a way which privileges some impaired identities over others, sanctions a separatist ghetto which cannot reach out to other groups of disabled and disadvantaged people, and weaves a tangled web around researchers who adhere to the emancipatory paradigm.** In concrete terms, **these dangers are explored with reference to the stories of impaired people who believe that they are excluded from the disabled members’ group**, the **predicaments of ex-disabled and differently-disabled people in relation to the movement, and the culture of suspicion surrounding academics, particularly the `non-disabled’ researcher as would-be ally**. It is argued that, whilst such identities and issues might appear to be `marginal’ ones in the sense of occurring at the boundary of disabled communities, disability politics and disability studies, they should not be `marginalised’ by disabled activists and academics, and indeed that they pose challenges to our collective identities, social movements, theoretical models and research paradigms which need to be addressed. Introduction The social model arose as a reaction against the medical model of disability, which reduced disability to impairment so that disability was located within the body or mind of the individual, whilst the power to de® ne, control and treat disabled people was located within the medical and paramedical professions (Oliver, 1996). Under the bio-medical reÂ gime, material deprivation and political disenfranchisement continued unabated, whilst institutional discrimination and social stigmatisation were exacerbated by segregation (Barnes 1991). In this context, the social model harbours a number of virtues in rede® ning disability in terms of a disabling environment, repositioning disabled people as citizens with rights, and reconfiguring the responsibilities for creating, sustaining and overcoming disablism. Indeed, when the social model is confronted with the resurrection of the medical model in its bio-medical, psychological, psychiatric and sociological guises, then it needs to be vigorously defended (Shakespeare & Watson, 1997). However, this does not mean that the social model is flawless, in either its design or its implementation. More precisely, if it is interpreted in a way which undermines the very communities, politics and studies it was supposed to enhance, it is incumbent upon us to inquire `What’ s going on? What’ s going wrong?’ A fruitful starting point and indeed one which already contains an answer to the above questions, is to recognise that there are two main versions of the social model, which are necessarily interrelated, but which will lead into opposing directions if we are not careful. In academic texts, the social model begins with an appreciation of the individual and collective experiences of disabled people (e.g. Swain et al., 1993). It goes on to elaborate the nature of a disabling society in terms of the physical environment, the political economy, the welfare state and sedimented stereotypes (e.g. Barnes et al., 1999). Finally, it endorses a critical or emancipatory paradigm of research (e.g. Barnes & Mercer 1997a) . This analysis lends itself to a recognition of the array of diverse experiences of disabling barriers; a realistic appraisal of the need for broader political coalitions to combat entrenched structural inequalitie s and cultural oppressions; and an openness about the potential for non-disabled people to contribute to critical theory and research. **In activist discourses, the emphasis is upon the fact that it is non-disabled people who have engineered the physical environment, dominated the political economy, managed welfare services, controlled research agendas, recycled pejorative labels and images, and translated these into eugenics policies**. **This analysis lends itself to a dichotomy between non-disabled and disabled people which becomes coterminous with the dichotomy between oppressors and oppressed; and this tightens the boundaries around the disabled identity, the disabled people’ s movement and disability research**. **Whilst this hermeneutic closure is designed to ward off incursions and, therefore, oppressions from non-disabled people, it may also have some unfortunate consequences.** I would like to illustrate these consequences by drawing upon a research project involving the four self-organised groups (SOGs) for women, black people, disabled members, and lesbian and gay members in UNISON (see Humphrey, 1998, 1999). Material drawn directly from conversations and observations in the disabled members’ group is supplemented by interview transcripts with members of the lesbian and gay group, my own personal experiences of and re¯ ections upon disability and discrimination, and recent developments in various social movements and critical research texts. The rest of the article depicts three problematic consequences of the social model in practice and redirects them back to the social model as critical questions which need to be addressed by its proponents. First, **there are questions of disability identity where a kind of `purism’ has been cultivated from the inside of the disability community. Here,** it can be demonstrated that **some people with certain types of impairments have not been welcomed into the disabled members’ group** in UNISON, **which means that the disability community is not yet inclusive, and that its membership has been skewed in a particular direction.** Second, **there are questions of disability politics where a kind of `separatism’ has been instituted.** Whilst the UNISON constitution allows for separatism to be supplemented by both coalitions and transformations, these have been slow to materialise in practice, and the dearth of such checks and balances in the wider disabled peoples’ movement **implies that the danger of developing a specific kind of disability ghetto is more acute**. Third, there are questions of disability research where a kind of `provisionalism’ is suspended over the role of researchers. The most obvious dilemmas arise for the non-disabled researcher as would-be ally, but it is becoming clear that disabled academics can also be placed in a dilemmatic position, and it is doubtful whether any researcher can practise their craft to their own standards of excellence when operating under the provisos placed upon them by political campaigners.

### Executive Reform CP

#### And, Executive reform fails

not neutral decision-maker, secrecy and speed undermine effective decision making

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

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

#### Only congress can ensure sufficient clarity

Mark David Maxwell, Colonel, Judge Advocate with the U.S. Army, Winter 2012, TARGETED KILLING, THE LAW, AND TERRORISTS, Joint Force Quarterly, http://www.ndu.edu/press/targeted-killing.html

The weakness of this theory is that it is not codified in U.S. law; it is merely the extrapolation of international theorists and organizations. The only entity under the Constitution that can frame and settle Presidential power regarding the enforcement of international norms is Congress. As the check on executive power, Congress must amend the AUMF to give the executive a statutory roadmap that articulates when force is appropriate and under what circumstances the President can use targeted killing. This would be the needed endorsement from Congress, the other political branch of government, to clarify the U.S. position on its use of force regarding targeted killing. For example, it would spell out the limits of American lethality once an individual takes the status of being a member of an organized group. Additionally, statutory clarification will give other states a roadmap for the contours of what constitutes anticipatory self-defense and the proper conduct of the military under the law of war. Congress should also require that the President brief it on the decision matrix of articulated guidelines before a targeted killing mission is ordered. As Kenneth Anderson notes, “[t]he point about briefings to Congress is partly to allow it to exercise its democratic role as the people’s representative.”74 The desire to feel safe is understandable. The consumers who buy SUVs are not buying them to be less safe. Likewise, the champions of targeted killings want the feeling of safety achieved by the elimination of those who would do the United States harm. But allowing the President to order targeted killing without congressional limits means the President can manipulate force in the name of national security without tethering it to the law advanced by international norms. The potential consequence of such unilateral executive action is that it gives other states, such as North Korea and Iran, the customary precedent to do the same. Targeted killing might be required in certain circumstances, but if the guidelines are debated and understood, the decision can be executed with the full faith of the people’s representative, Congress. When the decision is made without Congress, the result might make the United States feel safer, but the process eschews what gives a state its greatest safety: the rule of law.

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

[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.

#### 6th- Object fiat is a voter – avoids the core question of pres powers by fiating away obama’s behavior in the squo – justifies the end war cp which means the neg wins every debate – it’s not in the lit which is key

Hansen 12

(Victor, Professor of Law, New England Law, New England Law Review, Vol. 46, pp. 27-36, 2011, “Predator Drone Attacks”, February 22, 2012, <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2009313>, PDF, ZBurdette)

Any checks on the President’s use of drone attacks must come domestically. In the domestic arena the two options are either the courts or Congress. As discussed above, the courts are institutionally unsuited and incapable of providing appropriate oversight. Congress is the branch with the constitutional authority, historical precedent, and institutional capacity to exercise meaningful and effective oversight of the President’s actions.

### Prez Powers

#### 1st, Pres powers low now—Syria decision undermined Obama’s presidential powers

Nather and Palmer, 9-1-13

[David and Anna, Politico, Bushies fear Obama weakening presidency, http://www.politico.com/story/2013/09/bushies-fear-obama-weakening-presidency-96143.html] /Wyo-MB

President Barack Obama just turned decades of debate over presidential war powers on its head.¶ Until Saturday, when Obama went to Congress to ask for permission to strike Syria, the power to launch military action had been strongly in the hands of the commander in chief. Even the 1973 War Powers Resolution allows bombs to start falling before the president has to ask Congress for long-term approval.¶ For three decades after Watergate, conservatives like Dick Cheney and those of his ilk sought to increase executive branch power that they felt had been eroded by liberal congressional reformers. George W. Bush’s legal team crafted controversial opinions that emboldened the White House on a wide range of national security areas, from interrogation to surveillance.¶ That makes the move by Obama to hand a piece of the messy situation in Syria to Congress a clear step in the other direction — an abdication of power to Congress at a moment when he has no good solutions.¶ And even if Obama ultimately balks at Congress if they vote down his ask, prominent conservatives who fueled the expansion of presidential power — especially Bush administration alums — are beside themselves, arguing that Obama has weakened the presidency.

#### 4th, Restrictions inevitable---only a question of whether they are deliberate or haphazard

Benjamin Wittes 9, senior fellow and research director in public law at the Brookings Institution, is the author of Law and the Long War: The Future of Justice in the Age of Terror and is also a member of the Hoover Institution's Task Force on National Security and Law, “Legislating the War on Terror: An Agenda for Reform”, November 3, Book, p. 17

A new administration now confronts the same hard problems that plagued its ideologically opposite predecessor, and its very efforts to turn the page on the past make acute the problems of institutionalization. For while the new administration can promise to close the detention facility at Guantanamo Bay and can talk about its desire to prosecute suspects criminally, for example, it cannot so easily forswear noncriminal detention. While it can eschew the term "global war on terror," it cannot forswear those uses of force—Predator strikes, for example—that law enforcement powers would never countenance. Nor is it hastening to give back the surveillance powers that Congress finally gave the Bush administration. In other words, its very efforts to avoid the Bush administrations vocabulary have only emphasized the conflicts hybrid nature—indeed- emphasized that the United States is building something new here, not merely applying something old.¶ That point should not provoke controversy. The evidence that the United States is fumbling toward the creation of hybrid institutions to handle terrorism cases is everywhere around us. U.S. law, for example, now contemplates extensive- probing judicial review of detentions under the laws of war—a naked marriage of criminal justice and wartime traditions. It also contemplates warrantless wiretapping with judicial oversight of surveillance targeting procedures—thereby mingling the traditional judicial role in reviewing domestic surveillance with the vacuum cleaner-type acquisition of intelligence typical of overseas intelligence gathering. Slowly but surely, through an unpredictable combination of litigation, legislation, and evolutionary developments within executive branch policy, the nation is creating novel institutional arrangements to authorize and regulate the war on terror. The real question is not whether institutionalization will take place but whether it will take place deliberately or haphazardly, whether the United States will create through legislation the institutions with which it wishes to govern itself or whether it will allow an endless sequence of common law adjudications to shape them.¶ The authors of the chapters in this book disagree about a great many things. They span a considerable swath of the U.S. political spectrum, and they would no doubt object to some of one another's policy prescriptions. Indeed, some of the proposals are arguably inconsistent with one another, and it will be the very rare reader who reads this entire volume and wishes to see all of its ideas implemented in legislation. What binds these authors together is not the programmatic aspects of their policy prescriptions but the belief in the value of legislative action to help shape the contours of the continuing U.S. confrontation with terrorism. That is, the authors all believe that Congress has a significant role to play in the process of institutionalization—and they have all attempted to describe that role with reference to one of the policy areas over which Americans have sparred these past several years and will likely continue sparring over the next several years.

#### Congressional authorization vindicates Presidential decisions and enables him to act faster

Cronogue 12

(Graham Cronogue, JD from Duke University School of Law, 2012, “A New AUMF: Defining Combatants in the War on Terror,” Duke Journal of Comparative and International Law, http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1294&context=djcil)

#### Though the President’s inherent authority to act in times of emergency and war can arguably make congressional authorization of force unnecessary, it is extremely important for the conflict against al-Qaeda and its allies. First, as seen above, the existence of a state of war or national emergency is not entirely clear and might not authorize offensive war anyway. Next, assuming that a state of war did exist, specific congressional authorization would further legitimate and guide the executive branch in the prosecution of this conflict by setting out exactly what Congress authorizes and what it does not. Finally, Congress should specifically set out what the President can and cannot do to limit his discretionary authority and prevent adding to the gloss on executive power. Even during a state of war, a congressional authorization for conflict that clearly sets out the acceptable targets and means would further legitimate the President’s actions and help guide his decision making during this new form of warfare. Under Justice Jackson’s framework from Youngstown, presidential authority is at its height when the Executive is acting pursuant to an implicit or explicit congressional authorization.74 In this zone, the President can act quickly and decisively because s/he knows the full extent of [her or] his power.75 In contrast, the constitutionality of presidential action merely supported by a president’s inherent authority exists in the “zone of twilight.”76 Without a congressional grant of power, the President’s war actions are often of questionable constitutionality because Congress has not specifically delegated any of its own war powers to the executive.77 This problem forces the President to make complex judgments regarding the extent and scope of his inherent authority. The resulting uncertainty creates unwelcome issues of constitutionality that might hinder the President’s ability to prosecute this conflict effectively. In timesensitive and dangerous situations, where the President needs to make splitsecond decisions that could fundamentally impact American lives and safety, s/he should not have to guess at the scope of his [or her] authority. Instead, Congress should provide a clear, unambiguous grant of power, which would mitigate many questions of authorization. Allowing the President to understand the extent of his authority will enable him to act quickly,

#### 7th, 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).

#### 8th, We solve the Impact- specialized courts are fast- wouldn’t compromise operations

Somin, 13 [April 23rd, HEARING ON “DRONE WARS: THE CONSTITUTIONAL AND COUNTERTERRORISM IMPLICATIONS OF TARGETED KILLING” TESTIMONY BEFORE THE UNITED STATES SENATE JUDICIARY SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS, AND HUMAN RIGHTS April 23, 2013, Illya, Professor of Law]

B. Possible Institutional Safeguards. One partial solution to the problem of target selection would be to require officials to get advance authorization for targeting a United States citizen from a specialized court, similar to the FISA Court, which authorizes intelligence surveillance warrants for spying on suspected foreign agents in the United States. The specialized court could act faster than ordinary courts do and without warning the potential target, yet still serve as a check on unilateral executive power. In the present conflict, there are relatively few terrorist leaders who are American citizens. Given that reality, we might even be able to have more extensive judicial process than exists under FISA. Professor Amos Guiora of the University of Utah, a leading expert on legal regulation of counterterrorism operations with extensive experience in the Israeli military, has developed a proposal for a FISA-like oversight court that deserves serious consideration by this subcommittee, and Congress more generally.22 The idea of a drone strike oversight court has also been endorsed by former Secretary of Defense Robert Gates, who served in that position in both the Obama and George W. Bush administrations. Gates emphasizes that “some check on the president’s ability to do this has merit as we look to the long-term future,” so that the president would not have the unilateral power of “being able to execute” an American citizen.23 We might even consider developing a system of judicial approval for targeted strikes aimed at non-citizens. The latter process might have to be more streamlined than that for citizens, given the larger number of targets it would have to consider. But it is possible that it could act quickly enough to avoid compromising operations, while simultaneously acting as a check on abusive or reckless targeting. However, the issue of judicial review for strikes against non-citizens is necessarily more difficult than a court that only covers relatively rare cases directed at Americans.

## 1AR