## 2AC

### 2AC Demo Promo Good

US democracy promotion is empirically effective – studies prove – their evidence relies on ineffective military promotion models.

Finkel et al, Professor of Political Science at the University of Pittsburgh, 2007 (Steven Finkel, also Aníbal Pérez-Liñán and Mitchell A. Seligson, World Politics, Vol 59, No 3, Project Muse)

This study has advanced the analysis of democracy promotion programs in several ways. Unlike all prior published research, the data set is based upon an exhaustive survey of the entire democracy portfolio of the United States Agency for International Development. Prior published quantitative research had been unable to separate democracy programs from other forms of assistance. We estimated the effects using models that take into account each country's unique democratic trajectory during the period under study, controlling for a wide range of theoretically relevant variables. We also used an instrumental variables approach to minimize the possibility that the findings were an artifact of endogeneity, or a process whereby usaid selects more democratic or democratic-trending countries to receive democracy assistance in the first place. Controlling for these potentially confounding processes, we find that dg expenditures exerted a significant, albeit modest, impact on democratic outcomes as measured by both Freedom House and Polity IV scores. Our results underscore the recent trend emphasizing international factors in studies of democratization.69 Moreover, the evidence lends credence to the theoretical perspectives that emphasize the role of agency in democratic change. Although agency is difficult to capture in large-N statistical models (and thus generally relegated to the disturbance term), investment in democracy programs is explicitly directed toward the empowerment of particular agents. It is through the local action of individuals, political organizations, and social movements that funding decisions can translate into democratic change in the short run. Thus, the finding of a significant dg effect supports theoretical notions of both external and agent-based sources of democratic change.The analysis produced four major results. First, contrary to the generally [End Page 435] negative conclusions from previous research, there are clear and consistent impacts of usaid democracy assistance on democratization in recipient countries. An investment of one million dollars (measured in constant 2000 dollars) would foster an increase in democracy 65 percent greater than the change expected for the average country in the sample in any given year. Second, significant lagged effects were found, suggesting that democracy programs may take several years to mature. Third, the results were found to hold under a variety of specifications, capturing the possibility of endogenous funding, diminishing returns, and alternative standardizations of the aid variables. Finally, the pattern of effects suggests that with one notable exception—the area of Human Rights promotion—usaid expenditures targeted for specific subsectors such as Elections, Civil Society, and Free Media tend to have the largest impact on the respective dimensions of democratic performance. At the same time, these optimistic conclusions must be tempered with several cautionary observations. First, the findings must be viewed in the context of the actual current outlays for democracy assistance by the United States. Democracy assistance is still only a small portion of total usaid assistance, and a small proportion of overall gdp when compared to the assistance given by a number of European countries. Second, the apparent negative effect in the area of human rights reminds us that the causal processes involved in democracy promotion are extraordinarily complex. It may not always be the case that increased democracy assistance will lead to a positive impact in the short run. Third, such an "anomalous" finding highlights the fact that we do not yet know many of the ways through which democratic assistance impacts democratic outcomes for better and possibly for worse. Are some patterns of usaid investment more effective than others? Are some countries or regions more likely than others to benefit from democracy funds? Such questions demand not only more conditional and interactive models of the effects of democracy assistance but also more comprehensive modeling of the decisions made by donor organizations in funding democracy programs in different countries at different times. We have shown that there was a moderate but consistent worldwide effect of U.S. democracy promotion in the period 1990–2003. Nevertheless, U.S. democracy assistance pales relative to other U.S. development assistance, relative to per capita development assistance provided by many other advanced industrial nations, and, most starkly, relative to the sums expended to democratize nations via military intervention. Only when viewed from those relative perspectives and by considering [End Page 436] the stark consequences of recent controversial efforts to democratize countries via military intervention can the gains achieved by usaid's democracy assistance programs be appropriately evaluated.70

### 2AC Hegemony

#### US military primacy remains unmatched – no challengers

Nye, IR Prof at Harvard, ’10 (Joseph, November/December, “The Future of American Power” Foreign Affairs, Vol 89 No 6, EbscoHost)

Power today is distributed in a pattern that resembles a complex three-dimensional chess game. On the top chessboard, military power is largely unipolar, and the United States is likely to retain primacy for quite some time. On the middle chessboard, economic power has been multipolar for more than a decade, with the United States, Europe, Japan, and China as the major players and others gaining in importance. The bottom chessboard is the realm of transnational relations. It includes nonstate actors as diverse as bankers who electronically transfer funds, terrorists who traffic weapons, hackers who threaten cybersecurity, and challenges such as pandemics and climate change. On this bottom board, power is widely diffused, and it makes no sense to speak of unipolarity, multipolarity, or hegemony. In interstate politics, the most important factor will be the continuing return of Asia to the world stage. In 1750, Asia had more than half the world's population and economic output. By 1900, after the Industrial Revolution in Europe and the United States, Asia's share shrank to one-fifth of global economic output. By 2050, Asia will be well on its way back to its historical share. The rise of China and India may create instability, but this is a problem with precedents, and history suggests how policies can affect the outcome. HEGEMONIC DECLINE? It is currently fashionable to compare the United States' power to that of the United Kingdom a century ago and to predict a similar hegemonic decline. Some Americans react emotionally to the idea of decline, but it would be counterintuitive and ahistorical to believe that the United States will have a preponderant share of power resources forever. The word "decline" mixes up two different dimensions: absolute decline, in the sense of decay, and relative decline, in which the power resources of other states grow| or are used more effectively. The analogy with British decline is misleading. The United Kingdom had naval supremacy and an empire on which the sun never set, but by World War I, the country ranked only fourth among the great powers in its share of military personnel, fourth in GDP, and third in military spending. With the rise of nationalism, protecting the empire became more of a burden than an asset. For all the talk of an American empire, the United States has more freedom of action than the United Kingdom did. And whereas the United Kingdom faced rising neighbors, Germany and Russia, the United States benefits from being surrounded by two oceans and weaker neighbors.

Hege key to environmental protections.

Falkner 5 – Dept. IR @ London School of Economics, Robert, “American Hegemony and the Global Environment”, International Studies Review (2005) 7, 585–599

The ﬁrst use of hegemony in international environmental politics revolves around the use of superior power in the interest of international regime building. Young (1989:88) has argued in International Cooperation: Building Regimes for Natural Re- sources and the Environment that, even though hegemonic states rarely impose in- ternational regimes against the wishes of other states, they play an important role in providing leadership in the creation of mutually agreeable environmental regimes. Although environmental leadership does not necessarily result from hegemonic power, it is closely linked to such power. Environmental leadership can take many different forms: policy entrepreneurship of individual actors in international bar- gaining that facilitates compromise and agreement in the interest of environmental causes (entrepreneurial leadership); diffusion and role model effects of national environmental policy (intellectual leadership); and the more explicit use of eco- nomic incentives and sanctions in pursuit of international environmental objectives (structural leadership) (Young 1991; Lake 1993; Vogel 1997; Tews 2004). Even though hegemony is neither a necessary nor sufﬁcient condition for the existence of environmental leadership, it is usually only powerful states that have a lasting effect on international negotiations and norm creation. Weaker states may assume a leading position when it comes to developing progressive environmental policies or demanding stringent international rules. But such initiatives will remain ineffective if they are not backed up by political and economic clout that can foster international agreement and induce compliance. For example, smaller European states such as Denmark and the Netherlands have often been in the vanguard of environmental policy innovation, but Germany, Europe’s largest economy, is usu- ally credited with providing the essential leadership for advancing environmental policies at the EU level. A similar picture emerges in the international system. It is mainly states that have dominant economic and political clout and whose position in the international economy affords them the possibility of exerting indirect or direct pressure on other states that can provide effective leadership on environmental issues. The United States is a good example of this conclusion. For much of the early phase of international environmental politics, the United States provided inter- national leadership in one form or the other. It was one of the ﬁrst leading in- dustrialized nations to develop comprehensive environmental legislation and reg- ulatory institutions. The US Environmental Protection Agency (EPA), which was set up in 1970 to integrate the widely scattered programs and institutions dealing with environmental matters, instantly became a model for similar regulatory agencies that were created in other industrialized countries during the 1970s. Much of this state activity was underpinned by the world’s most dynamic environmental move- ment, which came into existence in the mid-1960s. US environmental groups ranging from the more traditional bodies (Sierra Club, National Audubon Society) to modern environmental nongovernmental organizations (Environmental Defense Fund, Natural Resources Defense Council, Greenpeace) worked to create broadly based domestic support for a more ambitious environmental policy at home and abroad. US scientists and activists came to play a leading role in the global envi- ronmental movement that began to emerge in the 1970s (Kraft 2004). At the international level, the United States began to claim the mantle of en- vironmental leader, ﬁrst at the UN Conference on the Human Environment in Stockholm in 1972 (Hopgood 1998:96), and later in the context of the multilateral efforts to agree on environmental treaties. Having declared eight whale species endangered based on the Endangered Species Act of 1969, the United States took up the issue of whale preservation internationally and initiated a transformation of the international whaling regime to emphasize species protection rather than nat- ural resource usage. US diplomatic pressure and threat of sanctions were instrumental in getting the International Whaling Commission to place a ban on commercial whaling in 1984 (Porter and Brown 1996:77–81; Fletcher 2001). Also in the 1970s, the United States began to support international efforts to take action against ozone layer depletion and in the 1980s became a key advocate of international restrictions on the use of ozone-depleting chemicals. During the ne- gotiations on the Montreal Protocol, the US government provided important lead- ership and exerted pressure on skeptical states, especially the European producers of ozone-depleting substances, that objected to strong international measures (Benedick 1991). Whereas the ozone negotiations provided the United States with an opportunity to display leadership in a multilateral context, US policy on the conservation of species took on a more unilateral character. More than any other country, the United States has used the threat of sanctions to change other nations’ behavior in areas that endanger threatened species. Using import restrictions on products made in an environmentally damaging way, the US government forced foreign ﬁshing ﬂeets to comply with American standards of protection of, for ex- ample, dolphins and sea turtles (DeSombre 2001).

#### Warming inevitable

Mayer Hillman, Senior Fellow at the Policy Studies Institute, 2007

*The Suicidal Planet: How To Prevent Global Climate Catastrophe*, p. 25-6

The effects of climate change cannot quickly be reversed by reducing or even eliminating future emissions of greenhouse gases. There are two reasons for this. First, greenhouse gases released into the atmosphere linger for decades (in the case of relatively short-lived gases like methane), or hundreds of years (for carbon dioxide), or even thousands of years (for the long-lived gases like per-fluorocarbons). Carbon dioxide and methane concentrations in the atmosphere are respectively one-third and more than twice as high as those at any time over the last 650,000 years. Even if no additional carbon dioxide were emitted from now on, atmospheric concentrations would take centuries to decline to pre-Industrial Revolution levels. While elevated levels of greenhouse gases remain in the atmosphere, additional warming will occur.

### AT Circumvention

#### No circumvention and the courts are effective—the executive will consent

Prakash and Ramsay 12, Professors of Law

[2012, Saikrishna B. Prakash is a David Lurton Massee, Jr. Professor of Law and Sullivan and Cromwell Professor of Law, University of Virginia School of Law., and Michael D. Ramsey is a Professor of Law, University of San Diego School of Law; “The Goldilocks Executive”, Review of THE EXECUTIVE UNBOUND:AFTER THE MADISONIAN REPUBLIC. By Eric A. Posner & Adrian Vermeule, 90 Texas L. Rev. 973, <http://www.texaslrev.com/wp-content/uploads/Prakash-Ramsey-90-TLR-973.pdf>]

The Courts.—The courts constrain the Executive, both because courts are necessary to the Executive imposing punishments and because courts can enforce the Constitution and laws against the Executive. It is true, as Posner and Vermeule say, that courts often operate ex post and that they may defer to executive determinations, especially in sensitive areas such as national security. But these qualifications do not render the courts meaningless as a Madisonian constraint. First, to impose punishment, the Executive must bring a criminal case before a court. If the court, either via jury or by judge, finds for the defendant, the Executive does not suppose that it can nonetheless impose punishment (or even, except in the most extraordinary cases, continue detention). This is so even if the Executive is certain that the court is mistaken and that failure to punish will lead to bad results. As a result, the Executive’s ability to impose its policies upon unwilling actors is sharply limited by the need to secure the cooperation of a constitutionally independent branch, one that many suppose has a built-in dedication to the rule of law.84 And one can hardly say, in the ordinary course, that trials and convictions in court are a mere rubber stamp of Executive Branch conclusions. Second, courts issue injunctions that bar executive action. Although it is not clear whether the President can be enjoined,85 the rest of his branch surely can and thus can be forced to cease actions that judges conclude violate federal law or the Constitution.86 As a practical matter, while courts issue such injunctions infrequently, injunctions would be issued more often if an administration repeatedly ignored the law. Third, courts’ judgments sometimes force the Executive to take action, such as adhering to a court’s reading of a statute in areas related to benefits, administrative process, and even commission delivery. Though the claim in Marbury v. Madison87 that courts could issue writs of mandamus to executive officers was dicta,88 it was subsequently confirmed in Kendall v. United States ex rel. Stokes, 89 a case where a court ordered one executive officer to pay another.90 Finally, there is the extraordinary practice of the Executive enforcing essentially all judgments. The occasions in which the Executive has refused to enforce judgments are so few and far between that they are the stuff of legend. To this day, we do not know whether Andrew Jackson said, “John Marshall has made his decision, now let him enforce it.”91 Lincoln’s disobedience of Chief Justice Taney’s writ of habeas corpus is so familiar because it was so singular. Yet to focus on actual court cases and judgments is to miss the broader influence of the courts. Judicial review of executive action matters because the knowledge of such review affects what the Executive will do. Executives typically do not wish to be sued, meaning that they often will take measures designed to stave off such suits and avoid actions that raise the risk of litigation. The ever-present threat that someone will take a case to court and defeat the Executive acts as a powerful check on executive decision making. The Executive must take account of law, including law defined as what a court will likely order.

### 2AC Ban T

#### We meet—indefinite detention with a right to habeas corpus isn’t indefinite detention

#### Restriction includes a limitation

STATE OF ARIZONA, Appellee, v. JEREMY RAY WAGNER, April 10, 2008, Filed, Appellant., 1 CA-CR 06-0167, 2008 Ariz. App. Unpub. LEXIS 613, opinion by Judge G. MURRAY SNOW

P10 The term "restriction" is not defined by the Legislature for the purposes of the DUI statutes. See generally A.R.S. § 28-1301 (2004) (providing the "[d]efinitions" section of the DUI statutes). In the absence of a statutory definition of a term, we look to ordinary dictionary definitions and do not construe the word as being a term of art. Lee v. State, 215 Ariz. 540, 544, ¶ 15, 161 P.3d 583, 587 (App. 2007) ("When a statutory term is not explicitly defined, we assume, unless otherwise stated, that the Legislature intended to accord the word its natural and obvious meaning, which may be discerned from its dictionary definition.").

P11 The dictionary definition of "restriction" is "[a] limitation or qualification." Black's Law Dictionary 1341 (8th ed. 1999). In fact, "limited" and "restricted" are considered synonyms. See Webster's II New Collegiate Dictionary 946 (2001). Under these commonly accepted definitions, Wagner's driving privileges were "restrict[ed]" when they were "limited" by the ignition interlock requirement. Wagner was not only [\*7] statutorily required to install an ignition interlock device on all of the vehicles he operated, A.R.S. § 28-1461(A)(1)(b), but he was also prohibited from driving any vehicle that was not equipped with such a device, regardless whether he owned the vehicle or was under the influence of intoxicants, A.R.S. § 28-1464(H). These limitations constituted a restriction on Wagner's privilege to drive, for he was unable to drive in circumstances which were otherwise available to the general driving population. Thus, the rules of statutory construction dictate that the term "restriction" includes the ignition interlock device limitation.

#### Their interpretation overlimits to only one aff in each topic area—aff flex ensures innovative topics encouraging research skills and in depth discussions

#### Our interpretation is more precise by citing a court case—that means our limit is predictable and better reflects the topic

#### Default to reasonability—competing interpretations leads to a race to limit out affs at the expense of substance—affs need to know they’re topical

### 2AC XO CP

#### Doesn’t solve Judicial Globalism

#### Separation of Powers—judicial action is key restore the balance with the executive by asserting judicial strength and countering perceptoins judicial irrelevance—that’s Schnarf—the impact is our CJA evidence—prevents stable democratic transitions globally

#### Globalization—only the plan is modeled—Judiciary’s participate in transnational conferences and interactions and are looked to by foreign governments—that’s Schnarf—those are key to encourage judicial independence and strength in new states

**Doesn’t solve Legitimacy**

#### Accountability—stable interpretation of the law bolsters hegemonic stability because nations know they can rely on those interpretations—states fear the ability of the political branches to make abrupt moves and give into political influence—that’s Knowles

#### Accessibility—the court is uniquely accessible because its seen as an avenue for countries to lodge complaints against the US—credibility of judicial action is key to make the US seem broadly accountable which is key—that’s Knowles

#### Perm do both—solves the NB because Obama will be seen as taking the lead

#### Perm do the CP

#### Only the courts can solve – The Executive tried and congress removed their funding for transfer

Chow 11, JD from Cardozo

(Samuel, THE KIYEMBA PARADOX: CREATING A JUDICIAL FRAMEWORK TO ERADICATE INDEFINITE, UNLAWFUL EXECUTIVE DETENTIONS, www.cjicl.com/uploads/2/9/5/9/2959791/cjicl\_19.3\_chow\_note.pdf)

After the D.C. Circuit Court issued its opinion and while the petition for certiorari was pending, the Executive expressly recognized the troubling scenario that the continued detention of the Kiyemba petitioners posed. Defense Secretary Robert M. Gates concluded that it was "difficult for the State Department to make the argument to other countries they should take these people that we have deemed, in this case, not to be dangerous, if we won't take any of them ourselves." Indeed, the Executive was poised to send as many as seven of the petitioners to the United States in 2009. However, in response to the threat of such action. Congress attached a rider to the Supplemental Appropriations Act which prevented the use of defense funds to release any Guantanamo detainees into the United States. Congress also passed two additional pieces of legislation restricting the ability of Guantanamo detainees to enter the United States. The National Defense Authorization Act granted Congress a substantial degree of control over such releases and a spending provision banned the Department of Homeland Security from effectuating such release. The detainees' hope for release, therefore, turned again on the pending petition for certiorari.

#### Internal executive actions don’t restore legitimacy—still perceived as not credible independent of the action taken

Goldsmith 13, Professor at Harvard Law

[05/01/13, Jack Goldsmith teaches at Harvard Law School and is a member of the Hoover Institution Task Force on National Security and Law. He is the author , most recently, of Power and Constraint, “How Obama Undermined the War on Terror”, http://www.newrepublic.com/article/112964/obamas-secrecy-destroying-american-support-counterterrorism]

These are unhappy developments for the president who in his first inaugural address pledged with supercilious confidence that, unlike his predecessor, he would not expend the "rule of law" for "expedience's sake." Obama reportedly bristles at the legal and political questions about his secret war, and the lack of presidential trust that they imply. "This is not Dick Cheney we're talking about here," he recently pleaded to Democratic senators who complained about his administration's excessive secrecy on drones, according to Politico. And yet the president has ended up in this position because he committed the same sins that led Cheney and the administration in which he served to a similar place. The first sin is an extraordinary institutional secrecy that Obama has long promised to reduce but has failed to. In part this results from any White House's inevitable tendency to seek maximum protection for its institutional privileges and prerogatives. The administration's disappointing resistance to sharing secret legal opinions about the secret war with even a small subset of Congress falls into this category. MUCH OF WHAT THE ADMINISTRAT-ION SAYS ABOUT ITS SECRET WAR SEEMS INCOMPLETE, SELF-SERVING, AND ULTIMATELY NON-CREDIBLE. But the point goes deeper, for secrecy is the essence of the type of war that Obama has chosen to fight. The intelligence-gathering in foreign countries needed for successful drone strikes there cannot be conducted openly. Nor can lethal operations in foreign countries easily be acknowledged. Foreign leaders usually insist on non-acknowledgment as a condition of allowing American operations in their territories. And in any event, an official American confirmation of the operations might spark controversies in those countries that would render the operations infeasible. The impossible-to-deny bin Laden raid was a necessary exception to these principles, and the United States is still living with the fallout in Pakistan. For official secrecy abroad to work, the secrets must be kept at home as well. In speeches, interviews, and leaks, Obama's team has tried to explain why its operations abroad are lawful and prudent. But to comply with rules of classified information and covert action, the explanations are conveyed in limited, abstract, and often awkward terms. They usually raise more questions than they answer—and secrecy rules often preclude the administration from responding to follow-up questions, criticisms, and charges. As a result, much of what the administration says about its secret war—about civilian casualties, or the validity of its legal analysis, or the quality of its internal deliberations—seems incomplete, self-serving, and ultimately non-credible. These trust-destroying tendencies are exacerbated by its persistent resistance to transparency demands from Congress, from the press, and from organizations such as the aclu that have sought to know more about the way of the knife through Freedom of Information Act requests. A related sin is the Obama administration's surprising failure to secure formal congressional support. Nearly every element of Obama's secret war rests on laws—especially the congressional authorization of force (2001) and the covert action statute (1991)—designed for different tasks. The administration could have worked with Congress to update these laws, thereby forcing members of Congress to accept responsibility and take a stand, and putting the secret war on a firmer political and legal foundation. But doing so would have required extended political efforts, public argument, and the possibility that Congress might not give the president precisely what he wants. The administration that embraced the way of the knife in order to lower the political costs of counterterrorism abroad found it easier to avoid political costs at home as well. But this choice deprived it of the many benefits of public argumentation and congressional support. What Donald Rumsfeld said self-critically of Bush-era unilateralism applies to Obama's unilateralism as well: it fails to "take fully into account the broader picture—the complete set of strategic considerations of a president fighting a protracted, unprecedented and unfamiliar war for which he would need sustained domestic and international support." Instead of seeking contemporary congressional support, the administration has relied mostly on government lawyers' secret interpretive extensions of the old laws to authorize new operations against new enemies in more and more countries. The administration has great self-confidence in the quality of its stealth legal judgments. But as the Bush administration learned, secret legal interpretations are invariably more persuasive within the dark circle of executive branch secrecy than when exposed to public sunlight. On issues ranging from proper targeting standards, to the legality of killing American citizens, to what counts as an "imminent" attack warranting self-defensive measures, these secret legal interpretations—so reminiscent of the Bushian sin of unilateral legalism—have been less convincing in public, further contributing to presidential mistrust. Feeling the heat from these developments, President Obama promised in his recent State of the Union address "to engage with Congress to ensure not only that our targeting, detention, and prosecution of terrorists remains consistent with our laws and system of checks and balances, but that our efforts are even more transparent to the American people and to the world." So far, this promise, like similar previous ones, remains unfulfilled. The administration has floated the idea of "[shifting] the CIA's lethal targeting program to the Defense Department," as The Daily Beast reported last month. Among other potential virtues, this move might allow greater public transparency about the way of the knife to the extent that it would eliminate the covert action bar to public discussion. But JSOC's non-covert targeted killing program is no less secretive than the CIA's, and its congressional oversight is, if anything, less robust. A bigger problem with this proposed fix is that it contemplates executive branch reorganization followed, in a best-case scenario, by more executive branch speeches and testimony about what it is doing in its stealth war. The proposal fails to grapple altogether with the growing mistrust of the administration's oblique representations about secret war. The president cannot establish trust in the way of the knife through internal moves and more words. Rather, he must take advantage of the separation of powers. Military detention, military commissions, and warrantless surveillance became more legitimate and less controversial during the Bush era because adversarial branches of government assessed the president's policies before altering and then approving them. President Obama should ask Congress to do the same with the way of the knife, even if it means that secret war abroad is harder to conduct. Administration officials resist this route because they worry about the outcome of the public debate, and because the president is, as The Washington Post recently reported, "seen as reluctant to have the legislative expansion of another [war] added to his legacy." But the administration can influence the outcome of the debate only by engaging it. And as Mazzetti makes plain, the president's legacy already includes the dramatic and unprecedented unilateral expansion of secret war. What the president should be worried about for legacy purposes is that this form of warfare, for which he alone is today responsible, is increasingly viewed as illegitimate.

#### Multiple conditional options bad – it’s a voter – rejecting the arg incentivizes abuse

#### First is skew – aff can’t read their best offense because the neg can just kick their argument and can cross-apply offense, kills fairness

#### Second is research – they can advocate contradictory positions, kills education and advocacy skills

#### One conditional advocacy solves their offense – we should get to advocate perms – only reciprocal option

#### 2009 proves the CP links to politics

Fisher, 13 --- served four decades in the Library of Congress as senior specialist in separation of powers at the Congressional Research Service and specialist in constitutional law at the Law Library (7/1/2013, Louis, The National Law Journal, “Closing Guantanamo http://www.constitutionproject.org/wp-content/uploads/2013/07/Guantanamo-NLJ-2013.pdf))

On January 22, 2009, on his second day in office, Obama issued Executive Order 13492 to close the detention facility “as soon as practicable, and no later than 1 year from the date of this order.” Remarkably, no one in the administration seemed to warn him of the political risks. Transferring terrorist suspects to the United States was immensely controversial. The administration needed to first meet with lawmakers, learn about their concerns, fashion a reasonable compromise and locate a secure facility on the mainland to house the detainees. It failed to take any of those steps. If Obama had asked Congress to help create a legislative framework for the closure, progress was possible. The executive order was the type of unilateral action that backfired on George W. Bush.

### 2AC K

#### Framework—the primary purpose of debate should be to improve our skills as decisionmakers through a discussion of public policy

#### Decisionmaking skills are necessary to decide between individual courses of action that affect us on a daily basis—flexing our muscles in the high-stakes games of public policymaking is necessary to make those individual decisions easier

#### The neg must connect their alternative to policy concerns and institutional practices—absent these questions shifts in knowledge production are useless – governments’ obey institutional logics that exist independently of individuals and constrain decisionmaking

Wight – Professor of IR @ University of Sydney – 6

(Colin, Agents, Structures and International Relations: Politics as Ontology, pgs. 48-50

One important aspect of this relational ontology is that these relations constitute our identity as social actors. According to this relational model of societies, one is what one is, by virtue of the relations within which one is embedded. A worker is only a worker by virtue of his/her relationship to his/her employer and vice versa. ‘Our social being is constituted by relations and our social acts presuppose them.’ At any particular moment in time an individual may be implicated in all manner of relations, each exerting its own peculiar causal effects. This ‘lattice-work’ of relations constitutes the structure of particular societies and endures despite changes in the individuals occupying them. Thus, the relations, the structures, are ontologically distinct from the individuals who enter into them. At a minimum, the social sciences are concerned with two distinct, although mutually interdependent, strata. There is an ontological difference between people and structures: ‘people are not relations, societies are not conscious agents’. Any attempt to explain one in terms of the other should be rejected. If there is an ontological difference between society and people, however, we need to elaborate on the relationship between them. Bhaskar argues that we need a system of mediating concepts, encompassing both aspects of the duality of praxis into which active subjects must fit in order to reproduce it: that is, a system of concepts designating the ‘point of contact’ between human agency and social structures. This is known as a ‘positioned practice’ system. In many respects, the idea of ‘positioned practice’ is very similar to Pierre Bourdieu’s notion of habitus. Bourdieu is primarily concerned with what individuals do in their daily lives. He is keen to refute the idea that social activity can be understood solely in terms of individual decision-making, or as determined by surpa-individual objective structures. Bourdieu’s notion of the habitus can be viewed as a bridge-building exercise across the explanatory gap between two extremes. Importantly, the notion of a habitus can only be understood in relation to the concept of a ‘social field’. According to Bourdieu, a social field is ‘a network, or a configuration, of objective relations between positions objectively defined’. A social field, then, refers to a structured system of social positions occupied by individuals and/or institutions – the nature of which defines the situation for their occupants. This is a social field whose form is constituted in terms of the relations which define it as a field of a certain type. A habitus (positioned practices) is a mediating link between individuals’ subjective worlds and the socio-cultural world into which they are born and which they share with others. The power of the habitus derives from the thoughtlessness of habit and habituation, rather than consciously learned rules. The habitus is imprinted and encoded in a socializing process that commences during early childhood. It is inculcated more by experience than by explicit teaching. Socially competent performances are produced as a matter of routine, without explicit reference to a body of codified knowledge, and without the actors necessarily knowing what they are doing (in the sense of being able adequately to explain what they are doing). As such, the habitus can be seen as the site of ‘internalization of reality and the externalization of internality.’ Thus social practices are produced in, and by, the encounter between: (1) the habitus and its dispositions; (2) the constraints and demands of the socio-cultural field to which the habitus is appropriate or within; and (3) the dispositions of the individual agents located within both the socio-cultural field and the habitus. When placed within Bhaskar’s stratified complex social ontology the model we have is as depicted in Figure 1. The explanation of practices will require all three levels. Society, as field of relations, exists prior to, and is independent of, individual and collective understandings at any particular moment in time; that is, social action requires the conditions for action. Likewise, given that behavior is seemingly recurrent, patterned, ordered, institutionalised, and displays a degree of stability over time, there must be sets of relations and rules that govern it. Contrary to individualist theory, these relations, rules and roles are not dependent upon either knowledge of them by particular individuals, or the existence of actions by particular individuals; that is, their explanation cannot be reduced to consciousness or to the attributes of individuals. These emergent social forms must possess emergent powers. This leads on to arguments for the reality of society based on a causal criterion. Society, as opposed to the individuals that constitute it, is, as Foucault has put it, ‘a complex and independent reality that has its own laws and mechanisms of reaction, its regulations as well as its possibility of disturbance. This new reality is society…It becomes necessary to reflect upon it, upon its specific characteristics, its constants and its variables’.

#### Discussions of structure should precede substance—second generation Guantanamo issues require a more detailed focus on the legal system—student advocacy enables us to make change

Marguiles 11, Professor of Law

[February 9, 2011, Peter Margulies is Professor of Law, Roger Williams University., “The Ivory Tower at Ground Zero: Conflict and Convergence in Legal Education’s Responses to Terrorism”Journal of Legal Education, Vol. 60, p. 373, 2011, Roger Williams Univ. Legal Studies Paper No. 100]

If timidity in the face of government overreaching is the academy’s overarching historical narrative,1 responses to September 11 broke the mold. In what I will call the first generation of Guantánamo issues, members of the legal academy mounted a vigorous campaign against the unilateralism of Bush Administration policies.2 However, the landscape has changed in Guantánamo’s second generation, which started with the Supreme Court’s landmark decision in Boumediene v. Bush,3 affirming detainees’ access to habeas corpus, and continued with the election of Barack Obama. Second generation Guantánamo issues are murkier, without the clarion calls that marked first generation fights. This Article identifies points of substantive and methodological convergence4 in the wake of Boumediene and President Obama’s election. It then addresses the risks in the latter form of convergence. Substantive points of convergence that have emerged include a consensus on the lawfulness of detention of suspected terrorists subject to judicial review5 and a more fragile meeting of the minds on the salutary role of constraints generally and international law in particular. However, the promise of substantive consensus is marred by the peril of a methodological convergence that I call dominant doctrinalism. Too often, law school pedagogy and scholarship squint through the lens of doctrine, inattentive to the way that law works in practice.6 Novel doctrinal developments, such as the president’s power to detain United States citizens or persons apprehended in the United States, get disproportionate attention in casebooks and scholarship. In contrast, developments such as an expansion in criminal and immigration law enforcement that build on settled doctrine get short shrift, even though they have equal or greater real-world consequences. Consumers of pedagogy and scholarship are ill-equipped to make informed assessments or push for necessary changes. If legal academia is to respond adequately to second generation Guantánamo issues, as well as issues raised by any future attacks, it must transcend the fascination with doctrine displayed by both left and right, and bolster its commitment to understanding and changing how law works “on the ground.” To combat dominant doctrinalism and promote positive change, this Article asks for greater attention in three areas. First, law schools should do even more to promote clinical and other courses that give students first-hand experience in advocacy for vulnerable and sometimes unpopular clients, including the need for affirming their clients’ humanity and expanding the venue of advocacy into the court of public opinion.7 Clinical students also often discover with their clients that legal rights matter, although chastened veterans of rights battles like Joe Margulies and Hope Metcalf are correct that victories are provisional and sometimes pyrrhic.8 Second, legal scholarship and education should encourage the study of social phenomena like path dependence—the notion that past choices frame current advocacy strategies, so that lawyers recommending an option must consider the consequences of push-back from that choice. Aggressive Bush Administration lawyers unduly discounted risks flagged by more reflective colleagues on the consequences of push-back from the courts. Similarly, both the new Obama Administration and advocates trying to cope with Guantánamo’s post-Boumediene second generation failed to gauge the probability of push-back from the administration’s early announcement of plans to close the facility within a year. In each case, unexpected but reasonably foreseeable reactions skewed the implementation of legal and policy choices. Students should learn more about these dynamics before they enter the legal arena. Third, teachers need to focus more on ways in which bureaucratic structures affect policy choices. For example, terrorism fears gave conservative politicians like John Ashcroft an opportunity to decimate asylum adjudication, harming many victims of persecution who have been unable to press meritorious claims for refugee status and other forms of relief. Similarly, creation of the Department of Homeland Security turned a vital governmental function like disaster relief into a bureaucratic orphan, thereby paving the way for the inadequate response to Hurricane Katrina. Students need more guidance on what to look for when structure shapes substance.

#### US will inevitably cling

Mearsheimer 11 John J. Mearsheimer, the “R. Wendell Harrison Distinguished Service Professor of Political Science at the University of Chicago” Jan/Feb 2011 “Imperial By Design” http://mearsheimer.uchicago.edu/pdfs/A0059.pdf

The downward spiral the United States has taken was anything but inevitable. Washington has always had a choice in how to approach grand strategy. One popular option among some libertarians is isolationism. This approach is based on the assumption that there is no region outside the Western Hemisphere that is strategically important enough to justify expending American blood and treasure. Isolationists believe that the United States is remarkably secure because it is separated from all of the world’s great powers by two giant moats—the Atlantic and Pacific Oceans— and on top of that it has had nuclear weapons—the ultimate deterrent—since 1945. But in truth, there is really no chance that Washington will adopt this policy, though the United States had strong isolationist tendencies until World War II. For since then, an internationalist activism, fostered by the likes of the Rockefeller Foundation, has thoroughly delegitimized this approach. American policy makers have come to believe the country should be militarily involved on the world stage. Yet though no mainstream politician would dare advocate isolationism at this point, the rationale for this grand strategy shows just how safe the United States is. This means, among other things, that it will always be a challenge to motivate the U.S. public to want to run the world and especially to fight wars of choice in distant places. Offshore balancing, which was America’s traditional grand strategy for most of its history, is but another option. Predicated on the belief that there are three regions of the world that are strategically important to the United States—Europe, Northeast Asia and the Persian Gulf—it sees the United States’ principle goal as making sure no country dominates any of these areas as it dominates the Western Hemisphere. This is to ensure that dangerous rivals in other regions are forced to concentrate their attention on great powers in their own backyards rather than be free to interfere in America’s. The best way to achieve that end is to rely on local powers to counter aspiring regional hegemons and otherwise keep U.S. military forces over the horizon. But if that proves impossible, American troops come from offshore to help do the job, and then leave once the potential hegemon is checked. Selective engagement also assumes that Europe, Northeast Asia and the Persian Gulf are the only areas of the world where the United States should be willing to deploy its military might. It is a more ambitious strategy than offshore balancing in that it calls for permanently stationing U.S. troops in those regions to help maintain peace. For selective engagers, it is not enough just to thwart aspiring hegemons. It is also necessary to prevent war in those key regions, either because upheaval will damage our economy or because we will eventually get dragged into the fight in any case. An American presence is also said to be valuable for limiting nuclear proliferation. But none of these strategies call for Washington to spread democracy around the globe—especially through war. The root cause of America’s troubles is that it adopted a flawed grand strategy after the Cold War. From the Clinton administration on, the United States rejected all these other avenues, instead pursuing global dominance, or what might alternatively be called global hegemony, which was not just doomed to fail, but likely to backfire in dangerous ways if it relied too heavily on military force to achieve its ambitious agenda. Global dominance has two broad objectives: maintaining American primacy, which means making sure that the United States remains the most powerful state in the international system; and spreading democracy across the globe, in effect, making the world over in America’s image. The underlying belief is that new liberal democracies will be peacefully inclined and pro-American, so the more the better. Of course, this means that Washington must care a lot about every country’s politics. With global dominance, no serious attempt is made to prioritize U.S. interests, because they are virtually limitless. This grand strategy is “imperial” at its core; its proponents believe that the United States has the right as well as the responsibility to interfere in the politics of other countries. One would think that such arrogance might alienate other states, but most American policy makers of the early nineties and beyond were confident that would not happen, instead believing that other countries—save for so-called rogue states like Iran and North Korea—would see the United States as a benign hegemon serving their own interests.

#### Heg is key to decease excess interventionism

**Kagan and Kristol, 2k** (Robert and William, “Present Dangers”, Kagan is a Senior Associate at the Carnegie Endowment for International Peace, and Kristol is the editor of The Weekly Standard, and a political analyst and commentator, page 13-14 )

http://www2.uhv.edu/fairlambh/asian/present\_dangers.htm

It is worth pointing out, though, that a foreign policy premised on American hegemony, and on the blending of principle with material interest, may in fact mean fewer, not more, overseas interventions than under the "vital interest" standard. (13). The question, then, is not whether the US should intervene everywhere or nowhere. The decision Americans need to make is whether the US should generally lean forward, as it were, or sit back. A strategy aimed at preserving American hegemony should embrace the former stance, being more rather than less inclined to weigh in when crises erupt, and preferably before they erupt. This is the standard of a global superpower that intends to shape the international environment to its own advantage. By contrast, the vital interest standard is that of a "normal" power that awaits a dramatic challenge before it rouses itself into action.

#### Debating the strategies of war is good—leveling our response to warist policies at abstract criticism ignores the realities of threatened populations globally

Shaw, Professor of International Relations and Politics at the University of Sussex, ’99 (Martin, November 9, “The unfinished global revolution: Intellectuals and the new politics of international relations”

Finally, there is the generalised pacifism of anti-Cold War politics. To my mind, this is the element of this position with by far the greatest continuing salience. The horror at aerial bombardment has deep roots in modern history – for many older people based on childhood experience80, for others resonating from the nuclear threat. Objections to the use of airpower are compounded by complaints about ‘the fastidiousness articulated about the loss of American lives’, which Said was not alone in finding ‘positively revolting’.81 Nevertheless, this concern too often remains at the level of abstract criticism, and fails to specify the kinds of alternative power-projection that might address the dire situations of people like the Kosovans or Timorese. Indeed critics of bombing also often reject not only other forms of military power, but international political and legal interventions, as mere Western power-projection.82 A simple pacifism was only partially viable during the Cold War (even then there were reasonable demands for ‘alternative defence policies’). It does little to address the realities of global politics, in which a relatively modest use of military power may protect a threatened civilian population. Underlying these specific positions, of course, is the continuing socialist critique of a capitalist world. Democratisation is also often seen as a new form of Western or American power.83 Ironically, this functionalist approach attributes too much power to the West, and too little to the movements that are forging global-democratic change. It is a very limited sort of socialist understanding that fails to grasp the potential of democracy to open up social reform. This socialism has not learnt the fundamental lesson of its twentieth-century failures: no genuine social change is possible without political democracy and individual freedom.

### 2AC Iran—Wake

#### US leadership solve the impact

Brookes ‘08

Peter, Senior Fellow for National Security Affairs at the Heritage Foundation and a member of the congressional US-China Economic and Security ReviewCommission, Why the World Still Needs America’s Military Might, Heritage Lecture #1102, November 24th, 2008 http://www.heritage.org/Research/NationalSecurity/hl1102.cfm

The United States military has also been a central player in the attempts to halt weapons of mass destruction (WMD) and ballistic missile proliferation. In 2003, President Bush created the Proliferation Security Initiative (PSI), an initiative to counter the spread of WMD and their delivery systems throughout the world. The U.S. military's capabilities help put teeth in the PSI, a voluntary, multilateral organization of 90-plus nations which uses national laws and joint military operations to fight proliferation. While many of the PSI's efforts aren't made public due to the potential for revealing sensitive intelligence sources and methods, some operations do make their way to the media. For instance, according to the U.S. State Department, the PSI stopped exports to Iran's missile program and heavy water- related equipment to Tehran's nuclear program, which many believe is actually a nuclear weapons program. In the same vein, the United States is also developing the world's most prodigious-ever ballistic missile defense system to protect the American homeland, its deployed troops, allies, and friends, including Europe. While missile defense has its crit ics, it may provide the best answer to the spread of ballistic missiles and the unconventional payloads, including the WMD, they may carry. Unfortunately, the missile and WMD proliferation trend is not positive. For instance, 10 years ago, there were only six nuclear weapons states. Today there are nine members of the once-exclusive nuclear weapons club, with Iran perhaps knocking at the door. Twenty-five years ago, nine countries had ballistic missiles. Today, there are 28 countries with ballistic missile arsenals of varying degrees. This defensive system will not only provide deterrence to the use of these weapons, but also provide policymakers with a greater range of options in preventing or responding to such attacks, whether from a state or non-state actor. Perhaps General Trey Obering, the Director of the Missile Defense Agency, said it best when describing the value of missile defense in countering the growing threat of WMD and delivery system proliferation: "I believe that one of the reasons we've seen the proliferation of these missiles in the past is that there has historically been no defense against them."

#### No sanctions relief now

Eli Lake, 11/14/13, Daily Beast, Inside Obamas Iran Sanctions Strategy, http://www.thedailybeast.com/articles/2013/11/14/inside-obama-s-iran-sanctions-strategy.html

Many members of Congress also take the view that no financial pressure on Iran should be relieved until Iran begins to dismantle its centrifuges at Natanz and Qom, or at the very least, until it stops enriching uranium. Until then, senators from both parties have said they support a new round of sanctions aimed at tightening the squeeze on Iran even during negotiations. The Obama administration has made the case that it needs to offer limited sanctions relief to Iran in exchange for more rigorous inspections and more transparency from the country regarding its nuclear program. Some sources briefed on the negotiations say Iran is prepared to cap the total amount of nuclear fuel it will store at any one time in the six-month negotiation period. On Wednesday, a showdown between Congress and the administration took place at the Capital Building. In a closed session, Secretary of State John Kerry, Undersecretary of State for Political Affairs Wendy Sherman, and Undersecretary of Treasury David Cohen spoke to members of the Senate Banking Committee and Senate leadership from both parties. Sen. Bob Corker (R-TN), who is also the ranking Republican on the Senate Foreign Relations Committee, emerged from the briefing flabbergasted that the officials refused to tell senators any details of the pending agreement. “It was an emotional appeal and I was very disappointed in the presentation. It lacked content,” Corker said. “If I were trying to convince somebody of something, I would lay out details. I am stunned that in a classified setting… there would be such a lack of specificity.” Sen. Mark Kirk (R-IL), who is preparing his own legislation to tighten sanctions on Iran, got into several heated discussions with the officials inside the classified briefing, he said. Kirk said the Israeli government briefed him on the proposed agreement Wednesday morning and told him the Iranian concessions would only amount to a 24-day delay in their progress towards nuclear capability—and in exchange, Tehran would receive billions of dollars worth of sanctions relief. “The briefing was fairly anti-Israeli. I was supposed to disbelieve everything the Israelis just told me. I don’t. I think the Israelis probably have a pretty good intelligence service,” Kirk said. “The administration very disappointingly said ‘Discount what the Israelis say.’ I think that was wrong as a policy matter.” Kirk said he would use every legislative avenue available, including the upcoming debate over the National Defense Authorization Act (NDAA), to try to secure a vote on a new sanctions package. He reminded the officials that the last sanctions package he sponsored with Senate Foreign Relations Committee Chairman Robert Menendez (D-NJ) passed the senate by a vote of 100-0. Several GOP Senators compared the Obama administration’s strategy towards Iran to the Clinton administration’s strategy towards North Korea, in which Sherman herself was involved. A 1994 framework agreement with Pyongyang was hailed at the time but was later scuttled due to North Korean cheating. North Korea subsequently tested a nuclear device on three separate occasions. “After Wendy led the effort to give North Korea nuclear reactors and food, her record on North Korea is a total failure and an embarrassment to her service,” said Kirk. “Today is the day when I witnessed a future of nuclear war in the Middle East some day that will be part of our children’s heritage. This admin, like Neville Chamberlain, is yielding a large and bloody conflict in the Middle East involving Iranian nuclear weapons.” Sen. Lindsey Graham (R-SC) also said that the North Korean example looms large as senators consider whether to pause their sanctions push against Iran. He also said senators don’t trust the administration to negotiate a good deal. “There’s a real belief among members of Congress on both sides of the aisle that the administration wants a deal too much,” Graham said. “You should not begin to put any capital into the Iranian economy until they begin to dismantle the centrifuges.” State Department Spokeswoman Jen Psaki, previewing Kerry’s pitch before his Capitol Hill meetings, said that Kerry would tell senators that more sanctions now could ruin the negotiations and start both sides on the path to war. “We put crippling sanctions in, not just to bring Iran to the table, but to give us the strongest possible hand at the negotiating table with the greatest amount of leverage and international support. And the sanctions now have worked,” she said. “This is a vote for or against diplomacy… I think the consequences of not moving forward with a diplomatic path is potentially aggression, potentially conflict, potentially war.”

#### Health care law crisis is drowning out all other issues --- overshadows the plan and thumps the disad

Goldfarb, 11/15 (Zachary, 11/15/2013, The Washington Post, “Health care overshadows economic speech,” Factiva))

CLEVELAND - President Obama has said economic growth is his "North Star." His aides say he wakes up every day thinking about how to create jobs. But as Obama visited a steel mill here Thursday afternoon to tout his administration's work to help the auto industry and American manufacturing, it was clear that his focus had been interrupted by the problems that are besetting his health-care law and threatening to eclipse the rest of his second-term agenda.The president spent more than an hour Thursday morning in the White House, accepting blame for the flawed rollout, saying he didn't know how difficult it would be to implement the legislation and offering what he described as a fix for Americans who are losing coverage they like. The news conference overshadowed what Obama had to say a few hours later after flying here for a 25-minute speech to manufacturing workers at ArcelorMittal, a steel company that has grown in recent years as the auto industry has recovered. To an audience of factory workers in yellow hard hats, Obama gave his regular pitch for rebuilding the manufacturing industry, arguing for a wide range of policies that would help the sector and the overall economy. "What we've been trying to do is rebuild a new foundation for growth and prosperity to protect ourselves from future crises," he said. "We should do everything we can to revitalize American manufacturing." Yet it was impossible to ignore how badly the problems with Obama's health-care law could hobble the rest of his agenda. He addressed the troubles several times in his Cleveland remarks, striking a notably defiant tone after appearing more contrite in Washington. "We have to do everything we can to make sure every American has access to quality, affordable health care - period," the president said. "You may have read, we had some problems last month with Web sites. I'm not happy about that." "But we always knew this was going to be hard" he continued. "But I want everybody here to understand: I am going to see this through." Republicans found much to like - and ridicule - in Obama's predicament. Don Stewart, communications director for Senate Minority Leader Mitch McConnell (Ky.), tweeted: "Reporters, remember, the President's going to Cleveland today to talk about the economy. That's probably your lede, right?" A "lede" is journalism speak for the top of a news story. Still, if he wants to accomplish a key campaign goal - creating 1 million manufacturing jobs by the end of his second term - Obama will need to achieve more in terms of strengthening the manufacturing sector. The manufacturing revival has largely stalled. The industry has added only 35,000 jobs in the first 10 months of this year, compared with 341,000 jobs in the same period last year. On Thursday, Lockheed Martin, citing government budget cuts, announced that it plans to cut 4,000 jobs, including 500 at a factory in Akron, Ohio, just 40 minutes from where Obama spoke. The president has proposed policies that could accelerate hiring, including establishing more manufacturing hubs that link companies and community colleges and investing in cutting-edge manufacturing projects. But the ideas are lost in Congress, which is almost singularly focused on problems with Obama's health-care law. After the government shutdown ended last month, Obama took to the airwaves to announce that he has three remaining goals for the year: forging a budget agreement, passing a farm bill and overhauling immigration laws. Neither a budget agreement nor a farm bill seems to be in the offing. House Speaker John A. Boehner (R-Ohio) has said flatly that he won't take up a Senate-passed immigration bill. Conspicuously absent during Obama's remarks was the health-care law. But it promises to dominate attention until it is working more smoothly.

#### And, it means sanctions are inevitable

Pecquet, 11/14 (Julian, 11/14/2013, “Anti-Obama ad ties O-Care to Iran,” <http://thehill.com/blogs/global-affairs/middle-eastnorth-africa/190342-anti-obama-ad-ties-o-care-to-iran)>)

A new Web ad riffs off President Obama's healthcare apology and his “red line” on Syria to argue he can't be counted on to protect Israel from Iran. The ad, by conservative activist William Kristol's Emergency Committee for Israel, begins with Obama promising that people who like their healthcare coverage will be able to keep it and vowing to hold Syria's Bashar Assad to account if he uses chemical weapons. It then shows Obama's promise during a debate with Mitt Romney in last year's presidential race that “as long as I'm president of the United States, Iran will not get a nuclear weapon.” It ends with the apology Obama delivered last week after health insurance plans were canceled, aired over footage of a nuclear explosion. “I am sorry that they are finding themselves in this situation based on assurances they got from me,” Obama can be heard saying. The ad is the latest sign that the disastrous rollout of the president's signature achievement could undermine his second-term agenda on a host of issues, including diplomatic talks with Iran. Already members of both parties are balking at the administration's request to loosen sanctions on Iran and delay new ones.

#### Court shields

Stimson 9

[09/25/09, Cully Stimson is a senior legal fellow at the Heritage Foundation and an instructor at the Naval Justice School former American career appointee at the Pentagon. Stimson was the Deputy Assistant Secretary of Defense for Detainee Affairs., “Punting National Security To The Judiciary”, http://blog.heritage.org/2009/09/25/punting-national-security-to-the-judiciary/]

So what is really going on here? To those of us who have either served in senior policy posts and dealt with these issues on a daily basis, or followed them closely from the outside, it is becoming increasingly clear that this administration is trying to create the appearance of a tough national-security policy regarding the detention of terrorists at Guantanamo, yet allow the courts to make the tough calls on releasing the bad guys. Letting the courts do the dirty work would give the administration plausible cover and distance from the decision-making process. The numbers speak for themselves. Of the 38 detainees whose cases have been adjudicated through the habeas process in federal court in Washington, 30 have been ordered released by civilian judges. That is close to an 80 percent loss rate for the government, which argued for continued detention. Yet, how many of these decisions has this administration appealed, knowing full well that many of those 30 detainees should not in good conscience be let go? The answer: one. Letting the courts do it for him gives the president distance from the unsavory release decisions. It also allows him to state with a straight face, as he did at the Archives speech, “We are not going to release anyone if it would endanger our national security, nor will we release detainees within the United States who endanger the American people.” No, the president won’t release detainees; he’ll sit back and let the courts to do it for him. And the president won’t seek congressional authorization for prolonged detention of the enemy, as he promised, because it will anger his political base on the Left. The ultra-liberals aren’t about to relinquish their “try them or set them free” mantra, even though such a policy threatens to put terrorists back on the battlefield. Moreover, the president would have to spend political capital to win congressional authorization for a prolonged detention policy. Obviously, he would rather spend that capital on other policy priorities. Politically speaking, it is easier to maintain the status quo and let the detainees seek release from federal judges. The passive approach also helps the administration close Gitmo without taking the heat for actually releasing detainees themselves.

#### Negotiations fail—their evidence is all hype—especially since their internal is from an IRANIAN STATE OWNED NEWS SOURCE

Rubin 10/18

[10/18/13, Jennifer Rubin, “Is the U.S. a willing player in a phony negotiation?”, http://www.washingtonpost.com/blogs/right-turn/wp/2013/10/18/is-the-u-s-a-willing-player-in-a-phony-negotiation/]

If you listen to the State Department briefers on the Iran talks, you quickly feel the sinking sensation that negotiators’ happy-talk is avoiding the real and insuperable barriers to reaching an acceptable agreement with Iran. Consider this from a background briefing by a “senior official”: “ I think all I can say in answer to that question is that I’ve been doing this now for about two years, and I have never had such intense, detailed, straightforward, candid conversations with the Iranian delegation before. The discussions took place in English, which has never occurred before.” Wow, in English. But did Iran agree to stop enriching? Mumble, mumble. When it gets to whether any progress has been made, officials decline to talk publicly or they grudgingly acknowledge when asked whether the proposal was “groundbreaking”: Given the conversation that was had, the presentation that was made, the discussion that has occurred, I’m not sure the adjective is appropriate to the process that has taken place over the last two days. This is a beginning. Beginnings are rarely groundbreaking because you are sort of putting pieces on the table. Everybody’s laying down in some detail what their interests are. So I think, just given what the process is at the beginning of something like this, that’s probably the wrong way to look at it, to be perfectly frank. You can feel the eagerness, the gullibility oozing forth — and therefore understand the Iranians must sense it, too. This administration is so eager to deal that they will snatch at anything (the Iranians spoke English!) and willingly revert to the very same cliches; when they talk about “mistrust” on both sides, you know the administration doesn’t fully appreciate that it is being played. The bottom line, however, is that nothing has been achieved. (“We’re not in the proposal/counter-proposal/counter-proposal stage. We’re … understanding each other’s needs, what each other is willing to do, what are the issues that have to be addressed, and how we can then put together a way forward. That’s the process that we are undergoing.” Sigh.) A key (and in my mind, unbridgeable) gap, concerns Iran’s phony claim that it has a “right” to enrichment. The Nuclear Nonproliferation Treaty gives signatories “the inalienable right to develop research, production, and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I and II of this Treaty.” Even if Iran had not forfeited this right with its record of flouting international law (and it has, under no fewer than six United Nations resolutions), the administration has reiterated many times that this does not include the right to enrichment. (Fifteen countries that produce nuclear power purchase their enriched fuel elsewhere.) From public statements, it appears Iran has not given up its claim, nor will it concede that it has violated international law by maintaining a nuclear weapons program. So long as Iran adheres to these positions, there can be no progress on the suspension and destruction of its illegal weapons program or the removal of its enriched stockpile. U.S. sanctions must remain in place and, indeed, should be tightened. One senses, then, a disconnect. The administration says it hasn’t changed its position in negotiations, we know Iran has yet to change its position and yet our negotiator exudes optimism and gushes about how well the talks are going. What is missing here? Ah — a sense of reality, a recognition that Iran is no closer to a deal now and a lot closer to a bomb than when Obama took office. This is why Congress and Israel are so concerned. Why isn’t the administration? The most likely answer is that the same negotiator who concluded phony agreements with North Korea allowing its nuclear weapons program to succeed is bound and determined to reach an agreement with Iran, even if it is as useless and, therefore, as dangerous as our deals with North Korea.

#### Their impact card is literally propaganda

ADL – 10/21/13, (Anti-Defamation League), Iran's Press TV: Broadcasting Anti-Semitism To English-Speaking World, http://www.adl.org/anti-semitism/united-states/c/press-tv-iran.html

Press TV, Iran's government-run English-language satellite news network, has emerged as the Iranian government's primary propaganda tool to promote a wide range of pernicious anti-Semitic conspiracy theories in English to a worldwide audience. Operated by Islamic Republic of Iran Broadcasting (IRIB), a significant amount of Press TV programing provides a platform for American anti-Semites, conspiracy theorists and Holocaust deniers, who help amplify the Iranian regime's hateful messages. The station not only misleadingly presents these hatemongers as serious and credible "experts" or "analysts" on international economic and political issues, but also enables their bigoted perspectives to reach a significant new audience. Launched in 2007 and based in Tehran, the station is broadcast in North America, Europe, the Middle East, Asia and parts of Africa and Latin America via a number of satellite television providers. In addition to promoting classic anti-Semitic myths of global Jewish domination, Press TV presents a pervasively negative perspective on Western society, emphasizing what it views as the West's imperialism, faltering economies, lack of justice, political corruption and racial and class divisions. Its programs, interviews, and articles are available on the network's website and further distributed through social media, including on Facebook and Twitter. In July 2013, Press TV sought to further expand its viewership by live streaming its content on YouTube. ADL con­tacted YouTube to inform them that the content on Press TV may violate their terms of service, also noting that providing such communication services may be viewed as violating the Iran Sanctions Act. YouTube subsequently disabled Press TV’s ability to live stream their content. Although YouTube disabled Press TV’s live stream after ADL exposed it, Hispan TV, Press TV’s Spanish-language sister-station, similarly started live streaming its content from the station’s YouTube account, and was subsequently shutdown after YouTube was altered.

#### If easing sanctions do pass, they won’t be enough to do anything—only small relief will go through

Gardner and Zengerle 10/16

[10/16/13, Timothy Gardner and Patricia Zengerle, “Any U.S. sanctions relief on Iran likely to start slowly”, http://www.reuters.com/article/2013/10/16/us-usa-iran-relief-idUSBRE99F14P20131016]

Any easing by Washington of sanctions on Iran in exchange for Tehran taking steps to scale back its nuclear program is likely to be fleeting and symbolic, with any moves for bigger concessions likely to be blocked by Congress. At talks in Geneva on the nuclear program with six world powers on Tuesday, Iran's negotiators presented a proposal on defusing a decade-old standoff. But both sides said it was too early to talk of a breakthrough Even if Iran promises to take serious steps, it is unlikely to satisfy key members of the US Congress, which generally takes a harder line on Iran than President Barack Obama's administration. Lawmakers including Robert Menendez, the chairman of the Senate Foreign Relations Committee, have signaled they want Tehran to stop even low-level enrichment of uranium used in generating power before they would take steps to wind down existing sanctions, or even agree not to put through tougher ones. "Sanctions relief is easier said than done," said Ali Vaez, an Iran analyst at the International Crisis Group, an organization that seeks to prevent and resolve conflict. "Without a fundamental reorientation of Iran's approach, a significant relaxation in sanctions is not in the cards." The sanctions Washington would likely wind down first are morsels such as easing restrictions on medical supplies, travel and the sale of spare airplane parts and service for US-built aircraft in Iran. "Many of these are low impact, they are not going to turn Iran's economy around," said Greg Theilmann, a fellow at the Arms Control Association, and a former top intelligence official at the State Department.

#### The aff saves Obama political capital and generates base support

Goldsmith and Wittes 9, Prof at Law School ex-assistant attorney general and senior fellow at Brookings

[12/22/09, Jack Goldsmith teaches at Harvard Law School and served as an assistant attorney general in the Bush administration. Benjamin Wittes, a former Post editorial writer, is a senior fellow at the Brookings Institution and the editor of "Legislating the War on Terror: An Agenda for Reform." Both are members of the Hoover Institution's Task Force on National Security and Law, “A role judges should not have to play”, http://articles.washingtonpost.com/2009-12-22/opinions/36890191\_1\_detention-policy-judges-judicial-system]

Congress has avoided these issues for a number of reasons. Initially, it was a combination of the Bush administration's failure to seek congressional help and lawmakers' natural inclination to avoid taking responsibility for hard decisions for which they might later be held accountable. More recently, the Obama administration has been loath to spend any more political capital than necessary in cleaning up what it views as its predecessor's messes. Instead of dealing with detention policy proactively, it has largely adopted the Bush approach of grinding out detention policy in the courts. Ironically, the president's political base seems to prefer his adoption of the Bush approach -- an approach liberals previously decried -- to any effort to write detention rules and limitations into statutory law.

## 1AR

### 1AR Regionalism Bad

#### Regionalism increases the risk of great power war – uncertainty over social status creates conflict

Wohlforth, IR Prof @ Dartmouth, ’09

[William Wohlforth, Professor of International Relations at Dartmouth College, “Unipolarity, Status Competition, and Great Power War,” World Politics, Volume 61, Issue 01, January 2009, pp. 28-57, <http://journals.cambridge.org/abstract_S0043887109000021>]

The evidence suggests that narrow and asymmetrical capabilities gaps foster status competition even among states relatively confident of their basic territorial security for the reasons identified in social identity theory and theories of status competition. Broad patterns of evidence are consistent with this expectation, suggesting that unipolarity shapes strategies of identity maintenance in ways that dampen status conflict. The implication is that unipolarity helps explain low levels of military competition and conflict among major powers after 1991 and that a return to bipolarity or multipolarity would increase the likelihood of such conflict. This has been a preliminary exercise. The evidence for the hypotheses explored here is hardly conclusive, but it is sufficiently suggestive to warrant further refinement and testing, all the more so given the importance of the question at stake. If status matters in the way the theory discussed here suggests, then the widespread view that the rise of a peer competitor and the shift back to a bipolar or multipolar structure present readily surmountable policy challenges is suspect. Most scholars agree with Jacek Kugler and Douglas Lemke’s argument: “[S]hould a satisfied state undergo a power transition and catch up with dominant power, there is little or no expectation of war.” 81 Given that today’s rising powers have every material reason to like the status quo, many observers are optimistic that the rise of peer competitors can be readily managed by fashioning an order that accommodates their material interests. Yet it is far harder to manage competition for status than for most material things. While diplomatic efforts to manage status competition seem easy under unipolarity, theory and evidence suggest that it could present much greater challenges as the system moves back to bipolarity or multipolarity. When status is seen as a positional good, efforts to craft negotiated bargains about status contests face long odds. And this positionality problem is particularly acute concerning the very issue unipolarity solves: primacy. The route back to bipolarity or multipolarity is thus fraught with danger. With two or more plausible claimants to primacy, positional competition and the potential for major power war could once again form the backdrop of world politics.

### 1AR AT Structural Violence

#### Moral equality means even a small risk of preventing extinction outweighs structural violence—this answers their probability argument

\*\*\*people shouldn’t be valued more just because they exist close to us in time

Bostrom, 2012 (Mar 6, Nick, director of the Future of Humanity Institute at Oxford, recipient of the 2009 Gannon Award, “We're Underestimating the Risk of Human Extinction,” interview with Ross Andersen, freelance writer in D.C., <http://www.theatlantic.com/technology/archive/2012/03/were-underestimating-the-risk-of-human-extinction/253821/>)

Some have argued that we ought to be directing our resources toward humanity's existing problems, rather than future existential risks, because many of the latter are highly improbable. You have responded by suggesting that existential risk mitigation may in fact be a dominant moral priority over the alleviation of present suffering. Can you explain why? Bostrom: Well suppose you have a moral view that counts future people as being worth as much as present people. You might say that fundamentally it doesn't matter whether someone exists at the current time or at some future time, just as many people think that from a fundamental moral point of view, it doesn't matter where somebody is spatially---somebody isn't automatically worth less because you move them to the moon or to Africa or something. A human life is a human life. If you have that moral point of view that future generations matter in proportion to their population numbers, then you get this very stark implication that existential risk mitigation has a much higher utility than pretty much anything else that you could do. There are so many people that could come into existence in the future if humanity survives this critical period of time---we might live for billions of years, our descendants might colonize billions of solar systems, and there could be billions and billions times more people than exist currently. Therefore, even a very small reduction in the probability of realizing this enormous good will tend to outweigh even immense benefits like eliminating poverty or curing malaria, which would be tremendous under ordinary standards.