## Solvency

#### Targeted killing includes personality and signature strikes

Human Rights First, Issue Brief, “Key Facts and Analysis on the U.S. Targeted Killing Program”

http://www.humanrightsfirst.org/wp-content/uploads/pdf/targeted\_killing\_issue\_brief.pdf

Key Facts and Analysis on the U.S. Targeted Killing Program Introduction

￼￼U.S. targeted killing policy is one of the most important national security and human rights issues now being discussed and decided by the U.S. government. The lack of a clear U.S. position on who is targetable sets a dangerous precedent that other countries with less regard for human rights may follow. The increasing reliance on targeted killing by drones to eliminate suspected terrorists also risks perpetuating a global war without end, as the U.S. government continues to rely on its claim of wartime authority for its drone policy.¶ Clarification of the rules followed by the U.S. government is also critical for U.S. counterterrorism policy to have legitimacy and not alienate our allies, upon whom we depend significantly for intelligence and other assistance.¶ As a policy matter, the U.S. cannot end the terrorist threat by killing every last terrorist. Now is the time for a robust debate over the legality and effectiveness of drone strikes so that any short-term gains they may provide don’t hinder the United States’ long-term counterterrorism strategy.¶ What is Targeted Killing?¶ Targeted killing carried out with the use of Unmanned Aerial Vehicles (UAVs, or “drones”) has become a central component of U.S. counterterrorism policy. There are two types of these drone strikes. “Personality strikes” target specific individuals whose names populate a “kill list.” The U.S. killing of American citizen Anwar al-Awlaki is an example of a “personality strike.” “Signature strikes” target individuals based not on identity but on an observed pattern of activity (or “signature”).¶ Scope of U.S. Targeted Killing / Drone Program¶ The Bush administration began using drones to conduct targeted killing as early as 2001. The Obama administration greatly expanded their use, reflecting a shift in U.S.¶ counterterrorism strategy as the technology became increasingly available and sophisticated. Separate targeted killing programs are operated by the CIA and by the military’s Joint Special Operations Command (JSOC). Defense activities are authorized under Title 50 of the United States Code, whereas intelligence activities are authorized under Title 10 of the United States Code. This is significant, because it is not clear if the CIA and Pentagon interpret the relevant legal authorities in the same way.¶ From 2002 – 2008, there were 51 reported drone strikes in Pakistan, Yemen and Somalia (See accompanying chart.)1 While the U.S. government does not report the number of deaths from drone strikes, independent groups have estimated that the drone program has claimed between 2,600 and 4,350 lives so far, though the number of civilian casualties remains unclear. The London-based Bureau of Investigative Journalism, which appears to provide the most reliable and updated information2, estimates that 20-25 percent of deaths from drone strikes are civilian casualties.3 The Obama Administration claims civilian casualties are rare, but has provided no data to confirm this. Moreover, the Obama administration has made contradictory statements regarding casualty numbers4 and uses misleading definitions of “combatant” and “civilian,” undermining the credibility of official claims that civilian casualties are low.

#### No agreed upon definition of targeted killing

Alston, 11- “The CIA and Targeted Killings Beyond Borders”. Philip Alston, John Norton Pomeroy Professor of Law, New York University School of Law. Harvard National Security Journal. 2 Harv. Nat'l Sec. J. 283. https://www.law.upenn.edu/institutes/cerl/conferences/targetedkilling/papers/AlstonCIABeyondBorders.pdf

As with many terms that have entered the popular consciousness as though they had a clear and defined meaning, there is no established or formally agreed legal definition of the term “targeted killings” and scholarly definitions vary widely. Some commentators have sought to ‘call a spade a spade’ and used terms such as “leadership decapitation”, 29 which clearly captures only some of the practices at stake, assassinations, 30 or “extrajudicial executions” which has the downside of building per se illegality into the description of the process, or “targeted pre-emptive actions”, which is designed to characterize a killing as a legal exercise of the right of self-defence. 31 But these usages have not caught on and do not seem especially helpful in light of the range of practices generally sought to be covered by the use of the term targeted killing.

#### If presidents just override all policy than affs have no ground.

#### Drones court provides oversight- solves interational law disputes

NYT 2010 (Editorial, 10-9, “Lethal Force Under Law”, New York Times, <http://www.nytimes.com/2010/10/10/opinion/10sun1.html>)

The Obama administration has sharply expanded the shadow war against terrorists, using both the military and the C.I.A. to track down and kill hundreds of them, in a dozen countries, on and off the battlefield. The drone program has been effective, killing more than 400 Al Qaeda militants this year alone, according to American officials, but fewer than 10 noncombatants. But assassinations are a grave act and subject to abuse — and imitation by other countries. The government needs to do a better job of showing the world that it is acting in strict compliance with international law. The United States has the right under international law to try to prevent attacks being planned by terrorists connected to Al Qaeda, up to and including killing the plotters. But it is not within the power of a commander in chief to simply declare anyone anywhere a combatant and kill them, without the slightest advance independent oversight. The authorization for military force approved by Congress a week after 9/11 empowers the president to go after only those groups or countries that committed or aided the 9/11 attacks. The Bush administration’s distortion of that mandate led to abuses that harmed the United States around the world. The issue of who can be targeted applies directly to the case of Anwar al-Awlaki, an American citizen hiding in Yemen, who officials have admitted is on an assassination list. Did he inspire through words the Army psychiatrist who shot up Fort Hood, Tex., last November, and the Nigerian man who tried to blow up an airliner on Christmas? Or did he actively participate in those plots, and others? The difference is crucial. If the United States starts killing every Islamic radical who has called for jihad, there will be no end to the violence. American officials insist that Mr. Awlaki is involved with actual terror plots. But human rights lawyers working on his behalf say that is not the case, and have filed suit to get him off the target list. The administration wants the case thrown out on state-secrets grounds. The Obama administration needs to go out of its way to demonstrate that it is keeping its promise to do things differently than the Bush administration did. It must explain how targets are chosen, demonstrate that attacks are limited and are a last resort, and allow independent authorities to oversee the process. PUBLIC GUIDELINES The administration keeps secret its standards for putting people on terrorist or assassination lists. In March, Harold Koh, legal adviser to the State Department, said the government adheres to international law, attacking only military targets and keeping civilian casualties to an absolute minimum. “Our procedures and practices for identifying lawful targets are extremely robust,” he said in a speech, without describing them. Privately, government officials say no C.I.A. drone strike takes place without the approval of the United States ambassador to the target country, the chief of the C.I.A. station, a deputy at the agency, and the agency’s director. So far, President Obama’s system of command seems to have prevented any serious abuses, but the approval process is entirely within the administration. After the abuses under President Bush, the world is not going to accept a simple “trust us” from the White House. There have been too many innocent people rounded up for detention and subjected to torture, too many cases of mistaken identity or trumped-up connections to terror. Unmanned drones eliminate the element of risk to American forces and make it seductively easy to attack. The government needs to make public its guidelines for determining who is a terrorist and who can be targeted for death. It should clearly describe how it follows international law in these cases and list the internal procedures and checks it uses before a killing is approved. That can be done without formally acknowledging the strikes are taking place in specific countries. LIMIT TARGETS The administration should state that it is following international law by acting strictly in self-defense, targeting only people who are actively planning or participating in terror, or who are leaders of Al Qaeda or the Taliban — not those who raise funds for terror groups, or who exhort others to acts of terror. Special measures are taken before an American citizen is added to the terrorist list, officials say, requiring the approval of lawyers from the National Security Council and the Justice Department. But again, those measures have not been made public. Doing so would help ensure that people like Mr. Awlaki are being targeted for terrorist actions, not their beliefs or associations. A LAST RESORT Assassination should in every case be a last resort. Before a decision is made to kill, particularly in areas away from recognized battlefields, the government needs to consider every other possibility for capturing the target short of lethal force. Terrorists operating on American soil should be captured using police methods, and not subject to assassination. If practical, the United States should get permission from a foreign government before carrying out an attack on its soil. The government is reluctant to discuss any of these issues publicly, in part to preserve the official fiction that the United States is not waging a formal war in Pakistan and elsewhere, but it would not harm that effort to show the world how seriously it takes international law by making clear its limits.¶ INDEPENDENT OVERSIGHT Dealing out death requires additional oversight outside the administration. Particularly in the case of American citizens, like Mr. Awlaki, the government needs to employ some due process before depriving someone of life. It would be logistically impossible to conduct a full-blown trial in absentia of every assassination target, as the lawyers for Mr. Awlaki prefer. But judicial review could still be employed. The government could establish a court like the Foreign Intelligence Surveillance Court, which authorizes wiretaps on foreign agents inside the United States. Before it adds people to its target list and begins tracking them, the government could take its evidence to this court behind closed doors — along with proof of its compliance with international law — and get the equivalent of a judicial warrant in a timely and efficient way. Congressional leaders are secretly briefed on each C.I.A. attack, and say they are satisfied with the information they get and with the process. Nonetheless, that process is informal and could be changed at any time by this president or his successors. Formal oversight is a better way of demonstrating confidence in American methods. Self-defense under international law not only shows the nation’s resolve and power, but sends a powerful message to other countries that the United States couples drastic action with careful judgment.

## K

#### Framework – they have to win the plan’s worse than the squo or a competitive policy option – there’s an infinite number of representations in the 1AC, their interpretation moots all of our offense

**Perm Do both**

**Permutation solves- combine complexity bottom up approach with federal oversight solves**

**Levy and Lichtenstein, 2011** – Levy is a Professor in Management and Marketing at UMass while Lichtenstein is an associate professor in management at UMass (David and Benyamin, “Approaching Business and the Environment with Complexity Theory”, Oxford Press, http://www.faculty.umb.edu/david\_levy/LevyLicht2011\_complexity\_chap32.pdf) //BZ

Opportunities exist here for research into the appropriate form and combination of top-down governance and bottom-up experimentation. While complexity theory has produced some general insights into the conditions needed for self-organization, these are difficult to apply and operationalize in particular circumstances, such as supply chains and local climate governance experiments. Moreover, the sustainable supply chain and industrial ecology literatures are overly reliant on material and energy flows, while neglecting the social, political, and economic structures in which these systems are embedded. This integrative perspective on bottom-up initiatives and top-down control represents a new and important understanding of complex systems. The notion that selforganization is feasible only in the absence of top-down hierarchical control reflects an inaccurate but popular understanding of complexity science that has generated a faddish wave of organizational consultants invoking complexity in a metaphorical, even mystical manner. Implicit in this approach is a free-market ideology that celebrates individual initiatives and frowns on governmental guidance. Further research can explore the degree, pace, and effectiveness of local environmental initiatives, in the context of complementary dynamics of wider, more structured coordination. If these local initiatives need protection within strategic niches, research is needed into the means of doing so without stifling the active diffusion of successful innovations into the larger system. The development of modeling tools to represent the complexities of business- environment interactions offers substantial potential for future research. Even as we recognize that limitations on long-term forecasting in complex systems, models that are well specified with realistic structures and parameters promise to generate insights into our current environmental and economic trajectory, critical thresholds, and future dangers, as well as points of leverage and intervention. A more modest goal, which is increasingly embraced by systems dynamics researchers, is to develop models using visual representations in an interactive, collaborative manner with decision-makers. These models draw on the collective expertise of professionals in a range of locations across system to capture the core dynamics and interactions at play. The purpose is not just to develop useful models, but more importantly, to encourage participants to develop an understanding of complex systems and forge consensus about likely outcomes and potential interventions. The current polarization and paralysis regarding climate change highlights the need for a broader awareness of the character and behavior complex systems at the interface of business and the environment.

Condo Bad

**A. Advocacy skills – encourages the neg to kick a shallowly-researched advocacy without defending it.**

**B. Guts 2ac offense –the 2ac is the only place we can get offense against the off-case positions – choices for the 2ar have to be made in the 2ac.**

**C. Infinitely regressive – justifies reading 20 counterplans to avoid clash.**

**D. Not reciprocal— The aff must defend plan the entire round, allowing neg to discard policy options makes for poor decision making.**

**E. Moving targets bad—we don’t know what the issues in the debate are until the 2nr, which makes for poor decision making.**

**F. Justifies performative contradiction. They can read the complexity K, and link to it on a DA and then just kick out of whatever we put the most answers on.**

**F. Our interpretation is one condo advocacy**

**Expert predictions and analysis is key- good for political action and epistemological achievements**

**Turner, 2001** – Professor of Philosophy at U of South Florida (Stephen, “What is the problem with Experts?” accessed from JSTOR on 7/1/12)//BZ

The answer to Fish is to treat the liberal principle of neutrality not as an absolute assertion about the nature of beliefs, but as a core rule, whose application varies historically, whose main point is to establish a means of organizing the discussion of political matters, that is to say the discussion of political decisions. We can apply this to the problem of expertise as follows: it is no surprise that, in order for there to be genuine discussion in Schmitt’s sense, some things would be temporarily taken for fact, or, alternatively, some things would be left to the experts to settle. ‘Politicizing’ everything, making everything into the subject of political decisionmaking (or treating it as an analogue to political decision-making), would lose the advantages of the intellectual division of labour and make reasoned persuasion impossible. Some facts need to be taken for granted in order for there to be genuine political discussion, and some of the work of establishing the facts is, properly, delegated to experts. Indeed, to imagine a world in which such delegation did not occur would be to imagine a simpler society, at best a society of Jeffersonian yeomen, in which everyone knew pretty much what everyone else knew that was relevant to public decisionmaking. To preserve the possibility of political discussion that such societies established, it is essential to delegate to experts and grant them cognitive authority. But granting them cognitive authority is not the same as granting them some sort of absolute and unquestionable power over us. The fact that expertise goes through a process of legitimation also means that legitimacy may be withdrawn and the cognitive authority of experts may collapse, and this suggests something quite different than the idea that liberalism is a kind of self-contradiction, and also something much more interesting. We, the non-experts, decide whether claims to cognitive authority, which in political terms are requests to have their conclusions treated as neutral fact, are to be honoured. And we have, historically, changed our minds about who is ‘expert’, and what is to be treated as neutral fact. This is, so to speak, a ‘liberal’ argument about expertise. It grants that cognitive authority and the acceptance of expertise, in modern conditions, is a condition of genuine public discourse. Liberalism, in the form of the principle of neutrality, is a means to the end of the creation of the conditions for public discourse. It is a means, however, that is not given by God, or the courts, or ‘reason’, but lives in the political decisions we make to regard assertions as open to public discussion or not. Historically, liberalism established the space for public discussion by expelling religious sectarian ‘expertise’. The challenge of the present is, in part, to deal with the claims of non-religious experts to cognitive authority. There is no formula for meeting this challenge. But there is a process of legitimation and delegitimation. And it should be no surprise that this process has come to occupy more of public discourse than ever before. But the very vigour of discussion, and the ability of the public to make decisions about what claims are legitimate, belies the image of the liberal public as victim.

**The bystander effect creates complacency in face of danger; individuals stare frozen, without their autonomy to act against atrocities. This makes extinction inevitable as individuals refuse to take action.**

**Yudkowsky, 2008** - Research Fellow at the Singularity Institute for Artificial Intelligence (Eliezer, “Cognitive biases potentially affecting judgment of global risks”, peer edited by the Singularity Institute, <http://singularity.org/files/CognitiveBiases.pdf)//BZ>

My last bias comes, not from the field of heuristics and biases, but from the field of social psychology. A now-famous series of experiments by Latanée and Darley (1969) uncovered the bystander eﬀect, also known as bystander apathy, in which larger numbers of people are less likely to act in emergencies—not only individually, but collectively. 75% of subjects alone in a room, noticing smoke entering from under a door, left to report it. When three naive subjects were present, the smoke was reported only 38% of the time. A naive subject in the presence of two confederates who purposely ignored the smoke, even when the room became hazy, left to report the smoke only 10% of the time. A college student apparently having an epileptic seizure was helped 85% of the time by a single bystander and 31% of the time by five bystanders. The bystander eﬀect is usually explained as resulting from diﬀusion of responsibility and pluralistic ignorance. Being part of a group reduces individual responsibility. Everyone hopes that someone else will handle the problem instead, and this reduces the individual pressure to the point that no one does anything. Support for this hypothesis is adduced from manipulations in which subjects believe that the victim is especially dependent on them; this reduces the bystander eﬀect or negates it entirely. Cialdini (2001) recommends that if you are ever in an emergency, you single out one single bystander, and ask that person to help—thereby overcoming the diﬀusion. Pluralistic ignorance is a more subtle eﬀect. Cialdini (2001) writes: Very often an emergency is not obviously an emergency. Is the man lying in the alley a heart-attack victim or a drunk sleeping one oﬀ? . . . In times of such uncertainty, the natural tendency is to look around at the actions of others for clues. We can learn from the way the other witnesses are reacting whether the event is or is not an emergency. What is easy to forget, though, is that everybody else observing the event is likely to be looking for social evidence, too. Because we all prefer to appear poised and unflustered among others, we are likely to search for that evidence placidly, with brief, camouflaged glances at those around us. Therefore everyone is likely to see everyone else looking unruﬄed and failing to act. The bystander eﬀect is not about individual selfishness, or insensitivity to the suﬀering of others. Alone subjects do usually act. Pluralistic ignorance can explain, and individual selfishness cannot explain, subjects failing to react to a room filling up with smoke. In experiments involving apparent dangers to either others or the self, subjects placed with nonreactive confederates frequently glance at the nonreactive confederates. I am sometimes asked: “If 〈existential risk X〉 is real, why aren’t more people doing something about it?” There are many possible answers, a few of which I have touched on here. People may be overconfident and over-optimistic. They may focus on overly specific scenarios for the future, to the exclusion of all others. They may not recall any past extinction events in memory. They may overestimate the predictability of the past, and hence underestimate the surprise of the future. They may not realize the diﬃculty of preparing for emergencies without benefit of hindsight. They may prefer philanthropic gambles with higher payoﬀ probabilities, neglecting the value of the stakes. They may conflate positive information about the benefits of a technology as negative information about its risks. They may be contaminated by movies where the world ends up being saved. They may purchase moral satisfaction more easily by giving to other charities. Or the extremely unpleasant prospect of human extinction may spur them to seek arguments that humanity will not go extinct, without an equally frantic search for reasons why we would. But if the question is, specifically, “Why aren’t more people doing something about it?”, one possible component is that people are asking that very question—darting their eyes around to see if anyone else is reacting to the emergency, meanwhile trying to appear poised and unflustered. If you want to know why others aren’t responding to an emergency, before you respond yourself, you may have just answered your own question.

**Turn—rejecting strategic predictions of threats makes them inevitable—decision makers will rely on preconceived conceptions of threat rather than the more qualified predictions of analysts**

**Fitzsimmons, 2007** [Michael, Washington DC defense analyst, “The Problem of Uncertainty in Strategic Planning”, Survival, Winter 06-07, online]

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

## XO

#### Doesnt solve the aff Alston and Knols says Congressional action is key to transparency which is key to estabiishing international norms.

#### Doesn’t solve terror- 1ac ruthford evdidence says Obama would stack the court in his favor – wouldn’t limit drone strikes

#### The President already fails at responding basic transperncy measures set up by congress- only a congressionaly created drone crout will limit his power- that’s Roberts and Radson and Murphy

#### Lack of independence means executive oversight agencies fail – the president can ignore advice or refuse to nominate board members

Philip Alston, Norton Pomeroy Professor of Law. New York University School of Law “ARTICLE: The CIA and Targeted Killings Beyond Borders,” Harvard National Security Journal, 2011 Harvard National Security Journal 2 Harv. Nat'l Sec. J. 283

2. Executive Oversight

The CIA identifies three executive oversight bodies examining its activities: the National Security Council (NSC), the Intelligence Oversight Board (IOB), and the President's Intelligence Advisory Board (PIAB). n335 The complex relationship between the NSC and the CIA goes well beyond the scope of the present Article. Moreover, almost all information on such oversight remains confidential. n336 Since 1993, the IOB has been a standing body under the PIAB.

The PIAB has existed in various guises, since 1956. Despite its longevity, there is relatively little publicly available information about its activities. n337 It has been suggested that this has resulted mainly from the very high level of access to intelligence that its members receive, which assures a low level of transparency, and from the fact that it is exempt from the declassification of documents regime that would otherwise have [\*381] exposed it to some scrutiny after a lengthy time interval. But its low profile might also be ascribed to its marginality, at least during certain presidencies. President Carter virtually abolished it, other presidents are said to have paid scant attention to it, and it has often been rather quiescent. Scholars have suggested that it has focused its work in three main areas: the impact of new technologies on intelligence, analyzing the significance of foreign political developments, and evaluating crisis management responses. n338 In other words, oversight in a critical sense has apparently not been high on its agenda.

In general the Board has been extensively criticized for duplicating the functions performed by other bodies, for having an undue number of appointees whose main qualification is being owed a favor by the President of the day, for a shortage of expertise, and for pursuing the agenda of the intelligence community rather than seeking to exact serious oversight. Its strongest defenders point mainly to its apparent potential rather than to its accomplishments. n339 President Obama revitalized the Board in 2009 and issued an Executive Order restoring some of the powers removed from the Board by his predecessor, in particular the requirement that the Board notify the Attorney General whenever it learns of "intelligence activities that involve possible violations of Federal criminal laws." n340 While his appointees to the Board appear to be well qualified, his stated "commitment to transparency and open government, even, when appropriate, on matters of national security and intelligence," n341 made on the occasion of his first meeting with the Board, has yielded no discernible results.

[\*382] In sum, there is little in the historical record, n342 nor any recent information, which would suggest that the PIAB is at all likely to be in the business of seeking to exact accountability from the intelligence agencies in relation to an activity such as targeted killings. And even if the Board were to bestir itself in this area, its outputs would almost certainly remain entirely secret.

The Intelligence Oversight Board (IOB) is composed of four members of the PIAB, appointed by the chairman of the latter body. Its task is to oversee the intelligence community's compliance with the Constitution and applicable laws, Executive Orders, and Presidential Directives. In particular it is charged with advising the President on intelligence activities that it believes may be inconsistent with the law and that are not being appropriately dealt with by the relevant substantive agency heads. n343 Again, very little is known of the IOB's work, although it did make one in-depth report on a human rights-related issue, which was subsequently released. It investigated allegations that CIA assets or contacts in Guatemala were closely involved with serious human rights violations, including the murder of an American citizen and the spouse of another, and it was highly critical of the conduct of some Agency officials. n344 The report led to the firing of some officers, which in turn caused deep resentment on the part of the clandestine service towards the Director. n345

The administration of President George W. Bush took two years to appoint the members of the IOB and the Board took no action on any alleged violations referred to it arising out of the war on terror until 2007. n346 And in 2008, President Bush significantly reduced its role in this [\*383] regard, n347 although, as already noted, this rollback was largely countermanded by President Obama. n348 Nevertheless, the membership of the IOB, if any, has not been disclosed by the Obama administration. n349 A recent review of the Board's role in supervising reported intelligence violations by officers of the Federal Bureau of Investigation concluded that, "it seems unlikely that the IOB diligently fulfilled its intelligence oversight responsibilities for most of the past decade." n350 There is thus no reason to conclude that the IOB has been, or is likely to be, in the business of providing meaningful oversight of the targeted killings programs undertaken by U.S. intelligence agencies. n351

In addition to the PIAB and IOB, one additional body should be mentioned. It is the Privacy and Civil Liberties Oversight Board (PCLOB) which was established on the basis of the 9/11 Commission's recommendations. n352 Its task is to scrutinize privacy and civil liberties issues raised by national security policies and programs. It was established by Congress in 2004, but was poorly structured and under-resourced. In 2007 it was made independent of the White House, given a bipartisan composition, and given a subpoena power. n353 Since then it has languished. President Bush nominated some members, but confirmation hearings never took place. n354 Despite strong urging by key officials and civil liberties [\*384] groups, n355 President Obama made no nominations to the Board until late in 2011. n356 It is highly likely that, if ever activated, the PCLOB will concern itself with domestic civil liberties rather than with the international human rights implications of national security policies. While such a focus could still result in actions that would impinge on targeted killings policy, the principal relevance of this initiative in the present context is to highlight the reluctance of successive administrations to establish meaningful human rights counterweights to the activities of the intelligence community.

The picture that emerges from this review of executive oversight bodies with the potential to exercise some genuine scrutiny of a greatly increased and rapidly expanding targeted killings program is far from encouraging. Near-complete secrecy characterizes the operations of the two principal bodies, the PIAB and the IOB. What little is known--such as in relation to the IOB's inactivity, reluctance and tardiness--would seem to suggest that the relevant agencies are largely captured by the very bureaucracies they are supposed to scrutinize. Their role seems to be that of promoting efficiency, and there is nothing to indicate that they will scrutinize the design or application of vaguely formulated policies and practices that give the intelligence community ever-greater leeway to kill those whom they deem to be terrorists or otherwise deserving of being included on kill/capture lists. The one encouraging exception cited above--concerning the CIA's operations in Guatemala--is entirely atypical because it involved the killing of an American and, probably even more relevantly, a self-destructive but ultimately public feud between the CIA and the U.S. Ambassador in the country. n357 Apart from the fact that these oversight agencies seem determined to provide no convincing evidence pointing to the effectiveness of the oversight they purport to exercise, it is also noteworthy that their structures and compositions reflect all too few of the characteristics that have generally been effective in [\*385] ensuring independent oversight in comparable contexts. n358 Thus, the activation of the relevant bodies remains at the discretion of the President, there is no obligation to make appointments within any apparent time limit, there is almost no public disclosure of information, the principal expertise of many of the overseers is political rather than technical, and there is no evidence of any sort to indicate that human rights-related oversight has been exercised in any way for the past decade or more.

#### Perm do both- provides sufficient cover for Obama

#### Agencies roll back – independent of presidential will – the Shah ev from 1AC proves CIA does it behind his back

Harold H. Bruff, Professor of Law, University of Colorado at Boulder, 1-28-2011, “PLACING YOUR FAITH IN THE CONSTITUTION”, http://www.tulsalawreview.com/wp-content/uploads/2011/05/Bruff.Final\_.pdf

For cabinet departments and other nonindependent agencies, the limits of presidential direction are generally understood to be as follows. First, since Congress routinely grants authority to administer statutes to these officers, not the President, they must make the formal decisions. The President is free to direct them to make a particular decision and, if they resist for legal or policy reasons, to remove and replace them, 24 but the President may not exercise statutory authority granted to these officers himself. Presidents also issue executive orders that require the agencies to consult with the White House about the costs and benefits of their proposed regulations; Congress has acquiesced in these orders.25 Thus, the power to supervise the executive branch is shared between the President and Congress in ways that are compromised and are based more on history than on grand theory. The advantages and disadvantages of this arrangement are known. To a pluralist, the arrangement is within constitutional limits, its messiness being offset by the benefits of the creative tension that results from involving both political branches in oversight of the executive agencies. Calabresi and Yoo reject the desirability of this power sharing in favor of the benefits of clean and strong lines of political accountability to the President. Here they must envision a world that does not currently exist - their promised land of a new and improved federal government. What they do not do, however, is paint any detailed picture of the altered landscape, of the practical differences they envision if the unitary executive is endorsed by the Supreme Court. Would newly empowered presidents seize the reins of power and bring the unwieldy bureaucracy under control? It is quite unclear that presidents can do much more to control the bureaucracy than they now attempt. The fact that President Obama felt the need to create various “czars,” his own new bureaucracy to control the bureaucracy, reveals the serious practical limits to comprehensive control by the President himself.

#### Perm do the counter plan

#### Future presidents prevent solvency

Harvard Law Review 12, "Developments in the Law: Presidential Authority," Vol. 125:2057, www.harvardlawreview.org/media/pdf/vol125\_devo.pdf

The recent history of signing statements demonstrates how public opinion can effectively check presidential expansions of power by inducing executive self-binding. It remains to be seen, however, if this more restrained view of signing statements can remain intact, for **it relies on the promises of one branch — indeed of one person — to enforce and maintain the separation of powers**. To be sure, President Obama’s guidelines for the use of signing statements contain all the hallmarks of good executive branch policy: transparency, accountability, and fidelity to constitutional limitations. Yet, in practice, this apparent constraint (however well intentioned) may amount to little more than voluntary self-restraint. 146 Without a formal institutional check, it is unclear what mechanism will prevent the next President (or President Obama himself) from reverting to the allegedly abusive Bush-era practices. 147 Only time, and perhaps public opinion, will tell.

#### Perm do the counter plan and then the plan

#### Object fiat cps are bad

Link- the counterplan fiats the object of the resolution taking action

Interpretation: Teams should not be able to fiat the President taking action

Prefer it

Kills topic education – arbitaraly f fiats through core of the topic

Strat scew– fiating the object of the plan destroys ability to weigh 1ac against the counterplan and read addons

Reject the team – at very least reject durable fiat and grant rollback args and justifices timeframe perms.

#### CP links to politics more

Billy Hallowell 13, writer for The Blaze, B.A. in journalism and broadcasting from the College of Mount Saint Vincent in Riverdale, New York and an M.S. in social research from Hunter College in Manhattan, “HERE’S HOW OBAMA IS USING EXECUTIVE POWER TO BYPASS LEGISLATIVE PROCESS” Feb. 11, 2013, <http://www.theblaze.com/stories/2013/02/11/heres-how-obamas-using-executive-power-to-bylass-legislative-process-plus-a-brief-history-of-executive-orders/>

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

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

Chebab, 2012

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

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

## Politics

### Uniqueness

#### Won’t pass – GOP stance hardening

**FT 9 – 18 – 13** <http://www.ft.com/intl/cms/s/0/5a7b6c58-2065-11e3-b8c6-00144feab7de.html#axzz2fJ6iQF48>

Republican congressional leaders, under pressure from the Tea Party, have hardened their line against the White House in a coming budget showdown, increasing the chances of a crisis over US government funding in coming weeks.

Barack Obama on Wednesday urged big business to put pressure on Republicans in Congress to step back from a fight over the budget which threatens a government shutdown and a possible default over US borrowings.

But as the president addressed the Business Roundtable, which represents the chief executives of large US companies, John Boehner, the Republican House Speaker, announced his party’s tougher new position on government spending.

Mr Boehner said approval of a new budget by October was tied to White House agreement to cut funding for its signature healthcare reform, a position which he had resisted until a conservative rebellion in his caucus forced a change.

Even if Republicans and Democrats do reach a short-term deal on the budget, Mr Boehner said Republicans would vote to lift the US debt ceiling to allow more borrowings only if the administration delayed “Obamacare” by a year.

The debt ceiling is expected to be reached around mid-October. The implementation of Obamacare starts in earnest a couple of weeks before, with the launch of state health exchanges.

The White House reiterated this week it would not negotiate over the debt ceiling and has long said the health reforms, passed in 2010 and upheld by the Supreme Court in 2012, are not on the table.

The administration’s budget office on Wednesday sent a notice to government departments to tell them to prepare for a possible government shutdown on October 1, saying “prudent management requires agencies” to be ready.

The House is due to vote on its budget proposal on Friday, and then send it to the Senate, where the chamber’s Democratic majority has vowed to reject its Obamacare provisions.

“Democrats are not going to agree to defund or delay healthcare reform. It’s just not going to happen,” said Patti Murray, part of the Democratic leadership team in the chamber.

#### Wont pass- Obama not compromising

AP, 9/19 (Boehner: Obama bargains with Putin, not Congress http://www.theolympian.com/2013/09/19/2731564/boehner-obama-bargains-with-putin.html#storylink=cp)

WASHINGTON — House Speaker John Boehner is criticizing President Barack Obama for negotiating with Russian President Vladimir Putin — but not with Congress. The budget battle is heating up between House Republicans and the White House. Boehner told reporters Thursday that Obama was happy to bargain with Putin. He was citing the recent compromise between the U.S. and Russia to eliminate Syria's chemical weapons. But Boehner says Obama won't engage with Congress over curbing the budget deficit. Obama spokesman Jay Carney joked that Boehner seemed to be suffering from "Putin envy." Boehner and other Republicans want to tie spending cuts to a bill renewing government authority to borrow money. Obama is saying he won't negotiate over extending that debt limit and Congress must let the government borrow money to pay federal debts.

### Link

#### Plan bipartisan

**Atehortua, 13** [Julian Atehortua, a Crimson editorial writer, is an economics concentrator in Leverett House, <http://www.thecrimson.com/article/2013/2/12/drone-legal-basis/>]

Of course, any international deal would be far easier if the United States were to first develop legal guidelines of its own, which could possibly serve as a framework for international negotiations. The U.S. needs to develop an effective balance between efficient systems of eliminating targets and respect for the constitutional rights of terrorists, whatever they may be. Setting current legal issues aside, it is clear that Americans support the use of drone strikes to target terrorists. However, it is also clear that **bipartisan support** does exist for its regulation. Though neither Democrats nor Republicans will support total prohibition on the use of armed drones, both **would support regulations** on their use against American citizens, specifically through **judicial** or congressional **oversight** of the program.

**Restricting sig strikes doesn’t spend PC**

Jeremy **Herb**, congressional correspondent for the Hill, 6-13-**2012**, “Lawmakers want legal justification for drone strikes,” The Hill, http://thehill.com/blogs/defcon-hill/operations/232523-lawmakers-want-legal-justification-for-drone-strikes

**A group of more than two dozen** anti-war **lawmakers wants the White House to explain** the legal justification for “**signature” drone strikes**, in which drone attacks can be launched when the identity of those killed is not known. The Obama administration gave the CIA and Joint Special Operations Command (JSOC) the new authority in Yemen to target al Qaeda militants, as the administration has stepped up its drone program there this year. The House **members warned** in a letter to President Obama Tuesday **that** the “**signature**” **strikes can generate “powerful and enduring anti-American sentiment.” “We are concerned that the use of such ‘signature’ strikes could raise the risk of killing innocent civilians** or individuals who may have no relationship to attacks on the United States,” they wrote. “The **implications of the use of drones for our national security are profound.** They are **faceless ambassadors that cause civilian deaths**, and are frequently the only direct contact with Americans that the targeted communities have.” Twenty-six lawmakers who signed the letter, led by Rep. Dennis Kucinich (D-Ohio), **including** anti-war **Republicans** Reps. Ron Paul (Texas) and Walter Jones (N.C.). The lawmakers want the White House to tell Congress the process by which signature strikes are authorized and the legal justifications for conducting them. The new signature drone attacks in Yemen, which were first reported by The Washington Post in April, has been a tactic used for drone attacks in Pakistan.

#### SQ drone policy draining Obama’s PC and he’s already spending PC

Michael Crowley, drone analyst, 4-1-2013, “So, Who Can We Kill?” TIME, http://www.uta.edu/faculty/story/2311/Misc/2013,4,1,DronesTargetedKillingWhoCanWeKill.pdf

Budget politics was topic a when President Obama met privately with Democratic Senators on Capitol Hill on¶ March 12. But some of the President's hosts were determined to raise another issue: drones. Why, Senator Jay¶ Rockefeller asked, was the White House refusing to show Congress legal memos justifying its drone campaign,¶ including the killing of U.S. citizens overseas? Three Democratic Senators had been disturbed enough by the¶ secrecy to cast protest votes against the confirmation of Obama's new CIA director, John Brennan. Another¶ Democrat, Ron Wyden of Oregon, even joined Republican Senator Rand Paul's epic 13-hour filibuster the week¶ before, in which Paul demanded--and later received--an assurance that Obama would not use drones to kill¶ noncombatant Americans on U.S. soil. According to Politico, it was enough to make Obama defend himself in¶ bracing terms. "This is not Dick Cheney we're talking about here," he pleaded.¶ But in political terms, it's getting hard to tell the difference. During the 2012 campaign, Obama's use of drones¶ to kill terrorists without risking the lives of U.S. troops was a bragging point. But in the months since, his drone¶ war has turned from asset to headache. Paul's filibuster, which ignited Twitter and made Paul a celebrity at this¶ month's Conservative Political Action Conference (CPAC), was just the crescendo of a growing chorus of¶ complaints that have united left and right. (After his filibuster, Paul was given chocolates and flowers and¶ serenaded by the left-wing antiwar group Code Pink.) Speaking at Fordham University on March 18, Jeh¶ Johnson, who stepped down in December as the Pentagon's chief counsel, warned that Obama's targeted-killing¶ program risks "an erosion of support."¶ Now Washington is rethinking some of its basic assumptions about the drone war. Congress and the White¶ House are discussing ways to bring new legal clarity to targeted killing. And Obama, moved by the complaints¶ about secrecy, is said to be planning public remarks on the subject soon. "I do think the Administration is¶ feeling some anxiety about this," says Rosa Brooks, a former Pentagon official under Obama. "Over the last¶ year, the shift in discourse on targeted killings has had an impact on some of the more thoughtful people in the¶ Administration."

**Drone courts are popular – gaining currency with lawmakers.**

**Hosenball 13** (Mark, “Support grows for U.S. "drone court" to review lethal strikes”, Reuters, 2-8-13, <http://www.reuters.com/article/2013/02/09/us-usa-drones-idUSBRE91800B20130209>)

(Reuters) - **During a fresh** round of **debate** this week over President Barack Obama's claim that he can unilaterally order lethal strikes by unmanned aircraft against U.S. citizens, **some lawmakers proposed a middle ground: a special federal "drone court"** that would approve suspected militants for targeting.¶ While **the idea of a judicial review of such operations may be gaining political currency**, multiple U.S. officials said on Friday that imminent action by the U.S. Congress or the White House to create one is unlikely. **The idea is being actively considered**, however, according to a White House official.¶ At Thursday's confirmation hearing for CIA director nominee John Brennan, **senators discussed establishing a secret court or tribunal to rule on the validity of cases that U.S. intelligence agencies draw up for killing suspected militants using drones**.¶ The court could be modeled on an existing court which examines applications for electronic eavesdropping on suspected spies or terrorists.¶ **Senator** Dianne **Feinstein**, Democratic chairwoman of the Senate Intelligence Committee, **said** Thursday that **she planned to "review proposals for ... legislation to ensure that drone strikes are carried out in a manner consistent with our values**, and the proposal to create an analogue of the Foreign Intelligence Surveillance Court to review the conduct of such strikes."¶ **Senator** Angus **King**, a Maine independent, **said during the hearing that he envisioned a scenario in which executive branch officials would go before a drone court** "in a confidential and top-secret way, make the case that this American citizen is an enemy combatant, **and at least that would be ... some check on the activities of the executive**."¶ King suggested that only drone attacks on U.S. citizens would need court approval; other proposals leave open the possibility that such a court could also rule regarding drone strikes on non-Americans.

#### PC low and fails for fiscal fights

Greg Sargent 9-12, September 12th, 2013, "The Morning Plum: Senate conservatives stick the knife in House GOP leaders," Washington Post, factiva

All of this underscores a basic fact about this fall's fiscal fights: Far and away the dominant factor shaping how they play out will be the divisions among Republicans. There's a great deal of chatter (see Senator Bob Corker for one of the most absurd examples yet) to the effect that Obama's mishandling of Syria has diminished his standing on Capitol Hill and will weaken him in coming fights. But those battles at bottom will be about whether the Republican Party can resolve its internal differences. Obama's "standing" with Republicans -- if it even could sink any lower -- is utterly irrelevant to that question.¶ The bottom line is that, when it comes to how aggressively to prosecute the war against Obamacare, internal GOP differences may be unbridgeable. Conservatives have adopted a deliberate strategy of deceiving untold numbers of base voters into believing Obamacare will be stopped outside normal electoral channels. Central to maintaining this fantasy is the idea that any Republican leader who breaks with this sacred mission can only be doing so because he or she is too weak and cowardly to endure the slings and arrows that persevering against the law must entail. GOP leaders, having themselves spent years feeding the base all sorts of lies and distortions about the law, are now desperately trying to inject a does of reality into the debate by pointing out that the defund-Obamacare crusade is, in political and practical terms alike, insane. But it may be too late. The time for injecting reality into the debate has long since passed.

### PC not real

#### Political capital isn’t real and winners win– most recent legislation proves

#### PC only goes one way – proves winners win – not infinite

**Hirsh 2/7/13**

Michael, National Journal, “There’s No Such Thing as Political Capital”, <http://www.nationaljournal.com/magazine/there-s-no-such-thing-as-political-capital-20130207>

On Tuesday, in his State of the Union address, President **Obama will** do what every president does this time of year. For about 60 minutes, he will **lay out a sprawling and ambitious wish list** highlighted by gun control and immigration reform, climate change and debt reduction. In response, the **pundits will** do what they always do this time of year: They will **talk about how** unrealistic most of the proposals are, discussions often informed by sagacious reckonings of how **much “political capital” Obama possesses to push his program through**.¶ Most of this talk will have no bearing on what actually happens over the next four years.¶ Consider this: Three months ago, just before the November election, if someone had talked seriously about Obama having enough political capital to oversee passage of both immigration reform and gun-control legislation at the beginning of his second term—even after winning the election by 4 percentage points and 5 million votes (the actual final tally)—this person would have been called crazy and stripped of his pundit’s license. (It doesn’t exist, but it ought to.) In his first term, in a starkly polarized country, the president had been so frustrated by GOP resistance that he finally issued a limited executive order last August permitting immigrants who entered the country illegally as children to work without fear of deportation for at least two years. Obama didn’t dare to even bring up gun control, a Democratic “third rail” that has cost the party elections and that actually might have been even less popular on the right than the president’s health care law. And yet, for reasons that have very little to do with Obama’s personal prestige or popularity—variously put in terms of a “mandate” or “political capital”—chances are fair that both will now happen.¶ What changed? In the case of gun control, of course, it wasn’t the election. It was the horror of the 20 first-graders who were slaughtered in Newtown, Conn., in mid-December. The sickening reality of little girls and boys riddled with bullets from a high-capacity assault weapon seemed to precipitate a sudden tipping point in the national conscience. One thing changed after another. Wayne LaPierre of the National Rifle Association marginalized himself with poorly chosen comments soon after the massacre. The pro-gun lobby, once a phalanx of opposition, began to fissure into reasonables and crazies. Former Rep. Gabrielle Giffords, D-Ariz., who was shot in the head two years ago and is still struggling to speak and walk, started a PAC with her husband to appeal to the moderate middle of gun owners. Then she gave riveting and poignant testimony to the Senate, challenging lawmakers: “Be bold.”¶ As a result, momentum has appeared to build around some kind of a plan to curtail sales of the most dangerous weapons and ammunition and the way people are permitted to buy them. It’s impossible to say now whether such a bill will pass and, if it does, whether it will make anything more than cosmetic changes to gun laws. But one thing is clear: The political tectonics have shifted dramatically in very little time. Whole new possibilities exist now that didn’t a few weeks ago.¶ Meanwhile, the Republican members of the Senate’s so-called Gang of Eight are pushing hard for a new spirit of compromise on immigration reform, a sharp change after an election year in which the GOP standard-bearer declared he would make life so miserable for the 11 million illegal immigrants in the U.S. that they would “self-deport.” But this turnaround has very little to do with Obama’s personal influence—his political mandate, as it were. It has almost entirely to do with just two numbers: 71 and 27. That’s 71 percent for Obama, 27 percent for Mitt Romney, the breakdown of the Hispanic vote in the 2012 presidential election. Obama drove home his advantage by giving a speech on immigration reform on Jan. 29 at a Hispanic-dominated high school in Nevada, a swing state he won by a surprising 8 percentage points in November. But the movement on immigration has mainly come out of the Republican Party’s recent introspection, and the realization by its more thoughtful members, such as Sen. Marco Rubio of Florida and Gov. Bobby Jindal of Louisiana, that without such a shift the party may be facing demographic death in a country where the 2010 census showed, for the first time, that white births have fallen into the minority. It’s got nothing to do with Obama’s political capital or, indeed, Obama at all.¶ The point is not that “political capital” is a meaningless term. Often it is a synonym for “mandate” or “momentum” in the aftermath of a decisive election—and just about every politician ever elected has tried to claim more of a mandate than he actually has. Certainly, Obama can say that because he was elected and Romney wasn’t, he has a better claim on the country’s mood and direction. Many pundits still defend political capital as a useful metaphor at least. “It’s an unquantifiable but meaningful concept,” says Norman Ornstein of the American Enterprise Institute. “You can’t really look at a president and say he’s got 37 ounces of political capital. But the fact is, it’s a concept that matters, if you have popularity and some momentum on your side.”¶ The real problem is that **the idea of political capital**—or mandates, or momentum—**is so poorly defined that presidents and pundits often get it wrong.** “Presidents usually over-estimate it,” says George Edwards, a presidential scholar at Texas A&M University. “The best kind of **political capital**—some sense of an electoral mandate to do something—is very rare. It almost never happens. In 1964, maybe. And to some degree in 1980.” For that reason, **political capital is a concept that misleads far more than it enlightens. It is distortionary**. It conveys the idea that we know more than we really do about the ever-elusive concept of political power, and it discounts the way unforeseen events can suddenly change everything. Instead, it suggests, erroneously**,** that a political figure has a concrete amount of political capital to invest**, just as someone might have real investment capital—that a particular leader can bank his gains, and the size of his account determines what he can do at any given moment in history**.¶ Naturally, any president has practical and electoral limits. Does he have a majority in both chambers of Congress and a cohesive coalition behind him? Obama has neither at present. And unless a surge in the economy—at the moment, still stuck—or some other great victory gives him more momentum, it is inevitable that the closer Obama gets to the 2014 election, the less he will be able to get done. Going into the midterms, Republicans will increasingly avoid any concessions that make him (and the Democrats) stronger.¶ But the abrupt emergence of the immigration and gun-control issues illustrates how suddenly shifts in mood can occur and how political interests can align in new ways just as suddenly. Indeed, **the pseudo-concept of political capital masks a larger truth about Washington that is kindergarten simple:** You just don’t know what you can do until you try. Or **as Ornstein** himself **once wrote** years ago, “Winning wins.” In theory, and in practice, **depending on Obama’s handling of any particular issue,** even in a polarized time, he could **still deliver on a lot of his second-term goals,** depending on his skill and the breaks. Unforeseen catalysts can appear, like Newtown. Epiphanies can dawn, such as when many Republican Party leaders suddenly woke up in panic to the huge disparity in the Hispanic vote.¶ Some **political scientists who study the elusive calculus of how to pass legislation and run successful presidencies say that political capital is**, at best, an empty concept, and that almost **nothing in the academic literature successfully quantifies or even defines it.** “It can refer to a very abstract thing, like a president’s popularity, but there’s no mechanism there. That makes it kind of useless,” says Richard Bensel, a government professor at Cornell University. Even Ornstein concedes that the calculus is far more complex than the term suggests. **Winning on one issue often** changes the calculation for the next issue**; there is never any known amount of capital**. “The idea here is**, if an issue comes up where the conventional wisdom is that president is not going to get what he wants, and he gets it, then each time that happens,** it changes the calculus of the other actors” Ornstein says. “**If they think he’s going to win, they may change positions to get on the winning side. It’s a** bandwagon effect**.”**¶ALL THE WAY WITH LBJ¶ Sometimes, **a clever practitioner of power can get more done just because he’s aggressive and knows the hallways of Congress well**. Texas A&M’s Edwards is right to say that the outcome of the 1964 election, Lyndon Johnson’s landslide victory over Barry Goldwater, was one of the few that conveyed a mandate. But one of the main reasons for that mandate (in addition to Goldwater’s ineptitude as a candidate) was President Johnson’s masterful use of power leading up to that election, and his ability to get far more done than anyone thought possible, given his limited political capital. In the newest volume in his exhaustive study of LBJ, The Passage of Power, historian Robert Caro recalls Johnson getting cautionary advice after he assumed the presidency from the assassinated John F. Kennedy in late 1963. Don’t focus on a long-stalled civil-rights bill, advisers told him, because it might jeopardize Southern lawmakers’ support for a tax cut and appropriations bills the president needed. “One of the wise, practical people around the table [said

### Fiat solves the link – immediacy of the plan means no time to backlash

### ---Logical policy maker could do both – vote aff and pass the bill

### Vote no – solves the link – the 1ac proposed the plan

### Econ

#### No econ impact

Robert Jervis 11, Professor in the Department of Political Science and School of International and Public Affairs at Columbia University, December 2011, “Force in Our Times,” Survival, Vol. 25, No. 4, p. 403-425//countries won’t attack one another, mass opinion won’t change, economic conflict doesn’t escalate to war

Even if war is still seen as evil, the security community could be dissolved if severe conflicts of interest were to arise. Could the more peaceful world generate new interests that would bring the members of the community into sharp disputes? 45 A zero-sum sense of status would be one example, perhaps linked to a steep rise in nationalism. More likely would be a worsening of the current economic difficulties, which could itself produce greater nationalism, undermine democracy and bring back old-fashioned beggar-my-neighbor economic policies. While these dangers are real, it is hard to believe that the conflicts could be great enough to lead the members of the community to contemplate fighting each other. It is not so much that economic interdependence has proceeded to the point where it could not be reversed – states that were more internally interdependent than anything seen internationally have fought bloody civil wars. Rather it is that even if the more extreme versions of free trade and economic liberalism become discredited, it is hard to see how without building on a preexisting high level of political conflict leaders and mass opinion would come to believe that their countries could prosper by impoverishing or even attacking others. Is it possible that problems will not only become severe, but that people will entertain the thought that they have to be solved by war? While a pessimist could note that this argument does not appear as outlandish as it did before the financial crisis, an optimist could reply (correctly, in my view) that the very fact that we have seen such a sharp economic down-turn without anyone suggesting that force of arms is the solution shows that even if bad times bring about greater economic conflict, it will not make war thinkable

#### No debt econ impact

Michael Tanner 11, National Review, “No Surrender on Debt Ceiling”, Jan 19, <http://www.nationalreview.com/articles/257433/no-surrender-debt-ceiling-michael-tanner>

Of course the Obama administration is already warning of Armageddon if Congress doesn’t raise the debt ceiling. Certainly it would be a shock to the economic system. The bond market could crash. The impact would be felt at home and abroad. But would it necessarily be worse than the alternative? While Congress has never before refused to raise the debt ceiling, it has in fact frequently taken its time about doing so. In 1985, for example, Congress waited nearly three months after the debt limit was reached before it authorized a permanent increase. In 1995, four and a half months passed between the time that the government hit its statutory limit and the time Congress acted. And in 2002, Congress delayed raising the debt ceiling for three months. It took three months to raise the debt limit back in 1985 as well. In none of those cases did the world end. More important, what will be the consequences if the U.S. government fails to reduce government spending? What happens if we raise the debt ceiling then continue merrily on our way spending more and running up ever more debt? Already Moody’s and Standard & Poor’s have warned that our credit rating might be reduced unless we get a handle on our national debt. We’ve heard a lot recently about the European debt crisis, but, as one senior Chinese banking official recently noted, in some ways the U.S. financial position is more perilous than Europe’s. “We should be clear in our minds that the fiscal situation in the United States is much worse than in Europe,” he recently told reporters. “In one or two years, when the European debt situation stabilizes, [the] attention of financial markets will definitely shift to the United States. At that time, U.S. Treasury bonds and the dollar will experience considerable declines.” Moreover, unless we do something, federal spending is on course to consume 43 percent of GDP by the middle of the century. Throw in state and local spending, and government at all levels will take 60 cents out of every dollar produced in this country. Our economy will not long survive government spending at those levels.

# 1AR

#### Turn—rejecting strategic predictions of threats makes them inevitable—decision makers will rely on preconceived conceptions of threat rather than the more qualified predictions of analysts

**Fitzsimmons, 2007** [Michael, Washington DC defense analyst, “The Problem of Uncertainty in Strategic Planning”, Survival, Winter 06-07, online]

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

#### Identifying causal forces of past events helps predict the future and better enable policymakers to respond to future crises

**Walt, 2005** – Prof, Kennedy School of Government @ Harvard (Stephen M., Annu. Rev. Polit. Sci. 2005. 8:23–48, pg. 31, “The Relationship Between Theory and Policy in International Relations,” http://www.iheid.ch/webdav/site/political\_science/shared/political\_science/3452/walt.pdf)

PREDICTION IR theories can also help policy makers anticipate events. By identifying the central causal forces at work in a particular era, theories offer a picture of the world and thus can provide policy makers with a better understanding of the broad context in which they are operating. Such knowledge may enable policy makers to prepare more intelligently and in some cases allow them to prevent unwanted developments. To note an obvious example, different theories of international politics offered contrasting predictions about the end of the Cold War. Liberal theories generally offered optimistic forecasts, suggesting that the collapse of communism and the spread of Western-style institutions and political forms heralded an unusually peaceful era (Fukuyama 1992, Hoffman et al. 1993, Russett 1995, Weart 2000). By contrast, realist theories of IR predicted that the collapse of the Soviet threat would weaken existing alliances (Mearsheimer 1989, Waltz 1994–1995, Walt 1997c), stimulate the formation of anti-U.S. coalitions (Layne 1993,Kupchan 2000), and generally lead to heightened international competition. Other realists foresaw a Pax Americana based on U.S. primacy (Wohlforth 1999, Brooks & Wohlforth 2000–2001), whereas scholars from different traditions anticipated either a looming “clash of civilizations” (Huntington 1997) or a “coming anarchy” arising from failed states in the developing world (Kaplan 2001). Some of these works were more explicitly theoretical than others, but each highlighted particular trends and causal relationships in order to sketch a picture of an emerging world.

**Predictions key to effective policymaking.  
Chernoff, 2005** [Harvey Picker Professor International Relations and Director of the International Relations Program at Colgate University (Fred, “The Power of International Theory: Reforging the link to foreign policy-making through scientific enquiry”, p. 9]

Even though many of these authors hope that IR theory can lead to ‘human emancipation’, their meta-theory undercuts its ability to do so. This trend in the theoretical literature in IR severs the link between IR theory and any significant ability to aid policy-makers to bring about emancipation or any other foreign policy goal. If they do not leave room for rationally grounded expectations about the future, that is, scientific-style prediction, then it will be impossible to formulate policies that can be expected to achieve various aims, including the emancipation of oppressed groups. Without the ability to say that a given action option has a higher probability than any of the other options of achieving the objective, e.g., a greater degree of emancipation of the target group, these theorists cannot recommend courses of action to achieve their desired goals. The loss of this essential capability has been largely overlooked by constructivists and reflectvists in the IR literature. All policy decisions are attempts to influence or bring about some future state of affairs. Policy-making requires some beliefs about the future, whether they are called ‘expectations’, ‘predictions’, ‘forecasts’ or ‘prognostications’. The next step in the argument is to show how such beliefs can be justified.

#### Even if they aren’t perfect, predictions are necessary for the future

**Cowen, 2004** – Professor of Economics at George Mason (Tyler, “The Epistemic Problem does not Refute Consequentialism, accessed through Cambridge Journals Online)//BZ

If we know for sure which remedy works, obviously we should apply that remedy. But **imagine** now **that we are uncertain as to which remedy works. The** **uncertainty is** so **extreme** that each remedy may cure somewhere between three hundred thousand and six hundred thousand children. Nonetheless **we have a slight idea that one remedy is better than the other**. That is, one remedy is slightly more likely to cure more children, with no other apparent offsetting negative effects or considerations. Despite the greater uncertainty, we still have the intuition that we should try to save as many children as possible. We should apply the remedy that is more likely to cure more children. **We do not say: “We are now so uncertain about what will happen**. **We should pursue some goal other** than trying to cure as many children as possible.” Nor would we cite greater uncertainty about longer-run events as an argument against curing the children. **We have a definite good in the present** (more cured children), **balanced against a radical remixing of the future on both sides of the equation.** The **definite upfront good still stands firm.** Alternatively, **let us assume that our broader future suddenly became less predictable** (perhaps genetic engineering is invented, which creates new and difficult-to-forecast possibilities). That still would not diminish the force of our reason for saving more children. The variance of forecast becomes larger on both sides of the equation - whether we save the children or not - and the value of the upfront lives remains. **A higher variance of forecast might increase the required size of the upfront benefit** (to overcome the Principle of Roughness**), but it would not refute the relevance of consequences more generally. We could increase the uncertainty more, but consequentialism still will not appear counterintuitive.** The remedies, rather than curing somewhere in the range of three to six hundred thousand children, might cure in the broader range of zero to all one million of the children. By all classical statistical standards, this new cure scenario involves more uncertainty than the previous case, such as by having a higher variance of possible outcomes. Yet this higher uncertainty lends little support for the view that curing the children becomes less important. We still have an imperative to apply the remedy that appears best, and is expected the cure the greater number of children. This example may appear excessively simple, but it points our attention to **the non-generality of the epistemic critique**. **The critique appears strongest only when we have absolutely no idea about the future; this is a special rather than a general case**. **Simply boosting the degree of background generic uncertainty should not stop us from pursuing large upfront benefits of obvious importance.**

#### Even if complexity is true, we still have to make educative predictions to stop catastrophe

**Garrett, 2012** – BA from Stanford, PhD from Brandeis University, rom Director of Strategic Foresight Initiative at the Atlantic Council (Banning, “In Search of Sand Piles and Butterflies”, <http://www.acus.org/disruptive_change/search-sand-piles-and-butterflies)//BZ>

“Disruptive change” that produces “strategic shocks” has become an increasing concern for policymakers, shaken by momentous events of the last couple of decades that were not on their radar screens – from the fall of the Berlin Wall and the 9/11 terrorist attacks to the 2008 financial crisis and the “Arab Spring.” These were all shocks to the international system, predictable perhaps in retrospect but predicted by very few experts or officials on the eve of their occurrence. **This “failure” to predict specific strategic shocks does not mean we should abandon efforts to foresee disruptive change or look at all possible shocks as equally plausible. Most strategic shocks do not “come out of the blue.” We can understand and project long-term global trends and foresee at least some of their potential effects, including potential shocks and disruptive change**. **We can construct alternative futures scenarios to envision potential change, including strategic shock**s. Based on trends and scenarios, we **can take actions to avert possible undesirable outcomes or limit the damage should they occur. We can also identify potential opportunities or at least more desirable futures that we seek to seize through policy course corrections. We should distinguish “strategic shocks” that are developments that could happen at any time and yet may never occur**. **This would include** such plausible possibilities **as use of a nuclear device by terrorists or the emergence of an airborne human-to-human virus that could kill millions.** Such possible but not inevitable developments would not necessarily be the result of worsening long-term trends. Like possible terrorist attacks, **governments need to try to prepare for such possible catastrophes though they may never happen.** But there are other potential disruptive changes, including those that create strategic shocks to the international system, that can result from identifiable trends that make them more likely in the future—for example, growing demand for food, water, energy and other resources with supplies failing to keep pace. **We need to look for the “sand piles” that the trends are building and are subject to collapse at some point with an additional but indeterminable additional “grain of sand” and identify the potential for the sudden appearance of “butterflies” that might flap their wings and set off hurricanes**. Mohamed Bouazizi, who immolated himself December 17, 2010 in Sidi Bouzid, Tunisia, was the butterfly who flapped his wings and (with the “force multiplier” of social media) set off a hurricane that is still blowing throughout the Middle East. Perhaps the metaphors are mixed, but the butterfly’s delicate flapping destabilized the sand piles (of rising food prices, unemployed students, corrupt government, etc.) that had been building in Tunisia, Egypt, and much of the region. The result was a sudden collapse and disruptive change that has created a strategic shock that is still producing tremors throughout the region. But the collapse was due to cumulative effects of identifiable and converging trends. When and what form change will take may be difficult if not impossible to foresee, but the likelihood of a tipping point being reached—that linear continuation of the present into the future is increasingly unlikely—can be foreseen. Foreseeing the direction of change and the likelihood of discontinuities, both sudden and protracted, is thus not beyond our capabilities. While efforts to understand and project long-term global trends cannot provide accurate predictions, for example, of the GDPs of China, India, and the United States in 2030, **looking at economic and GDP growth trends, can provide insights into a wide range of possible outcomes**. For example, it **is a useful to assess the implications if the GDPs of these three countries each grew at currently projected average** **rates – even if one understands that there are many factors that can and likely will alter their trajectories.** The projected growth trends of the three countries suggest that at some point in the next few decades, perhaps between 2015 and 2030, China’s GDP will surpass that of the United States. And by adding consideration of the economic impact of demographic trends (China’s aging and India’s youth bulge), there is a possibility that India will surpass both China and the US, perhaps by 2040 or 2050, to become the world’s largest economy. These potential shifts of economic power from the United States to China then to India would likely prove strategically disruptive on a global scale. Although slowly developing, such disruptive change would likely have an even greater strategic impact than the Arab Spring. The “rise” of China has already proved strategically disruptive, creating a potential China-United States regional rivalry in Asia two decades after Americans fretted about an emerging US conflict with a then-rising Japan challenging American economic supremacy. **Despite uncertainty surrounding projections**, **foreseeing the possibility** (some would say high likelihood) that China and then India will replace the United States as the largest global economy **has near-term policy implications for the U**S and Europe. **The potential long-term shift in economic clout and concomitant shift in political power and strategic position away from the US and the West and toward the East has implications for near-term policy choices.** Policymakers could conclude, for example, that the West should make greater efforts to bring the emerging (or re-emerging) great powers into close consultation on the “rules of the game” and global governance as the West’s influence in shaping institutions and behavior is likely to significantly diminish over the next few decades. **The alternative to finding such a near-term accommodation could be increasing mutual suspicions and hostility rather than trust and growing cooperation between rising and established power**s—especially between China and the United States—**leading to a fragmented, zero-sum world in which major global challenges like climate change and resource scarcities are not addressed and conflict over dwindling resources and markets intensifies and even bleeds into the military realm among the major actors.** Neither of these scenarios may play out, of course. Other global trends suggest that sometime in the next several decades, the world could encounter a “hard ceiling” on resources availability and that climate change could throw the global economy into a tailspin, harming China and India even more than the United States. In this case, perhaps India and China would falter economically leading to internal instability and crises of governance, significantly reducing their rates of economic growth and their ability to project power and play a significant international role than might otherwise have been expected. But this scenario has other implications for policymakers, including dangers posed to Western interests from “failure” of China and/or India, which could produce huge strategic shocks to the global system, including a prolonged economic downturn in the West as well as the East. Thus, looking at relatively slowly developing trends can provide foresight for necessary course corrections now to avert catastrophic disruptive change or prepare to be more resilient if foreseeable but unavoidable shocks occur. **Policymakers and the public will press for predictions and criticize government officials and intelligence agencies when momentous events “catch us by surprise.”** But unfortunately, as both Yogi Berra and Neils Bohr are credited with saying, “prediction is very hard, especially about the future.” One can predict with great accuracy many natural events such as sunrise and the boiling point of water at sea level. We can rely on the infallible predictability of the laws of physics to build airplanes and automobiles and iPhones. And we can calculate with great precision the destruction footprint of a given nuclear weapon. Yet even physical systems like the weather as they become more complex, become increasingly difficult and even inherently impossible to predict with precision. With human behavior, specific predictions are not just hard, but impossible as uncertainty is inherent in the human universe**.** As futurist Paul Saffo wrote in the Harvard Business Review in 2007, “prediction is possible only in a world in which events are preordained and no amount of actions in the present can influence the future outcome.” One cannot know for certain what actions he or she will take in the future much less the actions of another person, a group of people or a nation state. **This obvious point is made to dismiss any idea of trying to “predict” what will occur in the future with** **accuracy, especially the outcomes of the interplay of many complex factors, including the interaction of human and natural systems**. More broadly, the human future is not predetermined but rather depends on human choices at every turning point, cumulatively leading to different alternative outcomes. **This uncertainty about the future also means the future is amenable to human choice and leadershi**p**. Trends analyses**—**including foreseeing trends leading to disruptive change—are thus essential to provide individuals, organizations and political leaders with the strategic foresight to take steps mitigate the dangers ahead and seize the opportunities for shaping the human destiny**. Peter Schwartz nearly a decade ago characterized the convergence of trends and disruptive change as “inevitable surprises.” He wrote in Inevitable Surprises that “in the coming decades **we face many more inevitable surprise**s: major discontinuities in the economic, political and social spheres of our world, each one changing the ‘rules of the game’ as its played today. If anything, there will be more, no fewer, surprises in the future, and they will all be interconnected. Together, they will lead us into a world, ten to fifteen years hence, that is fundamentally different from the one we know today. **Understanding these inevitable surprises in our future is critical for the decisions we have to make today …. We may not be able to prevent catastrophe** (although sometimes we can), **but we can certainly increase our ability to respond, and our ability to see opportunities that we would otherwise miss.”**