## K

### 1NC Accessibility

#### The 1AC is created through a lens of supposed accessibility. Debate is always already exclusionary – until we fix the problem of access the entire activity is guilty

Berube 2003 (Michael, “Citizenship and Disability: Disability is a matter of civil rights, even if the Supreme Court doesn't seem to agree.”, http://www.alternet.org/story/15809/citizenship\_and\_disability)

Imagine a building in which political philosophers are debating, in the wake of the attacks of September 11, 2001, the value and the purpose of participatory parity over against forms of authoritarianism or theocracy. Now imagine that this building has no access ramps, no Braille or large-print publications, no American Sign Language interpreters, no elevators, no special-needs paraprofessionals, no in-class aides. Contradictory as such a state of affairs may sound, it's a reasonably accurate picture of what contemporary debate over the meaning of democracy actually looks like. How can we remedy this? Only when we have fostered equal participation in debates over the ends and means of democracy can we have a truly participatory debate over what "participatory parity" itself means. That debate will be interminable in principle, since our understandings of democracy and parity are infinitely revisable, but lest we think of deliberative democracy as a forensic society dedicated to empyreal reaches of abstraction, we should remember that debates over the meaning of participatory parity set the terms for more specific debates about the varieties of human embodiment. These include debates about prenatal screening, genetic discrimination, stem-cell research, euthanasia, and, with regard to physical access, ramps, curb cuts, kneeling buses, and buildings employing what is now known as universal design. Leftists and liberals, particularly those associated with university humanities departments, are commonly charged with being moral relativists, unable or unwilling to say (even after September 11) why one society might be "better" than another. So let me be especially clear on this final point. I think there's a very good reason to extend the franchise, to widen the conversation, to democratize our debates, and to make disability central to our theories of egalitarian social justice. The reason is this: a capacious and supple sense of what it is to be human is better than a narrow and partial sense of what it is to be human, and the more participants we as a society can incorporate into the deliberation of what it means to be human, the greater the chances that that deliberation will in fact be transformative in such a way as to enhance our collective capacities to recognize each other as humans entitled to human dignity. As Jamie reminds me daily, both deliberately and unwittingly, most Americans had no idea what people with Down syndrome could achieve until we'd passed and implemented and interpreted and reinterpreted a law entitling them all to a free appropriate public education in the least restrictive environment. I can say all this without appealing to any innate justification for human dignity and human rights, and I can also say this: Without a sufficient theoretical and practical account of disability, we can have no account of democracy worthy of the name. Perhaps some of our fellow citizens with developmental disabilities would not put the argument quite this way; even though Jamie has led me to think this way, he doesn't talk the way I do. But those of us who do participate in political debates, whether about school funding in a specific district or about the theory and practice of democracy at its most abstract, have the obligation to enhance the abilities of our children and our fellow citizens with disabilities to participate in the life of the United States as political and moral equals with their nondisabled peers-both for their own good, and for the good of democracy, which is to say, for the good of all of us.

### 1NC Liberal Subject

#### The Liberal subject inherent to the 1AC is inherently able-bodied. Interchangeable bodies are inherent and necessary for the smooth operation of the structure of the 1AC

Breckenridge and Volger 2001 (Carol Appadurai and Candace A, “The Critical Limits of Embodiment: Disability's Criticism”, Public Culture, Volume 13, Number 3, Fall 2011)

Disability studies teaches that an assumed able body is crucial to the smooth operation of traditional theories of democracy, citizenship, subjectivity, beauty, and capital. By assuming that the normative human is an able-bodied adult, for example, liberal theory can conflate political or economic interests with desires, political representation with having a voice in policy-making, social organization with voluntary association, and so on. Liberal theory naturalizes the political by making it personal. And the “person” at the center of the traditional liberal theory is not simply an individual locus of subjectivity (however psychologically fragmented, incoherent, or troubled). He is an able-bodied locus of subjectivity, one whose unskilled labor may be substituted freely for the labor of other such individuals, one who can imagine himself largely self-sufficient because almost everything conspires to help him take his enabling body for granted (even when he is scrambling for the means of subsistence). However, the mere possibility of a severely cognitively disabled adult citizen disrupts the liberal equations of representation and voice, desire and interest. Advocacy for the severely cognitively disabled is not a matter of voicing their demands. More generally, the intricate practical dialectics of dependence and independence in the lives of many disabled people unsettle ideals of social organization as freely chosen expressions of mutual desire.

### 1NC Scholarship

#### The erasure of disabled perspectives from their academic scholarship is a link

Linton 98 (Simi, CLAIMING DISABILITY KNOWLEDGE AND IDENTITY, http://faculty.washington.edu/pembina/all\_articles/Linton1998.pdf)

It was, at one time, seamless. There were no disjunctures be- tween the dominant cultural narrative of disability and the aca- demic narrative. They supported and defended each other. But in the past twenty years, as the flaws in the civic response to disability have been exposed, as changing social structures and legislative victo- ries reassemble that narrative, the academic tale slips further behind. It neither reflects the change that has occurred nor offers the space or the means to think in more progressive ways about disability. Enter disability studies: a location and a means to think critically about disability, a juncture that can serve both academic discourse and social change. Disability studies provides the means to hold aca- demics accountable for the veracity and the social consequences of their work, just as activism has served to hold the community, the education system, and the legislature accountable for disabled peo- ple's compromised social position. This book examines disability studies as a field of inquiry, its his- torical roots, present configuration, and explanatory value. Disability studies takes for its subject matter not simply the variations that exist in human behavior, appearance, functioning, sensory acuity, and cognitive processing but, more crucially, the meaning we make of those variations. The field explores the critical divisions our society makes in creating the normal versus the pathological, the insider ver- sus the outsider, or the competent citizen versus the ward of the state. It is an interdisciplinary field based on a sociopolitical analysis of dis- ability and informed both by the knowledge base and methodologies used in the traditional liberal arts, and by conceptualizations and ap- proaches developed in areas of the new scholarship. Disability studies has emerged as a logical base for examination of the construction and function of "disability." These scholarly explorations and the initia- tives undertaken by the disability rights movement have resulted in new paradigms used to understand disability as a social, political, and cultural phenomenon. Disability studies has arisen in the past twenty years to focus an organized critique on the constricted, inadequate, and inaccurate conceptualizations of disability that have dominated academic in- quiry. Above all, the critique includes a challenge to the notion that disability is primarily a medical category. Consequently, disability studies contests the current academic division of labor in which the study of the phenomenon rests in the specialized applied fields (reha- bilitation, special education, health, and so on) and the rest ofthe academy is largely exempt from meaningful inquiry into the subject of disability. By refusing the medicalization of disability and by re- framing disability as a designation having primarily social and politi- cal significance, disability studies points to the inadequacy of the en- tire curriculum with respect to the study of disability. The fault lines that have been exposed stretch from one end of the curriculum to the other: from cultural studies to American studies, from women's studies to African American studies, from biology to literary criti- cism, from history to psychology, and from special education to phi- losophy. Despite the steady growth of scholarship and courses, particularly in the past five years, the field of disability studies is even more mar- ginal in the academic culture than disabled people are in the civic culture. The enormous energy society expends keeping people with disabilities sequestered and in subordinate positions is matched by the academy's effort to justify that isolation and oppression. Disabled people, and I will immediately identify myself as one, are a group only recently entering everyday civic life. A host off actors have typically screened us from public view. We have been hidden- whether in the institutions that have confined us, the attics and base- ments that sheltered our family's shame, the "special" schools and classrooms designed to solve the problems we are thought to repre- sent, or riding in segregated transportation, those "invalid" coaches, that shuttle disabled people from one ofthese venues to another. The public has gotten so used to these screens that as we are now emerg- ing, upping the ante on the demands for a truly inclusive society, we disrupt the social order. We further confound expectations when we have the temerity to emerge as forthright and resourceful people, nothing like the self-loathing, docile, bitter, or insentient fictional versions of ourselves the public is more used to. We have come out not with brown woollen lap robes over our withered legs or dark glasses over our pale eyes but in shorts and san- dals, in overalls and business suits, dressed for play and work- straightforward, unmasked, and unapologetic.1 We are, as Crosby, Stills, and Nash told their Woodstock audience, letting our "freak flag fly." And we are not only the high-toned wheel chair athletes seen in recent television ads but the gangly, pudgy, lumpy, and bumpy of us, declaring that shame will no longer structure our wardrobe or our discourse. We are everywhere these days, wheeling and loping down the street, tapping our canes, sucking on our breathing tubes, follow- ing our guide dogs, puffing andsipping on the mouth sticks that pro- pel our motorized chairs. We may drool, hear voices, speak in stac- cato syllables, wear catheters to collect our urine, or live with a compromised immune system. We are all bound together, not by this list of our collective symptoms but by the social and political circumstances that have forged us as a group. We have found one another and found a voice to express not despair at our fate but out- rage at our social positioning. Our symptoms, though sometimes painful, scary, unpleasant, or difficult to manage, are nevertheless part of the dailiness of life. They exist and have existed in all commu- nities throughout time. What we rail against are the strategies used to deprive us ofr ights, opportunity, and the pursuit of pleasure. It is our closeted selves that have been naturalized within the aca- demic curriculum. Even a cursory review of the curriculum reveals only patronizing and distorted representations of disability, and these are left largely unexamined and unchallenged. But minor housecleaning will not rid out the deeper structural elements, the scholarly conventions, and theoretical underpinnings within which those representations are deemed valid and useful. A closer look re- veals problems in both the structure and content of the curriculum, predicated on a narrowly conceived interpretation of disability. The field of disability studies is now at a critical juncture; scholars and activists have demonstrated that disability is socially constructed to serve certain ends, but now it behooves us to dem- onstrate how knowledge about disability is socially mproduced to uphold existing practices. I attempt to capture this critical moment here in a stop-action photo that reveals that terrain. Yet this is also a strategic endeavor not only to mark the moment and the territory but also to stake out the contested borders where the resistance to the ideas is strongest.

### 1NC Utopianism

#### Their arguments about political engagement are rooted in an able body framework – what is an activist? Who can go to the front lines? Who gets to be apart of deliberation? These are questions that ge to the core of the affirmative – what does it actually mean to oppose the cult of the president and how do we go about doing it? Their argument is a collective fantasy that prioritizes the able body.

Mackey 09 (Peter, PJ Mackey - Critical Disability Discourse/Discours Critiques dans CRIP UTOPIA AND THE FUTURE OF DISABILITY)

Jameson distinguishes between the Utopian principle, the will to systematically change the socioeconomic and geographical structure of a society to make it function better, and the Utopian impulse, which refers to a more latent hope for a better life and society that can be found dispersed throughout culture. The idea of a Utopian impulse embedded in culture arises with the realization that it had become very unlikely that historical events would conspire to manifest any Utopian principle through Marx‟s prediction of a proletarian revolution. Therefore, Jameson, a disciple of the Frankfurt school, defers to its cofounder Ernst Bloch by tracing the dispersion of the Utopian principle throughout consumer culture, reformed as tendrils of the Utopian impulse to be seen “at work everywhere, in all the objects of culture as in all social activities and individual values or more properly psychological phenomena” (Jameson, 2001a, p. 364). The Utopian impulse is often manifested in different forms whereby “cultural objects become no longer mere diversions or distractions but the unconscious or semi-conscious exercise of collective fantasy” (Jameson, 2001a, p. 366). The exercise of collective fantasy can be glimpsed in so simple a scenario as browsing 10-foot long store shelves with 30 distinct kinds of well-marketed toothpaste, each brand promising to make your life that much better than the 6 other. More powerfully, it is the fantasy that we are supposed to have the physical wherewithal to maintain our bodies, stay free from impairment, and embody youth and beauty. The burden of choice creates the further burden of responsibility, for if products exist that can ostensibly optimize appearance and health, then those who fall short sadly feel at fault. As it is a collective fantasy, no one escapes from its effects entirely, so it not only predisposes nondisabled people to devalue the lives of disabled people, but it corrodes the self-worth of disabled people themselves. Furthermore, many deviations from the bodily ideal, such as obesity or even aging, are met with approbation and a measure of blame, which is even more misguided at a time when obesity and geriatric populations are increasing dramatically. Disability Studies has long been critical of this Utopian impulse, most notably in the writing of Rosemarie Garland-Thomson (1996) and Tom Shakespeare (2002), who each embark on an anti-Utopian project to decipher and defuse the affects of Utopia on disabled people. Garland-Thomson (1996) describes this process of disablement as part of a hegemony that is meant to preserve privileged categories such as healthy, beautiful, normal, intelligent, and so forth. Those unfamiliar with disabled people and the experience of disablement may comfortably fit into privileged roles without questioning the system, while those who do not fit in so easily are left in a marginal position that they must accept or resist. 7 Tom Shakespeare attributes part of the psychological origins of hostility toward disabled people to the tendency of nondisabled people to “deny their vulnerability and frailty and mortality, and to project these uncomfortable issues onto disabled people, who they can subsequently oppress and exclude and ignore” (2002, p. 29). Two causes of impaired psychosocial interaction between disabled and nondisabled people identified by Harlan Hahn (1988), an American sociologist, likely stem directly from this collective fantasy. The first is existential anxiety, or the projected threat of the loss of physical capabilities; the second is aesthetic anxiety, or the fear of others whose traits are perceived as disturbing or unpleasant. These psychological states of denial and anxiety may originate from a cultural devaluation of impairment, but this devaluation is itself enmeshed with social structures that exclude impaired people from public and economic venues, which in turn prevent individual validation through social activity and paid work. Until the mid-1990s, the increasing dispersal of the collective fantasy‟s effects and an end to disablement seemed within reach, according to the promulgations of British disability scholars such as Mike Oliver and Colin Barnes (1998), and Finkelstein. Not only did these Marxist social modelists apply their brand of historical materialism to conceptualize disability in the past (Gleeson, 1997), but they had also used this method to predict the future of disability. They foresaw an end to disability in a Utopian future where the social model would be applied effectively so as to do away with the social discrimination that is rooted in material barriers. This Utopian dream was fueled both by the increasing 8 efficiency with which the disability movement effects progressive changes in policy and the community, as well as the burgeoning complexity and strength of Disability Studies in the academic arena.

### 1NC Alt

#### The Alternative is crip the debate space. This is a process of confronting and rethinking disability. Don’t try to integrate us into the 1AC or policy debate – rather imagine a world where we didn’t have to read this 1NC.

Campbell 10 (Dr. Fiona Kumar, Perspectives on Inclusive Development: Embracing Diversity and Creating Disability-Sensitive Communities, , 28 - 29 July 2010, Hilton Hotel, Kuching, Sarawak (Malaysia)<http://www.fss.unimas.my/images/stories/haslina/Day2/fiona%20kumari%20-%20a%20new%20horizon%20using%20the%20concept%20of%20ableism%20to%20rethink%20disability%20%20abledness.pdf>)

In the final section of this paper, I shift our direction to dare to consider another dream – where disability signals another, reconfigured way of being human. The third wave of disability studies was recently described as focusing on studies in ableism but also the themes of becoming and possibility in the lives of disabled people (Thomson, 2010). Because we only know life through our bodies (our physicality and mentalities) instead focusing on absence a new imaginary enables the conversation about other ways of experiencing being human – as someone who thinking differently (in pictures or in the visual for example), the deaf-blind person who gestures and experiences time, spatiality and events in profoundly different ways. This alternative way of thinking differently about disability is critical. Yet as I have noted elsewhere, concludes the validity of these ‘alternative conversations, imaginaries is still dependent upon ableist relations (Campbell, 2009, 15). Since 1981, the International Year of Disabled Persons, legal & policy discourses of disability have gravitated towards an equality as sameness model declaring that disabled people should be integrated into mainstream society and be able to claim the entitlements of citizenship. What has become clear is that the project of inclusion has become conditional. The working model of inclusion is really only successful to the extent that people with disabilities are able to ‘opt in’, or be assimilated (normalized). A drive towards self-independence may mean that it is not possible for some disabled people to be truly ‘free’ within the confines of the cultural and economic circumstances of society. These people may lose person status because they fail to meet certain criterion. The conditions of disability acceptability are about the capacity of disabled people to mimic abledness, be seen to be productive and accept the reality of the provisionality of their impairment until an obliterating remedy comes along. We might want to imagine how life might be different if instead of trying to change our unacceptability that we instead embrace it – to explore the richness of the disability experience whilst at the same time fighting for the entitlements of citizenship but on a new basis – not sameness but recognition, recognition of our difference. In the same way that some of our indigenous brothers and sisters have said ‘no’ to assimilation and ‘yes’ to self-determination and difference. What would it mean for us to acknowledge and explore our ways of moving differently in the world …. Crippin’ the human (putting disability back into human) involves a different gaze (way of viewing & sensing the world) – where sometimes signs and gestures predominate, where there is a different mind style such as Tourette’s or autism, or a centring on visuality or tactility. Groundedness to earthiness can be ‘different’ through echolocation, waist heightness and shadows. I suggest maybe the way we use and live time can be different. Cripped time can be staggered, frenzied, coded, meandering and be the distance between two events. Some of our time is shaped according to another’s doing – service time – the segmenting and waiting on assistive agencies. Aside from service time, there is a transient time whereby our cripped selves rub up against biology, environmental barriers and relationality. Using the concept of ableism to rethink disability and abledness is hard work, harder than we may think. To have enduring social change we need to confront ableism, within ourselves, the disability community and larger society. Disability still makes many people uncomfortable. It is our task to use our imaginations – to get people to imagine living with disability differently, beyond the negative, beyond the tolerable … an experience that often calls upon joy and despair at the same time. We need to work on ourselves as well! We strong leadership in the disability rights movement to do this – leadership with vulnerability, we need peer mentoring and places of healing. And allies who will assist us to grow into and maintain resilience.

## Case

### Adv 1 – Wars of Choice

#### Current precedent enables Obama to use remote technology to circumvent congressional statute

Savage & Landler ’11 1AC Author, \*Charles Savage is a Washington correspondent for The New York Times. He is known for his work on presidential power and other legal policy matters. ¶ Before joining The Times, Mr. Savage covered national legal affairs for the Boston Globe from 2003 to 2008. He received a Pulitzer Prize for National Reporting in 2007 for his coverage of presidential signing statements for the Globe. Other awards he earned while at the Globe include the American Bar Association's Silver Gavel Award and the Gerald R. Ford Prize for Distinguished Reporting on the Presidency.¶ Mr. Savage's book about the growth of executive power, “Takeover: The Return of the Imperial Presidency and the Subversion of American Democracy,” was named one of the best books of 2007 by both Slate and Esquire. The book also received the bipartisan Constitution Project's inaugural Award for Constitutional Commentary, the NCTE George Orwell Award for Distinguished Contribution to Honesty and Clarity in Public Language and the New York Public Library's Helen Bernstein Book Award for Excellence in Journalism.¶ Mr. Savage was born and raised in Fort Wayne, Indiana. He graduated summa cum laude with degrees in English and American literature from Harvard College in 1998. In 2003, he earned a master's degree from Yale Law School, where he was a Knight Journalism Fellow. Mr. Savage got his start as a local government and politics reporter for the Miami Herald. ¶ \*\*Mark Landler is a White House correspondent for The New York Times. Prior to taking up this post in March 2011, he was the newspaper’s diplomatic correspondent. He has reported for The Times from 67 countries on six continents, from Afghanistan to Yemen. ¶ Before moving to Washington in 2008, Mark was a foreign correspondent for 10 years, serving as European economic correspondent in Frankfurt, from 2002 to 2008, and as Hong Kong bureau chief, from 1998 to 2002. He won an Overseas Press Club award in 2007. ¶ Mark began his career at The Times in 1987 as a copy boy. From 1990 to 1995, he was a reporter and editor at Business Week magazine, rejoining The Times in 1995 as a business reporter. He is a 1987 graduate of Georgetown University, and was a Reuter Fellow at Oxford University in 1997.¶ New York Times, June 15, 2011, White House Defends Continuing U.S. Role in Libya Operation, <http://www.nytimes.com/2011/06/16/us/politics/16powers.html?pagewanted=all>, jj

WASHINGTON — **The White House, pushing hard against criticism in Congress over the deepening air war in Libya, asserted Wednesday that President Obama had the authority to continue the military campaign without Congressional approval because American involvement fell short of full-blown *hostilities***.¶ In a 38-page report sent to lawmakers describing and defending the NATO-led operation, the White House said the mission was prying loose Col. Muammar el-Qaddafi’s grip on power.¶ In contending that the limited American role did not oblige the administration to ask for authorization under the War Powers Resolution, the report asserted that “U.S. operations do not involve sustained fighting or active exchanges of fire with hostile forces, nor do they involve U.S. ground troops.” Still, the White House acknowledged, the operation has cost the Pentagon $716 million in its first two months and will have cost $1.1 billion by September at the current scale of operations.¶ The report came one day after the House Speaker, John A. Boehner, Republican of Ohio, had sent a letter to Mr. Obama warning him that he appeared to be out of time under the Vietnam-era law that says presidents must terminate a mission 60 or 90 days after notifying Congress that troops have been deployed into hostilities, unless lawmakers authorize the operation to continue.¶ Mr. Boehner had demanded that Mr. Obama explain his legal justification for passing the deadline. On Wednesday, Brendan Buck, a spokesman for Mr. Boehner, said he was still reviewing the documents, adding that “**the creative arguments made by the White House raise a number of questions that must be further explored**.”¶ The escalating confrontation with Congress reflects the radically altered political landscape in Washington: a Democratic president asserting sweeping executive powers to deploy American forces overseas, while Republicans call for stricter oversight and voice fears about executive-branch power getting the United States bogged down in a foreign war.¶ “We are acting lawfully,” said Harold H. Koh, the State Department legal adviser, who expanded on the administration’s reasoning in a joint interview with the White House counsel, Robert Bauer.¶ **The two senior administration lawyers contended that American forces had not been in “hostilities” at least since early April, when NATO took over the responsibility for the no-fly zone and the United States shifted to primarily a supporting role — providing refueling and surveillance to allied warplanes, although remotely piloted drones operated by the United States periodically fire missiles, too**.¶ They argued that United States forces are at little risk because there are no troops on the ground and Libyan forces are unable to exchange fire with them meaningfully. And they said the military mission was constrained by a United Nations Security Council resolution, which authorized air power for the purpose of defending civilians.¶ “We are not saying the president can take the country into war on his own,” said Mr. Koh, a former Yale Law School dean and outspoken critic of the Bush administration’s expansive theories of executive power. “**We are not saying the War Powers Resolution is unconstitutional or should be scrapped or that we can refuse to consult Congress. We are saying the limited nature of this particular mission is not the kind of ‘hostilities’ envisioned by the War Powers Resolution**.”¶ **Jack L. Goldsmith, who led the Justice Department’s *O*ffice of *L*egal *C*ounsel during the Bush administration, said the Obama theory would *set a precedent* expanding future presidents’ unauthorized war-making powers, especially given the rise of remote-controlled combat technology**.¶ “**The administration’s theory implies that the president can wage war with drones and all manner of offshore missiles without having to bother with the *W*ar *P*owers *R*esolution’s time limits**,” Mr. Goldsmith said.¶ **It remains to be seen whether majorities in Congress will acquiesce to the administration’s argument, defusing the confrontation, or if the theory will fuel greater criticism. Either way, because the statute does not define hostilities and the Supreme Court has never ruled on the issue, *the debate is likely to be resolved politically***, **said Richard H. Pildes, a New York University law professor.**¶ Also on Wednesday, 10 lawmakers — led by Representative Dennis J. Kucinich, Democrat of Ohio, and Representative Walter B. Jones, Republican of North Carolina — filed a lawsuit asking a judge to order Mr. Obama to pull out of the Libya operation because Congress did not authorize it. That lawsuit faces steep challenges, however, because courts in the past have dismissed similar cases on technical grounds.¶ The administration had earlier argued that Mr. Obama could initiate the intervention on his own authority as commander in chief because its anticipated nature, scope and duration fell short of a “war” in the constitutional sense. Since then, the conflict has dragged on for longer than expected, and the goal of the NATO allies has all but openly shifted from merely defending civilians to forcing the Libyan leader, Colonel Qaddafi, from power. But Mr. Koh and Mr. Bauer said that while regime change in Libya might be a diplomatic goal, the military’s mission was separate and remained limited to protecting civilians.¶ **While many presidents have challenged the constitutionality of other aspects of the War Powers Resolution — which Congress enacted over President Richard M. Nixon’s veto — no administration has declared that the section imposing the 60-day clock is unconstitutional, and in 1980, the Justice Department’s Office of Legal Counsel concluded that it was within Congress’s power to enact such a limit**.

#### That’s not the aff – armed forces is limited to u.s. soldiers

Lorber 13 – Eric Lorber, J.D. Candidate, University of Pennsylvania Law School, Ph.D Candidate, Duke University Department of Political Science. January 2013, "Executive Warmaking Authority and Offensive Cyber Operations: Can Existing Legislation Successfully Constrain Presidential Power?" University of Pennsylvania Journal of Constitutional Law, 15 U. Pa. J. Const. L. 961, lexis nexis

As is **evident from a** textual analysis, n177 an examination of the legislative history, n178 and **the broad** policy purposes behind the creation of the Act, n179 [\*990] "armed forces" refers to U.S. soldiers and members of the armed forces, not weapon systems or capabilities such as offensive cyber weapons. Section 1547 does not specifically define "armed forces," but it states that "the term "introduction of United States Armed Forces' includes the assignment of members of such armed forces to command, coordinate, participate in the movement of, or accompany the regular or irregular military forces of any foreign country or government." n180 While this definition pertains to the broader phrase "introduction of armed forces," the clear implication is that **only members of the armed forces count for the purposes of the definition under the WPR.** Though not dispositive, **the term "member" connotes a human individual who is part of an organization.** n181 Thus, it appears that the term "armed forces" means human members of the United States armed forces. However, there exist two potential complications with this reading. First, the language of the statute states that "the term "introduction of United States Armed Forces' includes the assignment of members of such armed forces." n182 By using inclusionary - as opposed to exclusionary - language, one might argue that the term "armed forces" could include more than members. This argument is unconvincing however, given that a core principle of statutory interpretation, expressio unius, suggests that **expression of one thing (i.e., members) implies the exclusion of others (**such as non-members **constituting armed forces)**. n183 Second, the term "member" does not explicitly reference "humans," and so could arguably refer to individual units and beings that are part of a larger whole (e.g., wolves can be members of a pack). As a result, though a textual analysis suggests that "armed forces" refers to human members of the armed forces, such a conclusion is not determinative.¶ **An examination of the legislative history also suggests that Congress clearly conceptualized "armed forces" as human members of the armed forces**. For example, disputes over the term "armed forces" revolved around who could be considered members of the armed forces, not what constituted a member. Senator Thomas Eagleton, one of the Resolution's architects, proposed an amendment during the process providing that the Resolution cover military officers on loan to a civilian agency (such as the Central [\*991] Intelligence Agency). n184 This amendment was dropped after encountering pushback, n185 but the debate revolved around whether those military individuals on loan to the civilian agency were still members of the armed forces for the purposes of the WPR, suggesting that Congress considered the term to apply only to soldiers in the armed forces. Further, during the congressional hearings, the question of deployment of "armed forces" centered primarily on past U.S. deployment of troops to combat zones, n186 suggesting that **Congress conceptualized "armed forces" to mean U.S. combat troops.**¶ **The broad purpose of the Resolution aimed to prevent the large-scale but unauthorized deployments of U.S. troops into hostilities**. n187 While examining the broad purpose of a legislative act is increasingly relied upon only after examining the text and legislative history, here it provides further support for those two alternate interpretive sources. n188 As one scholar has noted, "the War Powers Resolution, for example, is concerned with sending U.S. troops into harm's way." n189 The historical context of the War Powers Resolution is also important in determining its broad purpose; as the resolutions submitted during the Vietnam War and in the lead-up to the passage of the WPR suggest, Congress was concerned about its ability to effectively regulate the President's deployments of large numbers of U.S. troops to Southeast Asia, n190 as well as prevent the President from authorizing troop incursions into countries in that region. n191 The WPR was a reaction to the President's continued deployments of these troops into combat zones, and as such suggests that Congress's broad purpose was to prevent the unconstrained deployment of U.S. personnel, not weapons, into hostilities.¶ This analysis suggests that, when defining the term "armed forces," Congress meant members of the armed forces who would be placed in [\*992] harm's way (i.e., into hostilities or imminent hostilities). **Applied to offensive cyber operations, such a definition leads to the conclusion that the** W**ar** P**owers** R**esolution likely does not cover such activities**. Worms, viruses, and kill switches are clearly not U.S. troops. Therefore, the key question regarding whether the WPR can govern cyber operations is not whether the operation is conducted independently or as part of a kinetic military operation. Rather, the key question is the delivery mechanism. For example, if military forces were deployed to launch the cyberattack, such an activity, if it were related to imminent hostilities with a foreign country, could trigger the WPR. This seems unlikely, however, for two reasons. First, it is unclear whether small-scale deployments where the soldiers are not participating or under threat of harm constitute the introduction of armed forces into hostilities under the War Powers Resolution. n192 Thus, **individual operators deployed to plant viruses in particular enemy systems may not constitute armed forces introduced into hostilities or imminent hostilities.** Second, such a tactical approach seems unlikely. If the target system is remote access, the military can attack it without placing personnel in harm's way. n193 If it is close access, there exist many other effective ways to target such systems. n194 As a result, unless U.S. troops are introduced into hostilities or imminent hostilities while deploying offensive cyber capabilities - which is highly unlikely - such operations will not trigger the War Powers Resolution.

#### Plan leads to more imperial wars.

**Nzelibe 2006** – law professor at Northwestern (December 19, “ARE CONGRESSIONALLY AUTHORIZED WARS PERVERSE? ” http://ssrn.com/abstracts=952490 )

Contrary to the received wisdom, this experimental Article advances the empirically plausible assumption that congressional authorization of the use of force might actually have a perverse effect. Thus, rather than create a drag effect that minimizes the impulse to rush into imprudent wars, congressional authorization might actually do the opposite: because such authorization allows the President to spread the potential political costs of military failure or stalemate to other elected officials, it will lead the President to select into more high risk wars than he would otherwise choose if he were acting unilaterally. In other words, since congressional authorization acts as a political “insurance policy” that partially protects the President against the possible political fallout from a military misadventure, he is likely to be more willing to engage in wars where the expected outcome is uncertain. More importantly, not only is the President likely to use congressional authorization as a hedge to prevent future political opponents from exploiting his misfortunes, he is also likely to use it to protect members of his party in Congress who are more likely to be electorally vulnerable in the absence of such authorization. While this notion of congressional authorization as political insurance might appear puzzling, it makes sense when understood as a cheap mechanism designed to protect a vulnerable President or ruling party from the insecure political atmosphere that is likely to exist in the aftermath of a high risk conflict. Significantly, two factors operate in tandem to ensure that the initial Presidential decision to seek congressional authorization will not be particularly costly from a political perspective. First, since a member of Congress is likely to have less information than the President about the likely outcome of a high risk conflict, he or she is likely to defer to the President’s judgment that the conflict will have a positive outcome and hope to ride the President’s electoral coattails as voters rally around the flag. Thus, the purported institutional benefit of deliberation by multiple voices that congressional authorization is supposed to confer is likely to be trivial, if not non-existent. Second, since the electoral consequences of voting against a successful war are likely to be dearer than voting for a losing war, the President is relatively assured of getting a favorable vote to use force from those members of Congress who are elected from swing districts. In sum, seeking congressional authorization for the use of force becomes a tradeoff in which Presidents are willing to accept the relatively low short-term costs of involving other elected officials in the war decision-making process in exchange for long term political security.

### Adv 2 – Cult of the Presidency

#### The idea of a general “public” masks an oppression that drowns out minority voices and institutionalizes violence.

Laura Pedraza-Farina, 13- “CONCEPTIONS OF CIVIL SOCIETY IN INTERNATIONAL LAWMAKING AND IMPLEMENTATION: A THEORETICAL FRAMEWORK”. Law Research Fellow, Georgetown University Law Center; J.D. Harvard Law School, 2009; Ph.D. Yale University, 2005. Michigan Journal of International Law. 34 Mich. J. Int'l L. 605. LN

Like Habermasian critical scholars, feminist, Third World, and minority critical theorists emphasize the importance of deliberation in the public sphere for democratic government. In particular, they agree with the Habermasian and civic republican criticism of interest-based politics (as [\*633] exemplified by market liberal theories), which conceive of democratic decisions as compromises among self-interested actors. n130 They also endorse the tripartite model of civil society that distinguishes civil society from both the state and the economy for the reasons described above: namely, that the tripartite model makes clear that the ability of civil society to act as a watchdog and critic depends upon its independence from both state coercion and market imperatives. n131 These theorists, however, have three major points of disagreement with Habermasian critical theory: (1) the ideal of a single public sphere, (2) the prioritization of legally constituted and formally recognized organizations, and (3) the focus on debates about the common good. First, feminist, minority, and Third World theorists criticize the Habermasian ideal of a single public sphere where all participants bracket their inequalities and debate as if equals relying only on reasoned arguments. n132 To these theorists, this required bracketing of differences is neither practically achievable, nor normatively desirable. It is not practically achievable because "informal impediments to participatory parity ... can persist even after everyone is formally and legally licensed to participate." n133 Minority groups may have internalized barriers to participation - for example, a diminished sense of one's right to speak, to interrupt, or to assert one's opinion. n134 Additionally, these groups may lack the necessary training to express their points of view through the speech style that is most valued in arenas of public debate, that is, through formal and general arguments, rather than through personal narratives; and through assertive and confrontational statements rather than tentative or conciliatory ones. n135 [\*634] Bracketing participants' differences is not normatively desirable: it can mask subtle forms of domination of minority groups by majority elites by treating as neutral a type of deliberative style that is, in fact, culturally contingent. n136 Feminist and minority scholars emphasize the historical domination of public spaces of deliberation by white, upper-middle class men. This domination, they argue, has given rise to a type of rhetorical style that privileges dispassionate over passionate speech, that views deliberation as competition rather than collaboration, and that presents these forms of speaking as the application of "pure universal reason." n137 A key insight of these theorists is that the norms of deliberation of a single deliberative public sphere are likely to reflect the cultural preferences of dominant groups and thus can "operate as forms of power that silence or devalue the speech of [minorities]." n138 Rather than espouse Habermas' ideal single public sphere, feminist, minority, and Third World theorists conceive of civil society as constituted by multiple publics. These multiple publics are thought to enhance, rather than diminish, the democratic potential of civil society. To Habermas, the emergence of multiple arenas of debate is a sign of fragmentation, which he postulates undermines deliberative democracy. n139 In contrast, feminist critical theories tend to view the coexistence of multiple publics as a resource that ultimately enhances deliberation in the broader public sphere. n140 Multiple publics enhance deliberation by allowing for the development of perspectives irreducible to the common good, which can ultimately transform the opinions of the dominant public. n141 Because a single public sphere is likely to drown minority critiques, smaller arenas of deliberation where minority groups can come together can help these groups "find the right voice or words to express their thoughts" and "articulate and defend their interests in the comprehensive public sphere." n142 Feminist critical scholar Nancy Fraser has termed these smaller arenas of deliberation "subaltern counterpublics" to capture their dual function as both inward-looking spaces where subordinated social groups develop their "identities, interests, and needs" and outward-looking arenas where minorities deliberate about and develop alternative and often contestatory interpretations of accepted norms. [\*635] Because they recognize that dominant rhetorical styles are historically and culturally-contingent, feminist, minority, and Third World critical theories stress the importance of integrating different modes of communication into public deliberation. These theories emphasize, first, that some minority groups may be unable to express their points of view through formal and general arguments. n144 Second, they highlight the importance of different forms of communication, in particular informal, first person narrative styles, to "supplement argument by providing ways of speaking across difference in the absence of significant shared understandings." n145

#### This is the testimony of Rafiq-ur-Rehman before Congress on Tuesday October 29 2013

My name is Rafiq-ur-Rehman. On October 24, 2012, a CIA drone killed my 67 year

old mother and injured my children and those of my brother’s.

Nobody has ever told me why my mother was targeted that day. Some media outlets

reported that the attack was on a car, but there is no road alongside my mother’s

house. Others reported that the attack was on a house. But the missiles hit a nearby

field, not a house. All of them reported that three, four, five militants were killed.

But only one person was killed that day – Mammana Bibi, a grandmother and

midwife who was preparing to celebrate the Islamic holiday of Eid. Not a militant, but

my mother.

In urdu we have a saying: aik lari main pro kay rakhna. Literally translated, it means

the string that holds the pearls together. That is what my mother was. She was the

string that held our family together. Since her death, the string has been broken and

life has not been the same. We feel alone and we feel lost.

We also feel scared. My family no longer gathers together like it did when my mother

was alive. I hardly see my brothers and sisters and my children rarely see their

cousins. Their cousins tell them that they are afraid to visit because the drone might

then kill them, too.

Four of my children were injured that day and four of my brother’s children. We have

had to borrow money and sell land to pay for the childrens’ medical treatment. There

has been no compensation to help with these bills. The Pakistani government

accepted my claim and confirmed the details. But it says it is not responsible; the

U.S. is.

I am a primary school teacher in my community. I come from a family of teachers.

Both of my brothers are teachers and my father is a retired headmaster.

Congressman Grayson, as a teacher, my job is to educate. But how do I teach

something like this?’

How do I explain what I myself do not understand? How can I in

good faith reassure the children that the drone will not come back and kill them, too,

if I do not understand why it killed my mother and injured my children?

My mother is not the first innocent victim of US drones. Numerous families living in

my community and the surrounding area have also lost loved one, including women

and children, in these strikes over the years. Dozens of people in my own tribe that I

know are merely ordinary tribesman have been killed. They have suffered just like I

have. I wish they had such an opportunity as well to come tell you their story. Until

they can, I speak on their behalf as well. Drones are not the answer.

#### 5 Policymakers bothered to show up to hear the testimony of Rafiq and his children. This is indicative of the failure of the American political system and the aff– we take care of our own and erase everyone else. The 1ACs erasure of the periphery results in the same imperial politics they critique.

Butler 4 – PhD, Hannah Arendt Professor of Philosophy at the European Graduate School  
Judith, 2004, “Precarious Life: The Powers of Mourning and Violence” p. XIV-XV. http://butlerphile.files.wordpress.com/2010/06/butler\_judith\_-\_precarious\_lif.pdf

The second piece “Violence, Mourning, Politics,” takes up a psychoanalytic understanding of loss to see why aggression sometimes seems so quickly to follow. The essay pursues the problem of a primary vulnerability to others, one that one cannot will away without ceasing to be human. It suggests as well that contemporary forms of national sovereignty constitute efforts to overcome an impressionability and violability that are ineradicable dimensions of human dependency and sociality. I also consider there how certain forms of grief become nationally recognized and amplified, whereas other losses become unthinkable and ungrievable. I argue that a national melancholia, understood as a disavowed mourning, follows upon the erasure from public representations of the names, images, and narratives of those the US has killed. On the other hand, the US’s own losses are consecrated in public obituaries that constitute so many acts of nation-building. Some lives are grieveable, and others are not; the differential allocation of grievability that decides what kind of subject is and must be grieved, and which kind of subject must not, operates to produce and maintain certain exclusionary conceptions of who is normatively human: what counts as livable life and a grievable death?

#### Privileging voices of the periphery is a way to recognize our own precarity.

Judith Butler, 2011- “Precarious Life and the Obligations of Cohabitation”. Nobel Museum. http://www.nobelmuseum.se/sites/nobelmuseet.se/files/page\_file/Judith\_Butler\_NWW2011.pdf

I take distance from Levinas here, since though I agree in the refutation of the primacy of self-preservation for ethical thinking, I want to insist upon a certain interwinement between that other life, all those other lives, and my own – one that is irreducible to national belonging or communitarian affiliation. In my view (which is surely not mine alone) the life of the other, the life that is not our own, is also our life, since whatever sense “our” life has is derived precisely from this sociality, this being already, and from the start, dependent on a world of others, constituted in and by a social world. In this way there are surely others distinct from me whose ethical claim upon me is irreducible to an egoistic calculation on my part. But that is because we are, however distinct, also bound to one another. And this is not always a happy or felicitous experience. To find that one’s life is also the life of others, even as this life is distinct, and must be distinct, means that one’s boundary is at once a limit and a site of adjacency, a mode of spatial and temporal nearness and even boundedness. Moreover, the bounded and living appearance of the body is the condition of being exposed to the other, exposed to solicitation, seduction, passion, injury, exposed in ways that sustain us but also in ways that can destroy us. In this sense the exposure of the body points to its precariousness. At the same time, for Levinas, this precarious and corporeal being is responsible for the life of the other, which means that no matter how much one fears for one’s own life, preserving the life of the other is paramount. If only the Israeli army felt this way! Indeed, this is a form of responsibility that is not easy while undergoing a felt sense of precarity. Precarity names both the necessity and difficulty of ethics. It is surely hard to feel at once vulnerable to destruction by the other and yet responsible for the other, and readers of Levinas object all the time to his formulation that we are, all of us, in some sense responsible for that which persecutes us. He does not mean that we bring about our persecution – not at all. Rather, “persecution” is the strange and disconcerting name that Levinas gives for an ethical demand that imposes itself upon us against our will. We are, despite ourselves, open to this imposition, and though it overrides our will, its shows us that the claims that others make upon us are part of our very sensibility, our receptivity, and our answerability. We are, in other words, called upon, and this is only possible because we are in some sense vulnerable to claims that we cannot anticipate in advance, and for which there is no adequate preparation. For Levinas, there is no other way to understand the ethical reality; ethical obligation not only depends upon our vulnerability to the claims of others, but establishes us as creatures who are fundamentally defined by that ethical relation. This ethical relation is not a virtue that I have or exercise; it is prior to any individual sense of self. It is not as a discrete individual that we honor this ethical relation. I am already bound to you,

and this is what it means to be the self I am, receptive to you in ways that I cannot fully predict or control. This is also, clearly, the condition of my injurability as well, and in this way my answerability and my

injurability are bound up with one another. In other words, you may frighten me and threaten me, but my obligation to you must remain firm. This relation precedes individuation, and when I act ethically, I am undone as a bounded being. I come apart. I find that I am my relation to the “you” whose life I seek to preserve, and without that relation, this “I” makes no sense, and has lost its mooring in this ethics that is always prior to the ontology of the ego. Another way to put this point is that the “I” becomes undone in its ethical relation to the “you” which means that there is a very specific mode of being dispossessed that makes ethical relationality possible. If I possess myself too firmly or too rigidly, I cannot be in an ethical relation. The ethical relation means ceding a certain egological perspective for one which is structured fundamentally by a mode of address: you call upon me, and I answer. But if I answer, it was only because I was already answerable; that is, this susceptibility and vulnerability constitutes me at the most fundamental level, and is there, we might say, prior to any deliberate decision to answer the call. In other words, one has to be already capable of receiving the call before actually answering it. In this sense, ethical responsibility presupposes ethical responsiveness.

#### CO2 not key – scientific consensus against catastrophic warming – doesn’t collapse the environment

Walter Cunningham (United States Marine Corps, National Aeronautics and Space Administration - pilot of Apollo 7, graduate degrees from UCLA in physics and the Harvard Graduate School of Business, member of the Advisory Board for the National Renewable Energy Laboratory) 2010 “Global Warming: Facts versus Faith” The Heartland Institute

More than 31,000 scientists in the United States have signed a petition saying “there is no convincing scientific evidence that human release of carbon dioxide, methane, or other greenhouse gases is causing or will, in the foreseeable future, cause catastrophic heating of the Earth’s atmosphere and disruption of the Earth’s climate.”3 Debating Carbon DioxideThe advocates of AGW say the United States must impose a devastating tax scheme to force industry to emit less carbon dioxide, thereby reversing the warming trend. This policy prescription is based on three assumptions: (1) that CO2 is the cause of changes in the Earth’s temperature; (2) that a warmer Earth would be bad for the planet’s flora and fauna, including humans; and (3) that humans are capable of controlling the temperature of the Earth.In reality, water vapor has more than twice the impact on temperature as atmospheric CO2, aided and abetted by other greenhouse gases, like methane (CH4) and nitrous oxide (N2O). With CO2 representing just 3.6 percent of greenhouse gases, by volume, and human activity responsible for only 3.2 percent of that, we can influence only a tiny portion of the total greenhouse gases. Some studies have found CO2 levels are largely irrelevant to global warming. The true believers in AGW base their case on a broad and weak correlation between CO2 and global temperature in the last half of the twentieth century. They cannot be sure which is cause and which is effect. Looking at much longer periods of the Earth’s history, it becomes clear that temperature increases have preceded high CO2 levels by anywhere from 100 to 800 years, suggesting that higher temperatures cause CO2 levels to rise, rather than vice versa. The only other time in history that temperature and CO2 levels were this low, together, was 300 million years ago. There have been periods when atmospheric CO2 levels were as much as 16 times higher than they are now—periods characterized not by warming but by glaciations. (See Figure 4.) You might have to go back half-a-million years to match our current level of atmospheric CO2, but you have to go back only to the Medieval Warm Period, from the tenth to the fourteenth century, to find an intense global warming episode, followed immediately by the drastic cooling of the Little Ice Age. Neither of those events can be attributed to variations in CO2 levels. Since CO2 is a relatively minor constituent of “greenhouse gases,” and human activity contributes only a tiny portion of atmospheric CO2, why have alarmists made it the whipping boy for global warming? Probably because they know how fruitless it would be to propose controlling other atmospheric drivers of climate—water, methane, and nitrous oxide—notto mention volcanic eruptions, or ocean temperature, or solar activity, etc. So they wage war on man-made CO2, no matter how ridiculous it makes them appear. Without the greenhouse effect to keep our world warm, the planet would have an average temperature of -18 degrees Celsius. Because we do have it, the temperature is a comfortable +15 degrees Celsius. Other inconvenient facts ignored by the activists: Carbon dioxide is a non-polluting gas that is essential for plant photosynthesis. Higher concentrations of CO2 in the atmosphere produce bigger crop harvests and larger and healthier forests— results environmentalists used to like.

#### Too late – current CO2 in the pipeline makes serious climate shifts inevitable for the next 1000 years

Jonathan M. Gitlin, January 27, 2009, “Study: too late to turn back the clock on climate change,” http://arstechnica.com/science/news/2009/01/study-too-late-to-turn-back-the-clock-on-climate-change.ars

This week's PNAS brings with it some bad news on the climate front: even if policy makers and the general public get on board with drastic CO2 emission cuts, it's already too late to prevent serious changes to the planet's climate, and those changed will be remarkably persistent. Those are the findings of a group of researchers from the US, Switzerland, and France. In their paper, they look at the effect of increasing CO2 over millennial time frames, and it's worrisome stuff. Currently, CO2 levels in the atmosphere are around 385 ppm, a 35 percent increase over pre-industrial levels. The most optimistic scenarios arrive at a figure of 450 ppm as the best we might be able to achieve in the coming decades, but even at that level, changes in precipitation patterns, temperature increases, and a rise in sea level appear to be locked in for at least the next thousand years.

#### Deliberative democracy can’t solve- president shuts down will to cut emissions- engels agrees

### Solvency

#### Obama’s lawyers find a way to circumvent

Savage & Landler ’11 1AC Author, \*Charles Savage is a Washington correspondent for The New York Times. He is known for his work on presidential power and other legal policy matters. ¶ Before joining The Times, Mr. Savage covered national legal affairs for the Boston Globe from 2003 to 2008. He received a Pulitzer Prize for National Reporting in 2007 for his coverage of presidential signing statements for the Globe. Other awards he earned while at the Globe include the American Bar Association's Silver Gavel Award and the Gerald R. Ford Prize for Distinguished Reporting on the Presidency.¶ Mr. Savage's book about the growth of executive power, “Takeover: The Return of the Imperial Presidency and the Subversion of American Democracy,” was named one of the best books of 2007 by both Slate and Esquire. The book also received the bipartisan Constitution Project's inaugural Award for Constitutional Commentary, the NCTE George Orwell Award for Distinguished Contribution to Honesty and Clarity in Public Language and the New York Public Library's Helen Bernstein Book Award for Excellence in Journalism.¶ Mr. Savage was born and raised in Fort Wayne, Indiana. He graduated summa cum laude with degrees in English and American literature from Harvard College in 1998. In 2003, he earned a master's degree from Yale Law School, where he was a Knight Journalism Fellow. Mr. Savage got his start as a local government and politics reporter for the Miami Herald. ¶ \*\*Mark Landler is a White House correspondent for The New York Times. Prior to taking up this post in March 2011, he was the newspaper’s diplomatic correspondent. He has reported for The Times from 67 countries on six continents, from Afghanistan to Yemen. ¶ Before moving to Washington in 2008, Mark was a foreign correspondent for 10 years, serving as European economic correspondent in Frankfurt, from 2002 to 2008, and as Hong Kong bureau chief, from 1998 to 2002. He won an Overseas Press Club award in 2007. ¶ Mark began his career at The Times in 1987 as a copy boy. From 1990 to 1995, he was a reporter and editor at Business Week magazine, rejoining The Times in 1995 as a business reporter. He is a 1987 graduate of Georgetown University, and was a Reuter Fellow at Oxford University in 1997.¶ New York Times, June 15, 2011, White House Defends Continuing U.S. Role in Libya Operation, <http://www.nytimes.com/2011/06/16/us/politics/16powers.html?pagewanted=all>, jj

Mr. Bauer and Mr. Koh said that the 1980 memorandum remained in force, but that their legal argument was not invoking any constitutional challenge to bolster their interpretation of hostilities. It was not clear whether the Justice Department had endorsed the White House’s interpretation of hostilities. Mr. Bauer declined to say whether it had signed off on the theory, saying he would not discuss interagency deliberations. In his letter on Tuesday, Mr. Boehner demanded to know whether there was internal dissent about the administration’s legal stance. Mr. Koh noted that there had been disputes about whether the 60-day clock of the War Powers Resolution (a deadline that can be extended for 30 days under some circumstances) applied to deployments in which — unlike in Libya — there were troops on the ground and American casualties.

# 2NC

## Alt

### Self-Narration

#### Cripping the Debate space is a different epistemological and methodological way of interacting with the world and with debate. It involves recognizing able bodies assumptions endemic to our arguments and understanding that there are different ways. It is a process of disability consciousness raising that makes ableism irredeemable.

#### Self-Narration key to solve

Morris 01 (Jenny, Impairment and Disability: Constructing an Ethics of Care That Promotes Human Rights, Project Muse)

All liberation movements have had to wrest the representation of their real- ity from those who oppress them. Disabled people are no different. Negative messages about impairment and disability are so taken for granted that they often pass unnoticed. Lois Keith has shown, for example, how impairment has a central position in the classics of girls’ ﬁ ction and how this has been unnoticed and uncommented upon—until read by someone for whom impairment has personal meaning. Her analysis shows how girls were (are) learning, through books such as Jane Eyre, Little Women, What Katy Did, and Heidi, that (1) there is nothing good about being disabled; (2) disabled people have to learn the same qualities of submissive behaviour that women have always had to learn: patience, cheerfulness, and making the best of things; (3) impairment can be a punish- ment for bad behaviour, for evil thoughts or for not being a good enough person; (4) although disabled people should be pitied rather than punished, they can never be accepted; and (5) the impairment is curable. If you want to enough, if you love yourself enough (but not more than you love others), if you believe in God enough, you will be cured. (Keith 2000, 7) Commenting on the way that feminist writers see the world through “gendered eyes,” Keith asserts that, as a disabled woman, “I too look at the world differently and there are issues and ideas, apparently invisible to others, which are very real to me” (2000, 9). I am not saying that all disabled women see the world in the same way, any more than all women—or even all feminists—see the world in the same way. What I am arguing for is a recognition of the value of subjectivity, and speciﬁ cally the value of bringing personal experience of oppression to bear on analysis and interpretation of the world. As perhaps the youngest civil rights movement, we are able to learn from the analyses of those who went before us. The way in which personal experience of oppression inﬂ uences perception is powerfully illustrated by Chinua Achebe’s account of his and his fellow Nigerian students’ reaction to a novel by the Anglo-Irishman Joyce Carey, described when it was published in the 1950s as “the best novel ever written about Africa” (Achebe 2000, 22). Far from identifying with the Nigerian “hero” of Mister Johnson, the young Nigerians saw him as an embarrassing and offensive representation of Black people: as Achebe writes, “It began to dawn on me that although ﬁ ction was undoubtedly ﬁ ctitious it could also be true or false, not with the truth or falsehood of a news item but as to its disinterestedness, its intention, its integrity” (2000, 33–34). Stereotypes, says Achebe, which arise from the oppression of the slave trade “poison the well-springs of our common humanity” (2000, 35). The civil rights movement of disabled people has learned—as have other civil rights movements—that all forms of prejudice have at their heart a refusal to acknowledge the common humanity shared by the oppressor and the oppressed. While one social group has the power to represent, through whatever media, the reality of those perceived as different, there is always a danger that the “other” will be seen as not quite human. As long as non-disabled people retain the power to represent our reality, impairment will always mean at best a cause for treatment and cure, at worst a life not worth living. As Achebe says, “There is such a thing as absolute power over narrative. Those who secure this privilege for themselves can arrange stories about others pretty much where, and as, they like” (2000, 24). Non-disabled people have had, and largely continue to have, “absolute power” over narrative when it comes to the representation of impairment in literature, ﬁ lm, television, art. In my own ﬁ eld of social policy research, non-disabled people continue to set the research agendas and analysis of our reality (although things are changing and we have some good allies). The consequences of this are seen, for example, in the feminist research on “carers,” that is, research about situations in which people have to rely on their families for help with daily living tasks. This research divided women into “carers and their dependents” and made invisible the experiences of women who need such support. Disabled and older women were identiﬁ ed as “other” and not included in the feminist analysis of women’s experiences. Instead, the researchers identi- ﬁ ed an “equal opportunities” issue for non-disabled women whose economic position suffers because of the unpaid caring work they carry out within the family. Some non-disabled feminists suggested that disabled and older women should therefore be consigned to residential care (see, for example, Dalley 1988; Finch 1990; see Morris 1991, chapter 6; and 1993, Chapter 3, for a full discussion).

### Perm

### Exclusion by Inclusion

#### The perm is a unique form of footnoting – attempting to rewrite disability back into the 1AC is exclusion by inclusion. The impacts is erasure and violence toward disability activists.

Johnson – No Date (Mary, “liberals and disability rights: why don’t they ‘get it’, Ragged Edge Online)

Those we talked to told us how difficult it was -- "lonely" was how more than one described it -- to push to get liberals to take up disability rights causes. "It's kinda like bein' the last kid picked for the kickball team," wrote MaryFrances Platt. "Sometimes you get to be on the team, but everyone knows you're not really welcome. One can be happy about being on the team, but there's always that mortification at being last." When she works on healthcare issues with progressives, says Coleman, "some seem to eventually 'get it' -- but most don't. "I don't spend a lot of time talking with them about it because it's uncomfortable," she says. " I don't feel excluded or ousted from these groups; I continue to have my involvement welcomed." But most of them see her leadership of Not Dead Yet as peripheral, she says; that "while they understand that I've got this 'other issue' going on that's central part of my work, they don't see it as important to the discussions we're having about managed care and rationing and distribution of funds" that are part of their work. When she's tried to get them to "connect the dots between right-to-die initiatives and the desire to contain costs, things often get a little bit tense." Jones says disability activists feel the loneliness every time they attend a meeting and have to press for access. "It's the hypocrisy that really gets me. They want to say they're 'inclusive,' but if they truly were inclusive, they'd make sure their meeting was accessible. Why is it that they always forget access? They say they don't *really mean* not to include you, but the truth is they don't set up an environment that makes it possible for us to participate. They don't really see us as partners. " "In the 1950s, blacks had their churches. Women had each other as well," she continues. "But people with disabilities are isolated. You are likely the only person in your house, in your family, with a disability." In most families, even today, there's an aura of shame about being disabled, she says; a subtle or not-so-subtle message that "you have to pull yourself up by your bootstraps, that you have to succeed by and large by yourself." She compares this to the isolation and shame a gay or lesbian often felt before the growth of the gay rights movement. And, she continues, even within families that are "pretty progressive politically" and who would never see themselves as oppressive, there is an expectation that the family member's disability should be minimized; that the child should work to become "normal." In this way, even for most families who have disabled members, disability issues are downplayed as a broader political cause. She points out the almost unquestioning acceptance in the progressive community for what's called "eugenic abortion," the "I don't want a disabled child so I'll have an abortion" approach to thinking about disability.

### Accommodation

#### The perm is accommodation not accessibility. They place the onus on disabled people to demand access – proactive accessibility is necessary, the perm is reactionary.

Kroeger 2010 (Sue, “The Social Justice Perspective”, Journal of Postsecondary Education and Disability: Special Issue: Disability Studies, Volume 23, Number 1, 2010)

Because we typically and mostly without thinking, frame disability as abnormal, negative, and an individual problem, then it follows that our response to it would be reactive rather than proactive. In other words, we accommodate disability. While this is an improvement over institutionalization, sterilization, and euthanasia, accommodations as a comprehensive response maintains the notion that access is a disabled individual’s problem to solve. On most college and university campuses, disabled students spend an inordinate amount of time establishing eligibility and requesting accommodations. Additionally, they are asked to perform a number of tasks to both schedule and receive accommodations. Oftentimes the rationale for this is self-determination and/or self- advocacy. While it is important for all students to learn to be responsible and assertive, identify issues, solve problems, and make decisions, why should disabled students be required to take responsibility for those access issues that are institutional problems? Why should the academic experience for disabled students be so different from their nondisabled peers?

## Framework

### Policy Makers Suck

#### Policy Makers don’t give a shit about disability

Berube 2005 (Michael, “Disability and Disasters”, 9/28/2005)

Now, it’s quite true that many politicians and pundits have no idea whatsoever what it is like for a poor person not to have the money on hand for an evacuation. But it’s apparently even more true that many politicans and pundits never stopped to consider that one-quarter of the population of an American city might be made up of people who cannot, for physical or other developmental reasons, pick up and leave when they are told. And that’s what I mean when I say that in the Gulf Coast, disability was invisible as such, even when we were looking right at it. Individual persons with disabilities were depicted as objects of charity, or horror, or pity; but disability as a category of human identity, disability as a social and political fact, disability as a factor in public policy remained inconceivable. My point, of course, was that Katrina is not an aberration. On the contrary, it is a horrific example of business as usual that no one is talking about Katrina or Rita in terms of its impact on people with disabilities except for that tiny handful of groups whose job it is to administer care for people with disabilities. Think about this way: at no point in our national debates does an issue turn on the question of how policy X or policy Y will affect people with disabilities. Here and there, an elected official might take to the floor for five minutes to say, “these proposed budget cuts will have a devastating effect on services for people with disabilities,” but once those five minutes are up, the country moves on to other things, like tax cuts. Even worse: on the rare occasions when disability is acknowledged in the public sphere, people with disabilities appear as infantilized props for right-wing extremist crusades – as in the Terri Schiavo Media Circus of this spring, or Sam Brownback’s Opus Dei showcase last week.

# 1NR

### a/t: congress makes it better

#### Congressional influence doesn’t lead to better war decision making – empirical evidence

**Nzelibe and Yoo 2005** - Assistant Professor of Law, Northwestern University Law School AND Professor of Law, University of California at Berkeley School of Law (Jide and John, “Rational War and Constitutional Design ” 115 Yale L.J. 2512 (2005), <http://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=1067&context=facpubs>)

Bur before accepting this seemingly attractive vision, we should ask whether the Congress-first system lives up to its promises. In other words, has requiring congressional ex ante approval for foreign wars produced less war, better decision-making, or greater consensus? A cursory review of previous American wars does not suggest that requiring congressional authorization before the use of force invariably produces better decision-making. For example, the declarations of war initiating the Mexican-American and Spanish-American Wars did not result from extensive deliberation or necessarily result in good policy. Although both wars benefited the United States by expanding the nation's territory and enhancing its presence on the world stage,14 they remained offensive wars of conquest. Nor is it clear that congressional participation has resulted in greater consensus. Congress approved both the Vietnam and the 2003 Iraq Wars, but both have produced sharp divisions in American domestic politics.

## Cult of the presidency

#### The notion of a re-energized public working for their own good papers over the experiences of minorities

Laura Pedraza-Farina, 13- “CONCEPTIONS OF CIVIL SOCIETY IN INTERNATIONAL LAWMAKING AND IMPLEMENTATION: A THEORETICAL FRAMEWORK”. Law Research Fellow, Georgetown University Law Center; J.D. Harvard Law School, 2009; Ph.D. Yale University, 2005. Michigan Journal of International Law. 34 Mich. J. Int'l L. 605. LN

A second critique of Habermasian critical theory focuses on how an understanding of civil society that privileges formally recognized and formally constituted NGOs (a process often called "NGOization") undermines Third World social movements and de-politicizes civil society. n146 For example, scholarship on law and development has criticized the "NGOization of civil society [as] severely limiting its radical democratic potential" by excluding social movements that do not have a recognized legal identity. n147 But it is precisely these social movements - and not NGOs constituted by Anglophone cosmopolitan actors - that command grassroot support in developing states and are thus seen as legitimate representatives of their interests. n148 These scholars have also condemned international development institutions for viewing NGOs merely as providers of efficient technical solutions to development problems. To these critics, such an instrumental view of NGOs "largely ignores, downplays, [\*636] or attempts to coopt the political role of NGOs." n149 According to this thinking, the proper role of civil society (and of NGOs) is to criticize the development project as it is currently imagined by international organizations, thus creating "alternative development discourses and practices." n150 Finally, feminist, minority, and Third World critical scholars also criticize the requirement that all participants deliberate about the common good. Feminist scholars point out that what precisely constitutes the "common good" is debatable. The indefiniteness and malleability of the concept has the potential to privilege the perspectives of dominant groups and thus be oppressive to minorities. n151 Rather than focus on defining the common good, or finding areas of agreement, the key functions of deliberation should be to expose participants to multiple perspectives, often not reducible to a single common good. This exposure helps participants expand their points of view: by illuminating the partiality of each participant's vantage point while simultaneously exposing all involved to multiple perspectives, participants "can come to understand something about the ways proposals and claims affect others differently situated." n152 Furthermore, deliberation can aid participants to pinpoint precisely where their differences lie, for example by forcing the articulation of unspoken assumptions.

#### Rational liberalism vacillates between violent and benevolent- in times of crisis public response fails

Judith Butler, 09- “Frames of War: When is Life Grievable?” Judith Butler is Maxine Elliot Professor in the Departments of Rhetoric and Comparative Literature at the University of California, Berkeley. Pg. 159-160

Asad offers a complex argument about the liberal constituents of identity, suggesting that suicide bombing strikes at what holds the liberal subject together, asking whether "suicide terrorism (like a suicidal nuclear strike) belongs in this sense to liberalism?" One of "the tensions that hold modern subjectivity together" involves two apparently opposite values: "reverence for human life and its legitimate destruction." Under what conditions does that reverence become primary? And under what conditions is that reverence abrogated through recourse to precepts of just wars and legitimate violence? Asad remarks, "Liberalism, of course, disapproves of the violent exercise of freedom outside the frame of law. But the law is founded by and continuously depends on coercive violence." This paradoxical founding of political liberalism makes itself known in the "tensions that hold modern subjectivity" in what Asad calls "the West."18 In fact, these tensions expose the rifts in modern subjectivity, but what is particularly modern is the vacillation between these two principles that are split off from one another, forming something like a dissociative disorder at the level of political subjectivity. Paradoxically, what holds the subject together for Asad is the capacity to shift suddenly from one principle (reverence for life) to another (legitimate destruction of life) without ever taking stock of the reasons for such a shift and for the implicit interpretations that condition these distinct responses. One reason we want to know about such apparently inexplicable shifts is that they appear to form the moral groundwork for an acceptable political subjectivity, which is to say that an unreasoned schism functions at the basis of this contemporary political rationality. I would like to suggest that what Asad offers us is a critique of a certain kind of liberal subject that makes that very subject into a political problem to be explicitly addressed. We can take this subject as the ground of politics only if we agree not to think well or carefully about the conditions of its formation, its moral responses, and its evaluative claims. Let us recall the kind of fundamental claims that are made in the course 'of "normative" debate about these issues; for example, that there are "subjects," Muslim or homosexual, who stand in positions of moral opposition to one another; that they represent different "cultures" or different "times in historical development," or fail to conform to established notions of "culture" or intelligible conceptions of "time," as the case may be. One response to this framework is to insist that there are different constructions of the subject at work, and that most versions of multiculturalism err when they assume that they know in advance what the form of the subject must be. The multiculturalism that requires a certain kind of subject actually institutes that conceptual requirement as part of its description and diagnosis. What formations of subjectivity, what configurations of life-worlds, are effaced or occluded by such a mandatory move?

#### **The reliance on expert opinion gives a false sense of knowledge that makes policy failure inevitable**

Ahmed 13 (Akbar Ahmed. Ibn Khaldun Chair of Islamic Studies @ American U, First Distinguished Chair of Middles East and Islamic Studies @ U.S. Naval Academy, Formal Political Agent at the South Waziristan Agency, Nonresident Senior Fellow at the Brookings Institute. *The Thistle and the Drone: How America’s War on Terror Became a Global War on Tribal Islam.* Washington D.C.: Brookings Institute Press, 2013. Print. Pg. 342)

Another paradox is that the experts, who have monopolized resources, media attention, and the ears of policymakers, are either blatantly incorrect or logi-cally absurd, and yet the general public relies on them for information, analysis, and guidance. According to the experts, for example, the tribes of Asir are the staunchest Wahhabis; Boko Haram is fighting for the imposition of sharia law; the Rohingya are Bengali and speak the Bengali language; and the Taliban are committed to cultivating poppy. In each and every case, as established in the preceding pages, the reality is contrary to what the experts have said. The Asir tribes are at the opposite end of the ideological spectrum to the Wahhabis and have been their victims ever since Asir became part of Wahhabi-dominated Saudi Arabia in the last century; Boko Haram has no cause to fight for sharia law as it already exists in their region; the Rohingya are not Bengali and have their own language; and the Taliban, far from wanting to cultivate poppy fields, actively target anything that they believe is not Islamic, which includes the use of drugs. The absurdity of what these experts have related in these examples—and many more are at hand—is almost tantamount to suggesting that the main reli-gion of Canada is Wahhabi Islam, Mexico is a country of Swedish immigrants, and the Quakers promote violence. The mistakes of the experts may be faintly amusing, but they are not harmless. Because their assessments and judgments influence policy, they have deadly consequences for the communities involved. They may lead to the interrogation, torture, or killing of innocent people. This is irresponsible and careless scholarship. Given the lack and level of information, the need to tell the stories of the people on the periphery, as has been done in this study, is imperative for any attempt to create a realistic picture of society.

### Warming

#### Volcanoes, Sunspots, and the Ocean.

Walter Williams. (PhD. Economics UCLA). "Global Warming Heresy." Capitalism Magazine. 27 March. 2007. http://www.capmag.com/article.asp?ID=4941

#### Among the many findings that dispute environmentalists' claims are: Manmade carbon dioxide emissions are roughly 5 percent of the total; the rest are from natural sources such as volcanoes, dying vegetation and animals

#### . Annually, volcanoes alone produce more carbon dioxide than all of mankind's activities. Oceans are responsible for most greenhouse gases. Contrary to environmentalists' claims, the higher the Earth's temperature, the higher the carbon dioxide levels. In other words, carbon dioxide levels are a product of climate change. Some of the documentary's scientists argue that the greatest influence on the Earth's temperature is our sun's sunspot activity. The bottom line is, the bulk of scientific evidence shows that what we've been told by environmentalists is pure bunk. Throughout the Earth's billions of years there have been countless periods of global warming and cooling. In fact, in the year 1,000 A.D., a time when there were no SUVs, the Earth's climate was much warmer than it is now. Most of this century's warming occurred before 1940. For several decades after WWII, when there was massive worldwide industrialization, there was cooling.